

Appendix C

From: helen fage

Sent: 31 March 2022 03:26

To: Judith Smyth

Subject: Re: Application to vary Premises Licence - Marmion House, 89 Marmion Road - 22/01482/LAPREM

Dear Judith,

Melissa very kindly forwarded on your email to me as I always seem to be left out of the loop, although my property at 60d, Victoria Road South is the nearest and most affected by Marmion House. Shouldn't the neighbours be notified of any changes as they are the ones affected? I haven't seen any notices about the extended licence application.

I would like to object to any increase in extended hours at Marmion House. I think everyone (including planning) just assumes that 60d is above/adjacent to part of Marmion House. In fact two of the bedrooms are partly inside Marmion House!

I attach some pictures to show what I mean. Directly outside the window of one room and the patio doors of another is the flat roof. This means the walls and floors below the window and doors are inside Marmion house. The picture taken inside Marmion house while it was being renovated shows a doorway. The room the other side of this door is a bedroom!

I have spent several thousand pounds putting in soundproofing in these rooms, but I can still hear quite clearly people talking, laughing and clattering about below.

Any licence extension is just going to cause additional disturbance, lack of sleep and enjoyment to us. It's fairly bad as it is.

Please let me know where I can see a copy of the application and to formally object by letter or in person.

Many thanks,

Kind regards,

Helen

Dear Helen

Councillor Judith Smyth has forwarded your email to me.

The licence holder has since amended the application as follows:-

Sale of alcohol, Sunday to Thursday until 22:30

Friday and Saturday until 23:00

The application is advertised on the premises by way of an A3 blue notice which is up as my colleague has taken a photo of it.

I did have 3 representations but they have now been withdrawn as a result of the reduction in hours.

However if you wish to make a representation it must be based on the four licensing objectives which are:

Prevention of Crime and Disorder

Public safety

Prevention of public nuisance

Protection of children from harm

Can you also provide your address.

Thank you

Regards

Debbie Robson

Senior Licensing Officer

From: helen fage

Sent: 18 April 2022 21:29

To: Robson, Debra

Subject: Re: Application to vary Premises Licence - Marmion House, 89 Marmion Road - 22/01482/LAPREM

Dear Debbie,

I've just found my reply to you sitting in "drafts" which I was convinced I'd sent, so apologies.

I will still be objecting to the application due to the noise disturbance to the occupants of the flat adjacent and above 89, Marmion Road.

You asked for my address which is 41, Victoria Road North, PO5 1PW. My son Matthew now lives at 60d Victoria Road South.

Kind regards,

Helen

Dear Sir/Madam,

I would like to object to any increase in licence extended hours at Marmion House.

In the application under d) The prevention of public nuisance it states that "they have insulated correctly to ensure minimal disturbance to the flat upstairs and have had no complaints thus far"

This is incorrect. On two occasions I have requested a return visit from the engineer who proposed what sound proof insulation Marmion House should install, as it didn't appear to be sufficient. These requests have been ignored so I have now spent several thousand pounds of my own money trying to better insulate my property, although I can still clearly hear the noises from below which will only be exacerbated through an extension of the licence.

The statement that glass bins will continue to be emptied inside the building to ensure neighbours aren't disturbed. They disturb these neighbours.

I believe it is assumed that 60d (my property) is above/adjacent to part of Marmion House. In fact, two of the bedrooms are partly inside Marmion House;

I have attached some pictures to highlight. Directly outside the window of one of the rooms and from the patio doors of another is the flat roof. This means the walls and floors below the window and doors are inside Marmion house. The picture taken inside Marmion house while it was being renovated shows a doorway. This door leads directly into one of my bedrooms.

Having had a furniture store below us for over 20 years, a 56 cover, busy, loud restaurant was never thought to be an approved alternative.

Any licence extension is just going to cause additional disturbance to what is a residential area. There would be noise until midnight Friday and Saturday nights if the licence was increased to 11pm, and Sunday night we'd be disturbed until 11.30pm. Functions and Live music would also not be appropriate for this area either, and will have a negative impact on my right to a peaceful existence.

Kind regards,

Helen Fage









From: Stone, Derek

Sent: 20 April 2022 20:25

To: Helen Fage

Cc: Robson, Debra

Subject: Application to vary Premises Licence - Marmion House, 89 Marmion Road - 22/01482/LAPREM

Dear Helen

Thank you for raising your concerns regarding this application.

Yours is the only representation received against this application and as a result this variation application must now be referred to a Licensing Sub-Committee for determination, unless you indicate that you wish to withdraw your representation in which case, the application will be granted as applied for which will be as follows:

Alcohol sales from 10:00 to 22:30 closing at 23:00 Sunday to Thursday and 10:00 to 23:00 Friday and Saturday closing at 23:30 (Not as originally applied for which was midnight)

I need to establish that you are willing to attend this hearing and address the panel once a date has been set which must be within 20 working days so before the 18th May at the latest.

Before you make any decision can I take this opportunity to explain the review procedure as set out under the Statutory Guidance as follows

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

This I hope may give you some reassurance that if as a result of this application being granted and noise does occur, there are things in place to address those concerns.

Additionally our Public Protection Department who deal with statutory noise complaints and noise nuisance can step in where noise is proven and evidenced. They have additional powers with regard to noise complaints and have their own enforcement powers.

If however you are not satisfied that there are sufficient safeguarding provisions in place either under the Licensing Act or through Public Protection, then the application will be determined by the Licensing Sub-Committee which consists of three Councillors who are appointed to the Licensing Committee panel.

The hearing will be held in public in the Council Chambers and broadcast live as a public meeting.

Five days prior to the hearing all papers and your representation will be made public.

If you do wish this matter to proceed to hearing please confirm this and indicate any dates that you have to avoid, which subject to the panels availability we will try and accommodate.

If you can advise me by way of return e mail I would be really appreciate it.

If this matter is to proceed to a hearing you will receive a 'Notice of Hearing' inviting you to attend and address the panel once a date has been set.

I look forward to hearing from you

Kind regards

Derek

From: helen fage

Sent: 21 April 2022 12:37

To: Stone,Derek

Subject: Re: Application to vary Premises Licence - Marmion House, 89 Marmion Road - 22/01482/LAPREM

Dear Derek,

Thank you for your email.

I still wish to object to this licensing extension application.

Unfortunately, due to holiday obligations my husband and I can only attend a hearing on May 9th or 10th within your suggested timescale.

I will send additional information backing up my objection, shortly.

Thank you,

Kind regards,

Helen

From: Stone, Derek

Sent: 21 April 2022 12:48

To: helen fage

Cc: Robson, Debra <

Subject: RE: Application to vary Premises Licence - Marmion House, 89 Marmion Road - 22/01482/LAPREM

Dear Helen

All noted

With the local elections and with the possibility of losing potentially one or two of the existing Licensing Councillors we might struggle to get the 9th or the 10th but I have asked the department who arrange these hearings if these dates are possible.

If not, rest assured that your written representations will be seen by the panel in advance of the hearing and the fact that you are unable to attend in person carries no less weight that if you are in attendance.

If you can send the additional information to Debra who is copied in to this e mail she will make sure it is all logged and recorded

Kind regards

Derek