



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 1 September 2020

TO: COUNCILLORS N DELANEY, T DEVINE AND J MEE

Dear Councillor,

A meeting of the **LICENSING & GAMBLING SUB-COMMITTEE** will be held by **SKYPE** on **WEDNESDAY, 9 SEPTEMBER 2020** at **10.30 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', enclosed in a rectangular box.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

1. **APOLOGIES**
2. **MEMBERSHIP OF THE COMMITTEE**
To be apprised of any changes to the membership of the Sub – Committee in accordance with Council Procedure Rule 4.
3. **URGENT BUSINESS**
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.
4. **DECLARATIONS OF PARTY WHIP**
Party Whips are not to be used by this Committee in respect of

functions concerning the determination of new Licence Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of the Committee's deliberations on the matter.

- | | | |
|-----------|---|---------|
| 5. | DECLARATIONS OF INTEREST
If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of Members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet). | 1 - 2 |
| 6. | MINUTES
To note the Minutes of the meeting held on 18 November 2019 | 3 - 6 |
| 7. | LICENSING HEARING PROCEDURE | 7 - 8 |
| 8. | APPLICATION FOR PREMISES LICENCE IN RESPECT OF EDEN
TEA ROOM AND GALLERIES, COURSE LANE, NEWBURGH WN8
7UB
To consider the report of the Corporate Director of Place and Community. | 9 - 194 |

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Kirsty Breakell on 01695 583312
Or email kirsty.breakell@westlancs.gov.uk

REMOTE MEETINGS – GUIDANCE FOR MEMBERS (Working Group Meetings)

This guidance is designed to assist members when attending remote meetings.

The guidance should be read in conjunction with the Council's Remote Meetings Procedures Rules.

General

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman.
4. At the start of the meeting the Democratic Services Officer will read out which Members and Officers are present. The attendance of members will be recorded. If a member attends after the start of the meeting their presence will be announced.
5. Please remember to mute your mic/pause your video feed when you're not talking.
6. Only speak when invited to by the Chair.
7. Please state your name before you make an address.
8. If you're referring to a specific page or slide mention the page or slide number.
9. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the

presumption is that the meeting should continue, providing the meeting remains quorate.

Voting

10. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
 - General assent by the meeting (where there is no dissent); or
 - By the Democratic Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Democratic Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
11. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

Declarations of Interest

12. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

Exclusion of the Press and Public

13. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.

Agenda Item 5

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

General			Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

Agenda Item 6

LICENSING & GAMBLING SUB-COMMITTEE

HELD: Monday, 18 November 2019

Start: 10.35am

Finish: 11.50am

PRESENT:

Councillor: N Delaney (Chairman)

Councillors: T Devine J Mee

Officers: Kay Lovelady, Principal Solicitor
Samantha Jordan, Senior Licensing Officer
Kirsty Breakell, Member Services / Civic Officer
Karen Smith, Legal Assistant

In attendance:

9 **APOLOGIES**

There were no apologies received.

10 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to membership of the Committee.

11 **URGENT BUSINESS**

There were no urgent items of business.

12 **DECLARATIONS OF PARTY WHIP**

There were no declaration of Party Whip

13 **DECLARATIONS OF INTEREST**

There were no declarations of interest

14 **MINUTES**

RESOLVED: That the minutes of the meeting held on 14 August 2019, be noted

15 **LICENSING HEARING PROCEDURE**

The Chairman referred to the Licensing Hearing Procedure.

16 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 69 TOWN GREEN LANE, AUGHTON, ORMSKIRK, L39 6SE**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 61 to 90 of the Book of Reports, which was to consider an application for a premises license in respect of 69 Town Green Lane, Aughton, Ormskirk L39 6SE.

LICENSING & GAMBLING SUB-COMMITTEE HELD: Monday, 18 November 2019

In considering this matter, the Sub-Committee had regard to its Licensing Policy and the guidance issued under S.182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was the "Prevention of Public Nuisance".

On hearing the evidence from the Applicant, Objectors and Ward Councillors, the Sub-Committee:-

The Application for the license be granted subject to the following:

PROPOSED CONDITIONS:

The following conditions on the operating schedule shall be amended as follows:

A. Condition 6 – "Door Supervisors and Security Attendants, if deemed necessary, at all times when on duty will wear an identity badge, conspicuously displayed and in a form and manner prescribed by the SIA. A risk assessment will be carried out, with any input by police being taken into account, again if this is deemed necessary. A door supervisors log shall be in use when door supervisors are employed" shall be removed and replaced with the following:

That prior to each occasion that licensable activities take place at the premises, a risk assessment shall be carried out to determine the appropriate number of door supervisors to be utilised (if any). Said risk assessment shall be documented and made available to a Responsible Authority upon request.

