

## **Objection to Application for Variation of Premises Licence For The Toby Tavern Skelmersdale**

This objection is in response to the application from the Toby Tavern, Ashley Road, Skelmersdale to vary its licence hours for the sale of alcohol, live and recorded music on all days that are indicated in the application dated 17/07/14.

### **Entertainment**

The Toby tavern is sited in a residential area; it must be remembered that the people who live in this part of Ashurst may not want to listen to the music from the premises. We have a right to be able to use our homes for our enjoyment and to live our lives peacefully. Historically there has been a problem with the disturbance from the level of the music and this includes the present owner; however recently, due to enforcement by the authority, this has been reduced to an acceptable level. Prior to this enforcement we suffered an unreasonable amount of disturbance from both recorded and live music.

Objection section E 'Live music' has a time frame from 10:00 to 23:00 with further details stating 'outside off by 20:00'. This is unacceptable, why should we have to listen to this music between these hours? All music should not be audible beyond the boundary of the premises.

Objection section F 'recorded music' has a time frame from 10:00 to 00:00 except Friday, Saturday and Sunday which is 02:00 with further details stating 'outside off by 20:00'. This is unacceptable; all music played outside must not be audible beyond the premises boundary and what controls with bass music will be in place? We are more than aware that the bass sound waves travel further than the treble sound waves.

Playing music outside can be maintained at a reasonable level, but who will control the patrons from singing along and shouting, thus effectively increasing the noise volume. We already hear considerable human noise from the outside drinking area when the weather is warm and dry; this is one reason why we cannot have our bedroom windows at the front of the house open in the evening regardless of the temperature.

### **Objection section H Any other entertainment**

The application request an operational time of 10:00-00:00 yet there are no details stated on the application. What is the applicant requesting; if it is entertainment it cannot be left blank as entertainment covers a broad spectrum?

## Refreshment and the sale of alcohol

### Objection section I late night refreshment

The application requests an operational time of 23:00-00:00 excluding Friday and Saturday which is 01:00 no details are stated on the application. What is the applicant requesting?

### Objection section J supply of alcohol

The application requests that alcohol be sold from 09:00 until 00:30 except Fridays and Saturdays which is 02:30. Being open to sell alcohol over such a long time span may be acceptable in a holiday resort for example, but this is a residential area. I have already witnessed people leaving the premises early afternoon having consumed too much alcohol. Opening times like these not only have a detrimental effect of the health of people but the health of the area and those who live there. We live next to a public path and we hear the constant noise of people going to and leaving the premises. I accept that when people are going there the noise can be acceptable and the type of language appropriate but this is not always the case; however this cannot be said about a large proportion of people who leave the premises and make unacceptable noise and use inappropriate language. I have notes in my diary from Friday 01 August 2014 from being woken up on three occasions after 24:00 by noise from people leaving the premises; the noise is raised voices, occasional shouting and sometimes screeching all as a result of alcohol consumption.

## Comments relating to other sections

### Section M (b)

States '...and our neighbours with respect and travel to and from the Toby quietly and with care'. This statement is not possible to implement and should be removed as the management can have no control over patrons as they go to the Toby or make their way home.

### Section M (c)

'In busy periods we utilise plastic glasses and the car park is a glass free area', however this does not stop people leaving the premises with glasses containing drink and discarding them on the way home as is evident in the bushes surrounding my house. If the car park is a glass free area why can patrons be seen sitting on the walls drinking and why is there occasionally broken glass in the highway?

## Section M (d)

'We have now implemented a no amplified music outside policy without prior notice to our neighbours'. The statement appears to meet the concerns that we all have yet it prompts more questions.

- Does the issuing of a polite notice (prior notice to our neighbours) justify the right to have an unreasonable level of music? Maybe we should issue a polite notice to the Toby Tavern to have a peaceful life without the nuisance factors the premises brings.
- Section E live music, but how are customers going to hear any music that is not amplified.
- Section F recorded music, how are customers going to hear recorded music, it must be amplified to be able to hear it; all CD players, recorders etc have amplifiers fitted to enable us to hear the music?

## General comments which need to be considered with the application from the Toby Tavern

Since the improvements by the new owners to the Toby Tavern have been made it is evident that more people use the premises; this evidence is supported by the number of people who pass our property. People walking on the public footpath pose no additional nuisance factor; however after the consumption of alcohol some people are unable to go home quietly and we are disturbed well into the early hours by this nuisance factor most weekends.

During the weekend evenings and nights the bus stop outside the house becomes a pseudo taxi rank; this is an increased nuisance factor, not only from additional conversational noise, but the closing of taxi doors and vehicle movements. Another problem with some taxi drivers is the music from the vehicles themselves which can occasionally be heard in the house.

The building of the play area on the opposite side of the road to our house has greatly increased the noise nuisance from the premises. We do not object to children playing in fact we encourage the activity; but we do object to having a play area constructed opposite our house; the level of the noise which includes shouting, screaming and balls being kicked against the metal fence. This means that on any given day of reasonable weather all we can hear is shouting and screaming from the play area.

The outside drinking area is the source of a lot of noise throughout opening times during good weather and very little consideration was given to the neighbours of the premises when it was constructed. There is also an unreasonable amount of light pollution from this area. Because of the outside drinking area we cannot open the bedroom windows in the front of the house regardless of the temperature because of the noise, and we have installed blackout blinds because of the light.

Mr Garfield in his application for a premise license in section M (c) states 'we expect our customers and staff to treat each other and our neighbours with respect....' Very little consideration or respect for their neighbours has been shown to date, if their intention for respect of their neighbours had been considered then they would of taken into consideration the impact on the development of the site and the nuisance potential.

If their intention for respect of their neighbours had been considered the proper procedures would have been followed and planning permission with a proper and meaningful consultation with their neighbours been undertaken.

### Some questions for the Licensing Department

Should we have the right to enjoy our homes for the purpose we purchased them for?

Should we have the right to undisturbed sleep?

Should we be able to sit in our garden on a sunny afternoon and evening in peace and quiet?

Should we be able to have the bedroom window open in the summer?

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