

Annex 5

Dear Sir/Madam

I have been made aware of an application for an extended licence by the Three Cups in Stockbridge. As I understand it if I have an objection it needs to fall within certain criteria. My bedroom has a window facing the Three Cups and it has been my experience that within their current licence they already have difficulty, or no inclination to prevent noise levels to cause disturbance. Certainly when complaints have been made they have had no impact.

I am aware of one incident in 2008 where it was so extreme that a formal complaint to the relevant authority had to be made and someone had to come to investigate the level of noise. While I accept that the situation has not been that bad since to my knowledge the noise of late night revellers does continue well past 11:00[pm] as it stands. Even in the peak of summer I have to keep my window shut to reduce the noise levels. I doubt I am alone in this.

If the licence is extended then clearly the lateness of these noise levels will be extended. Moreover, as I understand it they are applying to be allowed to serve drinks outside, which will clearly lead to an increase in the volume as well.

To my mind any change in the licence which allows the noise levels to increase any or the lateness of the noise from the pub extended would fail in the prevention of public nuisance; and with the impact on sleep is not for the good of public safety.

I believe there may have been a request [to] the planning service asking for use of the garden to be limited at a certain time. I do not know what that time is, and it may be you believe that so long as it is set to the same as the current licensing hours there would be no impact. However, the new extension built onto the Three Cups has a window in the roof (I assume it has another on the other side but can't see that to comment) which has been since it was built and would likely continue to be open many nights, and this allows the noise to still carry to the local residential properties. This being the case I would certainly suggest that there is a high likelihood that any extension of either the opening hours or where the alcohol can be served would create a nuisance for the numerous local residential properties.

I do hope you take my thoughts on this into account in making your decision.

Regards

Niall Lownie

[The following is a response to the above representation from the Licensing Manager. It does not form part of the representation but is included for the sake of completeness.

Dear Mr Lownie

Thank you for your email. I have already received an email from Alyson Lownie and I think it appropriate if I largely repeat my last email to her.

From what you have said the main issue is noise nuisance from use of the garden. It is for this reason that I have proposed to the applicant (following a suggestion from our Planning Service) a licence condition restricting use of the garden beyond a certain time. I have not set a time and am waiting for the applicant to come back to me with a suggested time. In terms of music noise, Sonya Enright from our Environmental Protection Team has asked that the following condition be attached to the licence:

1. Outdoor events (including within tents, marquees or similar outdoor structures) involving live or recorded music or amplified voices shall be confined to between 1100 and 2200 and shall take place on no more than three occasions per year.

I am again waiting for the applicant to come back to me to signify that they agree to this condition. In addition, the premises would also be bound by the following further conditions:

2. Live music performances shall be restricted to 10 events per calendar year, with no more than 4 events between the months of May and September and shall only take place indoors between 1100 and 2300 hours Monday to Thursday, 1100 and 0000 hours Friday and Saturday and between 1100 and 2230 hours Sunday with the exception of New Years Eve when live music can be played up until 0100 hours on New Years Day.

3. During events involving live or amplified music inside buildings (other than low level background music) all windows and doors shall be kept closed. External doors will also be kept closed except where necessary for access and egress.

4. The disposal of empty bottles into outdoor storage receptacles will not take place between 1900 and 0800 hours.

5. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.

6. No amplified music or amplified speech shall be audible at the boundary of the nearest noise sensitive premises between 2300-0800 hours.

7. Kitchen extraction systems shall be switched off when not required.

Refusing the application for 24 hour sale of alcohol to residents would not avoid the potential of noise being created by persons using the garden and it would certainly not avoid the potential for music noise whereas the conditions proposed above would address both of these issues.]

Dear Mr White,

I think there is some confusion here on my points. Yes I raise the issue of noise, I cite only one incident involving live or recorded music or amplified voices, and I did so intentionally. My point is that normal voices of people who have been drinking are loud and more than clearly audible. I fully accept that it is a place of business and that part of that business leads to such increases in noise levels. My point that extending the licence will increase the duration of the noise still stands as far as I can tell. To address your points;

1. I take your point that there is a restriction, I think you will at least see mine that this is an increase in noise volumes and from past experience, notably the cited 2008 the due care and adherence was non-existent on the part of the licence holder.

2. Again given proximity any live event is an increase in noise levels, but not specifically the limit of my point.

3. This limit makes sense but when the noise is that high it will still be audible, additionally, saying only for egress is somewhat denying the reality. At any such event people will smoke and they will do so outside, creating a period of additional noise and then the additional noise level of people talking (drunkenly often and loudly usually especially if just out from a live music event). When there is not an event, especially in summer months the windows shall be open and the voices of people drinking will carry.

4. no comment

5. This is a nice idea but I do not think it will have any impact except to allow people to tick a box on a compliance form.

6. They have evidently failed in this previously so I see no reason to expect differently. I do understand that from your perspective possibly such a pessimistic view is not a good starting point but previously when asked if they could do something about the noise the answer was a simple 'no' and a refusal to discuss it further.

7 no comment

addressing your closing points;

The refusal of a 24 hour licence would almost certainly limit the noise, people would be much less likely to use the garden if not staying up to drink and chat, and if they did they would be less audible if less intoxicated, but you concentrate on the garden more than I feel you should, I repeat my point that indoor noise will carry especially with the windows as they are.

I am unclear on the comment on live music; clearly a 24 hour licence will make the playing of music over a longer period much more likely. The point I make that I already have to take action to try to reduce the noise levels from the pub seem relevant. The problems you suggest will not exist already do to an extent; the problem of them being extended and the noise levels increase are to me almost certain.

As per my points above the limits suggested do not seem to satisfactorily address these issues.

To my mind the point still stands, let us assume that there is no noise but that of people drinking indoors, I can assure you there are nights in the winter I hear people doing just that. I can't say if it is because the windows are open or they are being especially loud but if the period they can drink is extended so would the time until which this noise exists. Now there is an extension and a roof window that faces essentially directly towards my own window the noise carries more. As this extension was built seemingly with this application in mind it seems that the new window which already increases the noise that is audible is placed in such a place as that late night events will be even less tolerable certainly for myself and I'd also assume others who live between us and the Pub, those living the other side and behind the pub, and possible others I am not aware of the impact on.

I hope I have clarified my point better as it does seem to me that you feel the only issue is noise in the garden and from loud music events. I agree this is the most obvious issue but I do feel it goes beyond that in a meaningful way.

Regards

Niall Lownie