That a record shall be kept on the premises by the Management of every person employed on the premises as a Door Supervisor. The record shall contain the following details:

- i. name
- ii. date of birth
- iii. SIA licence number
- iv. time commenced duty and time terminated duty

Said record shall be made available for inspection on demand by the Police or any other Responsible Authority.

That all internal door supervisors engaged on duty shall wear high-visibility clothing (which is sufficient to distinguish them from other staff and members of the public) at all times. Any external door supervisors shall, as a minimum, wear an armband or lanyard whilst on duty at the premises. In addition, all door supervisors engaged in the dispersal of customers at the end of the trading period shall wear high-visibility clothing.

B. Condition 7 – "Trading Standard Knock Back training to be provided to all staff. Said training to be documented and updated training to be provided on an ongoing basis" shall be removed as it is likely to become unenforceable in the event the referenced training ceases and sufficient provisions are covered in the training requirements already offered.

C. Condition 9 – "No live music or entertainment shall be permitted on the premises at any time" shall be removed as it conflicts with requirements of Live Music Act and

may lead to confusion for the general public and enforcement agencies and provide a disproportionate burden to the premises licence holder.

D. Condition 18 – "Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc" shall be removed as the provision of food to the public is not a licensable activity and the applicant has not applied for Late Night Refreshment. If left on the licence this could lead to confusion for the general public and enforcement agencies and place a disproportionate burden on the premises licence holder.

E. Condition 19 – "Where the premises provides food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrappings etc at the end of each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste food which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents" shall be removed as the provision of food to the public is not a licensable activity and the applicant has not applied for Late Night Refreshment. If left on the licence this could lead to confusion for the general public and enforcement agencies and place a disproportionate burden on the premises licence holder.

F. Condition 21 – "no open bottle and/or glasses are to be taken outside of the licensed area as per the attached plan" shall be removed and replaced with the following:

That customers shall not be permitted to enter or leave the premises with any open bottle, glass or other alcohol container.

G. Condition 22 – "Children accompanied by an adult, shall be allowed on the premises until 20.30 after which time no children shall be allowed on the premises" shall be removed as it is contrary to the ethos of the Licensing Act 2003 which removed the requirement to restrict children on licensed premises in order to create a continental style licensing regime. At the time of the application there is no evidence of the licensing objectives being undermined as a result of children being allowed on the premises and as such it would be disproportionate to include such a condition. The Premises Licence Holder should be free to make his/her own arrangements regarding the admission of children without the need to impose a condition which could be subject to future prosecution if breached.

ALTERNATIVE CONDITIONS:

1. That contact details of the Designated Premises Supervisor and the Premises Licence Holder are available to staff and the authorities at all times.
2. That a contact telephone number for the premises will be displayed on the front window/door of the Premises to allow anyone who wishes to report an issue directly to the premises to do so. The said telephone must remain operational at

all times the number is displayed.

3. That the volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.

.....
Chairman



WEST LANCASHIRE BOROUGH COUNCIL

LICENSING SUB COMMITTEE

HEARING PROCEDURE

1. The Chairman introduces the Members and the main Officers.
2. The Chairman invites the other parties to the hearing to introduce themselves.
3. The Chairman refers to this procedure, which will be followed.
(NB. The Chairman will explain that he will allow the parties to proceed without specific time constraints).
4. The Chairman asks the Corporate Director of Place and Community (or their representative) to outline the application.
5. Applicant's case
 - (a) The Applicant (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of the Applicant and witnesses, commencing with each Responsible Authority (if present) and concluding with the Sub-Committee.
6. Relevant representations – Responsible Authorities (if present)
 - (a) Each Responsible Authority (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of each Responsible Authority and witnesses, commencing with the Applicant and concluding with the Sub-Committee.
7. Relevant Representations – Interested Parties (if present)
 - (c) Interested Parties will be asked by the Chairman if they wish to elect a spokesperson or representative (or speak individually). Interested Parties will present their case. This will include general opening remarks followed by calling witnesses.

