

The Licensing Team

HDC

19/10/14

Reference application for a licence made by Samantha Boreman in connection with The Octagon in St Ives.

14/02102/LAPRE2

I will be directly affected by the decision on this application

I live very close to the premises and have seen the amended application documents.

Points of note that I wish to bring to the attention of the licensing panel in connection with this application

- Localism Act – The council must avoid making any kind of Prejudicial Decision that could affect other developments relevant to the outcome of this decision.
- Insufficient details of the premises are available to judge suitability for this application.

Specific Objections to this license application

- Crime and Disorder
- Public safety
- The Protection of Children from Harm
- Public Nuisance

Localism Act – Prejudicial Decision

A decision at this stage goes against the spirit if not the letter of the Localism Act. Under this Act the people of the town in general should be given more time to consider the effect of this and any other such decisions.

The act specifically seeks to **prevent decisions from being rushed through** without properly consulting people and giving them plenty of information and time to make an informed judgement on an issue that could have profound effects on their immediate environment.

This application has been very poorly represented on the HDC website and the licensing department less than helpful on the phone and at the offices. **The term “Data Protection” is not to be used as a catch all excuse to not willingly give relevant information to enquirers.**

The leader of the council is quoted in the press, describing the new venture as a “high class eatery” – A very misleading term, given the police recommendations contained in the application.

The building to which the license relates does not presently exist and may well be nothing like the rendered drawings in the application.

It is fair to say that any building could be modified or constructed to meet whatever technical constraints are called for.

At this stage there are no planning applications for the proposed building – so it will be extremely prejudicial to grant a license to an individual who in turn then designs a venue based on the use of this license.

I represent most strongly that this decision be set back until full plans of the proposal are available for public scrutiny.

A licence granted at this stage is very likely to prejudice ideas and opinions on what can or should be done to the building known as The Octagon.

Insufficient Detail to make judgement at this stage.

- There is insufficient detail of the premises to decide on its suitability for this application.
- The building may be very different to the drawings submitted.
- The building may be used by the licensee in ways that are not clear at this stage.
- This could create a huge opportunity for a potential licensee to avoid many valid challenges to the proposed use of the building.
- At present the license would effectively provide a license to serve alcohol and play music in a barn in the centre of a residential part of the old town.
- If the building retains its current form it could be soundproofed and concentrate on the recorded music aspect of the license – DJ Music at very loud volume inside the building.
- This is not what is envisaged from the current drawings.
- Councillor Ablewhite says that HDC will insist on the building retaining its “current form”.
- The drawings do not show the building in its current form

A license issued at this stage cannot be seen to have taken the site into full consideration.

The building may be very different from the drawings submitted

The site considerations are of paramount importance in making judgement on this application.

- This application should be refused until it can be shown to apply to a detailed set of approved plans of premises that fully demonstrate the use of a building that the license actually applies to.
- In its current form the Liberal Hall in St Ives looks much as it did when it was used as an indoor market by allotment holders from around the town
- The Liberal hall is now a night club with a similar level of licensing and noise control applied for in this application.
- The Liberal Hall has retained its current form. But it is *now a Night Club*

There are too many unknowns to ignore the long term issues

Safety, Nuisance, Health and Children.

Crime and disorder

There is strong potential for an increase in crime and petty vandalism in the areas leading away from the premises toward the rest of the town and the residential areas of the town.

A music license that enables a premises operator to play DJ Music at unspecified volume to its patrons until midnight or 1.00 AM every night of the year is likely to attract a lot of people who may not have to get up in the morning – or at least get up early and function properly. This tends to leave us with a lot of people on the streets around a venue still fired up and nowhere to go.

A music and drinks licence as applied for should not be issued in any event on the grounds that there is a strong likelihood of an increase in anti-social behaviour directly related to the late opening

Anti-social driving in the car park surrounding the premises is likely to increase significantly as some drivers have a tendency to show off in front of people leaving late bars.

Public Safety

A music and drinks licence should not be issued until the premises plans are at a stage where they have been through the proper planning procedures that show exactly what type of building is to be constructed and how it is to be used as the premises.

The premises will be subject to, change of use, conservation area regulations, building controls and any number of other necessary regulations.

The panel can have no clear idea of what that building will look like or how it will be used beyond what it is as it stands. This could have an enormous bearing on all aspects of the use of the license.

The premises are already the subject of a great deal of controversy and any plans showing a changed appearance to the building must not be taken as indicative of the premises within which the licensed activities will take place.

Protection of children from harm

There is strong potential from late night rowdy behaviour to disturb the sleep of children living or staying in the areas affected by late night revellers making their ways through residential areas of the town and surrounding estates.

The sound of shouting, swearing and screaming can lead to very disturbing waking dreams and nightmares especially for children in rooms fronting onto affected locations.

This can have lasting effects on the children concerned. There is little to do to prevent it – so in many cases this leads to families having to move.

These disturbances already occur all too often in other parts of the town – check the calls logged by Cambs Police from streets around the town at weekends.

The proposal has potential to seriously increase this risk on a regular basis in areas currently not affected by it.

Public Nuisance

A music licence as applied for should not be issued on the grounds that the controls suggested by HDC do not cover low frequency vibrations disturbing nearby residents on otherwise peaceful evenings.

The playing of DJ Music any time after 7pm in residential areas can be very stressful to residents any day of the week particularly when played on a regular basis.

The granting of a license to play DJ music after 7pm will cause a regular nuisance to residents in the area.

Low frequency vibrations are not covered by the comments made by EHO on the application.

Low frequencies are often the most irritating and penetrating of all the noise pollution problems.

You can feel these vibrations more than hear them and they cover great distances.

This is one of the most powerful objections to land based wind farms. Its why cars with big sound systems can be heard thumping away on the other side of a car park – even though the music inside the car is actually not that loud, just very, very irritating when all you can hear is thump, thump, thump.

This application seeks to allow DJ Music till midnight every night of the year.

This application would allow DJ Music till 1.00 AM every Thursday, every Friday and every Saturday.

My new neighbours at the Octagion must not be given a license to disturb me or anyone else in this way at any time. It's quiet here now – Let's keep it that way.

Sincerely

Dennis O'Carroll

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