- (d) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Applicant and concluding with the Sub-Committee.
8. If several representations (objections) have been received, Interested Parties may question the Applicant and witnesses in turn in an order to be determined by the Chairman. The same order will follow when it comes to the Interested Parties being questioned.
 9. The Chairman to ask all parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.
 10. Interested Parties, Responsible Authorities and the Applicant to make their closing address in that order (so that the Applicant has the final say).
 9. The Chairman will ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.
 10. The Sub-Committee will retire to determine the application calling the Legal Advisor and Member Services Officer as needed.
 11. When the Sub-Committee returns the Chairman will announce the decision and give reasons. All parties to the hearing will receive confirmation of the decision in writing within five working days.

End.

If any of the parties, representative or observers, wish to discuss any matters relating to the hearing, Officers will be available at the conclusion of the hearing.



LICENSING SUB-COMMITTEE

Date: 9 September 2020

Report of: Corporate Director Of Place and Community

Contact for further information: Michaela Murray (Extn 5315)
(E-mail: michaela.murray@westlancs.gov.uk)

SUBJECT: APPLICATION FOR PREMISES LICENCE IN RESPECT OF EDEN TEA ROOM AND GALLERIES, COURSE LANE, NEWBURGH WN8 7UB

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Premises Licence in respect of Eden Tea Room and Galleries, Course Lane, Newburgh.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1 Address of Premises: Eden Tea Room and Galleries
Course Lane
Newburgh WN8 7UB

3.2 Premises Licence Holder: Mathew Parsons

4.0 THE APPLICATION

4.1 On 4 March 2020 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.

4.2 A location plan is attached at Appendix 2 to this report.

4.3 There was an initial representation received against the application by the Council's Environmental Protection Officers which requested conditions. These conditions were agreed by the applicant. Copy attached as Appendix 3 to this report.

4.4 There have been 75 relevant representation received against the application that have been received from local residents. Copies are attached as Appendix 4 to 13 to this report.

5.0 BACKGROUND

5.1 The initial application was received on 4 March 2020. The applicant applied for the sale of alcohol only for Monday to Thursday 8am to 11pm and Friday and Saturday 8am to 2am. The application was accepted and the applicant was advised that under the Act it was a requirement, as part of the application procedure, to display a notice of the application on the premises where it could be seen by public passing the premises and must remain displayed for 28 days. The applicant was also advised that the application was to be advertised in the locals press. The applicant advised that all advertising had been completed and the advertisement was to be displayed in the Champion newspaper.

5.2 On 25 March 2020 when the applicant requested a change to the application. He requested the addition of Late Night Refreshment, Recorded Music and Live Music on Friday and Saturdays from 8am to 2am (the following day). He was advised that the original application would need to be withdrawn and a new application submitted. The new application was received and the same procedure followed.

5.3 On 2 April 2020 Lancashire Constabulary provide a response stating they had no representation regarding the application. On 27 April 2020, the Council's Environmental Protection team provided a representation advising that if a number of conditions were accepted by the applicant they would withdraw the representation, the representation is attached as Appendix 3. The applicant accepted the conditions. On 30 April 2020, the Planning Department provided a response (this was one day after the consultation period ended). They advised that they would not have objected to the application but advised of the planning restriction against the premises, which is Monday to Saturday 8am to 6pm and Sunday 9am to 6pm. No public objections were received at that time.

5.4 The Act dictates that if no representations are received regarding an application then Licensing Authority has no alternative but to grant the licence. Therefore the application was referred to Licensing Sub Committee to determine the application with the conditions that the applicant accepted. The application was granted on these terms.

5.5 Member should be aware that a Planning application has been submitted for the premises to mirror the licence timings. Under the Planning Regulations, all residents located within the immediate vicinity of the premise must be notified. This notification also informed residents that a Premise Licence had been granted by the Licensing Authority. A number of complaints from local residents were subsequently received advising that they felt the application notice required under the Licensing Act 2003 was either not displayed or not clearly displayed.

5.6 After investigation by Licensing Officers, it was concluded that the applicant had failed to display the notice on the premises in accordance with the relevant legislation and therefore the consultation period for the application had to be re-started. The 28 day consultation period started again. The new notice displayed

indicated the timings that were requested by the Environmental Protection Officer and agreed by the applicant, a copy is attached as Appendix 5 to this report.

6.0 RELEVANT REPRESENTATION – ENVIRONMENTAL PROTECTION

6.1 The representation from the Council's Environmental Protection team raised concerns regarding noise nuisance. A number of conditions were requested to alleviate the concerns of which the applicant accepted. Copy attached as Appendix 3 to this report.

7.0 RELEVANT REPRESENTATION – PUBLIC

7.1 The representations from the Public (Appendix 4 to 13) raise concerns regarding noise and disturbance, public nuisance and disorder issues and public safety including children's safety due to the busy road through the village. The representations are made under the Prevention of Public Nuisance, Crime and Disorder, Public Safety and Protection of Children from Harm Licensing Objectives.

8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

8.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.

8.2 As Members will be aware, the four licensing objectives are as follows:

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

8.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

8.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:

- (i) Add conditions in respect of the New Application
- (ii) Refuse a licensable activity from the New Application

8.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

8.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4	The Prevention of Crime & Disorder
Section 4	Public Safety
Section 4	Prevention of Public Nuisance
Section 4	Protection of Children from Harm

9.0 HUMAN RIGHTS ACT IMPLICATIONS

9.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6

that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8

that everyone has the right to respect for his home and family life;

Article 1 of the First Protocol

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

10.0 SUSTAINABILITY IMPLICATIONS

10.1 The Sub-Committee decision has the potential to impact upon the local community affected by the operation of the business. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 No additional financial or other resources are required.

12.0 RISK ASSESSMENT

12.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

13.0 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Premises Licence application	(Appendix 1)
Location plan	(Appendix 2)
Environmental Protection Representation (agreed by applicant)	(Appendix 3)
Public Representations	(Appendix 4, to 13)
Final Notice displayed at the premises	(Appendix 14)

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The Tearoom is the 1st floor of a building, operating above a ground floor art gallery. The space accommodates a maximum of approximately 40 covers. We intend provide a place for consumption of off-supplies within close proximity to the building, areas to be mapped out and submitted for approval.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Private functions such as weddings, anniversary parties etc to be occasionally held on Friday and/or Saturday. Amplified music to be played within the building only, after 11pm and until 2am on Friday and/or Saturday night(s).

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors
- Outdoors
- Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Private functions such as weddings, anniversary parties etc to be occasionally held on Friday and/or Saturday. Amplified music to be played within the building only, after 11pm and until 2am on Friday and/or Saturday night(s).

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Late night refreshments within a private function.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Thorough training of all staff. A documented training scheme shall be carried out by DPS among all staff able to sell alcohol, with an annual review. This scheme will include, but not be limited to, serving alcohol to young people, drunk persons, disorderly conduct on a licensed premises. Scheme shall be available for inspection at request to a Police Officer, Trading Standards Officer or Local Authority Enforcement Officer.

b) The prevention of crime and disorder

CCTV shall be installed in the form of a recordable system capable of providing good quality images. Signage advising that CCTV is in operation shall be displayed. Cameras shall encompass the external entrances/exits and all areas where the sale or supply of alcohol occurs. Equipment shall be maintained in good working order, correctly timed and dated and kept in a secure environment under the control of premises license holder or other responsible named individual. Images shall be retained for a period of 28 days and made available to a Police Officer or other authorised officer at any time during when licensable activities take place and where such request is made in accordance with principles of the Data Protection Act. Cameras shall enable clear identification of persons on the premises.

A documented training scheme shall be introduced for all staff in a position to serve alcohol. The training will include, but need not be limited to: serving alcohol to young persons, persons who are drunk and allowing disorderly conduct on licensed premises, Challenge 25 and Drug Awareness. The scheme shall be made available for inspection at the request of any Police Officer, Trading Standards Officer or Local Authority Enforcement Officer.

Continued from previous page...

The Designated Premises Supervisor or Premises Licence Holder shall conduct at a minimum yearly training reviews with all members of staff authorised to serve alcohol in order to reinforce this training and to promote best practice. A written record shall be kept of the content of such reviews and be available for inspection by any responsible authority upon request.

An incident log shall be kept to record any notable incidents occurring at the premises such as occurrences of crime and disorder, evidence or suspicion of drug related activity and any requests made for persons to leave the premises. The log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as practicable and in any case no later than the close of business on the day of the incident. The incident log is to be kept on the premises and shall be produced to a Police Officer or authorised officer on request.

c) Public safety

Consumption of off-supplies of alcohol shall be within a designated area, clearly marked and monitored by staff.

d) The prevention of public nuisance

No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated licensed area as indicated on the deposited plan.

e) The protection of children from harm

A documented Challenge 25 scheme will be adopted as our Age Verification Policy. The scheme shall be actively promoted and advertised at the premises with suitable signs clearly displayed. Any person trying to buy alcohol and appearing under the age of 25 shall be asked to provide suitable identification to prove that they are aged 18 or over. Failure to supply shall result in non-sale and such incident recorded in the Refusals Register. Acceptable ID shall be photographic driving licence, passport, MoD Card, National/EU ID card, A PASS approved and accredited holographic proof of age card.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. All premises are banded in to five categories, depending upon the non-domestic rateable value (business rates) of the premises: A = £0-£4,300 B = £4,301-£33,000 C = £33,001-£87,000 D = £87,000-125,000 E = £125,001 and over
The fee for a new Premises Licence is: A = £100 B = £190 C = £315 D = £450 E = £635

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/west-lancashire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

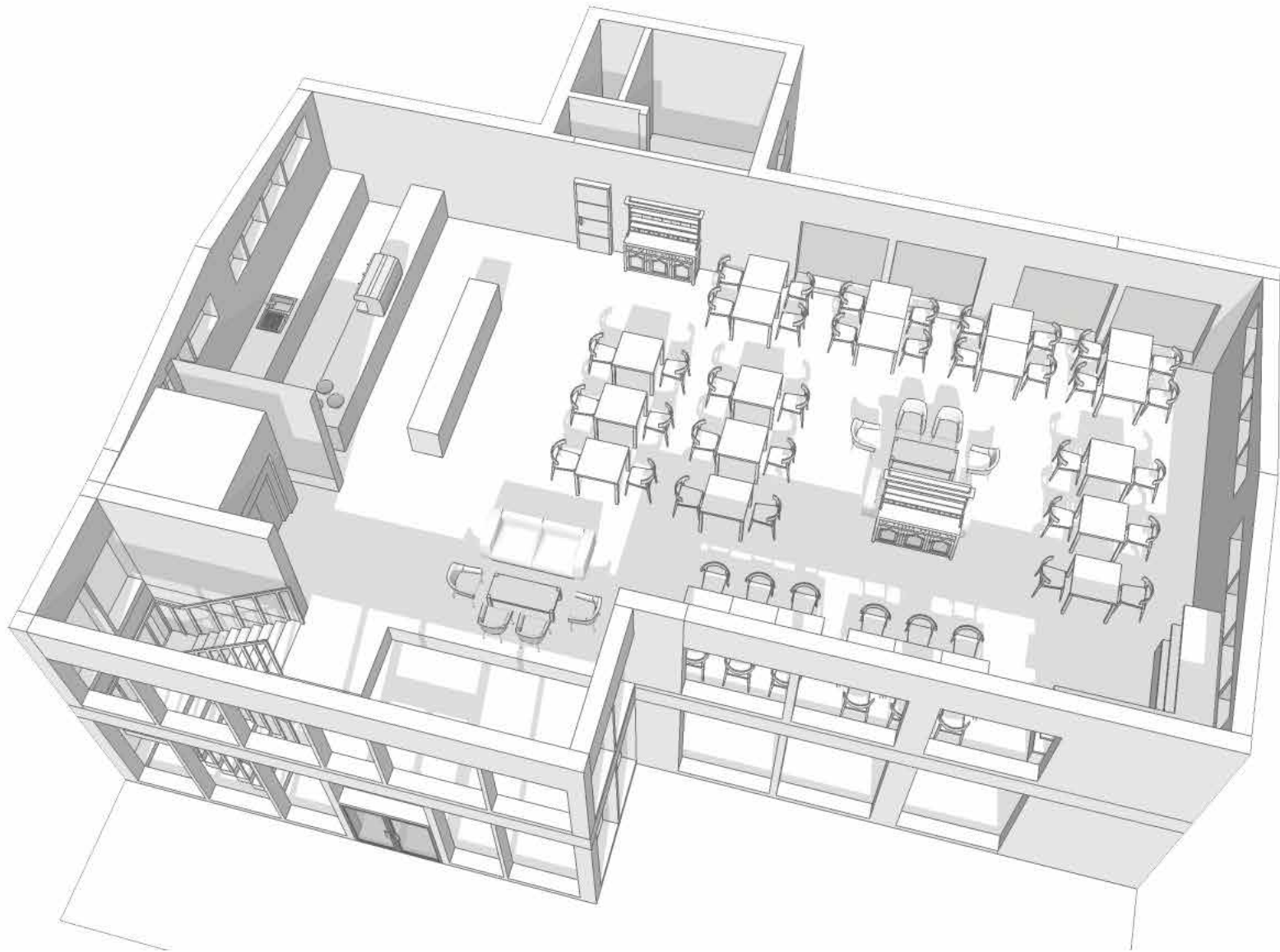
Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

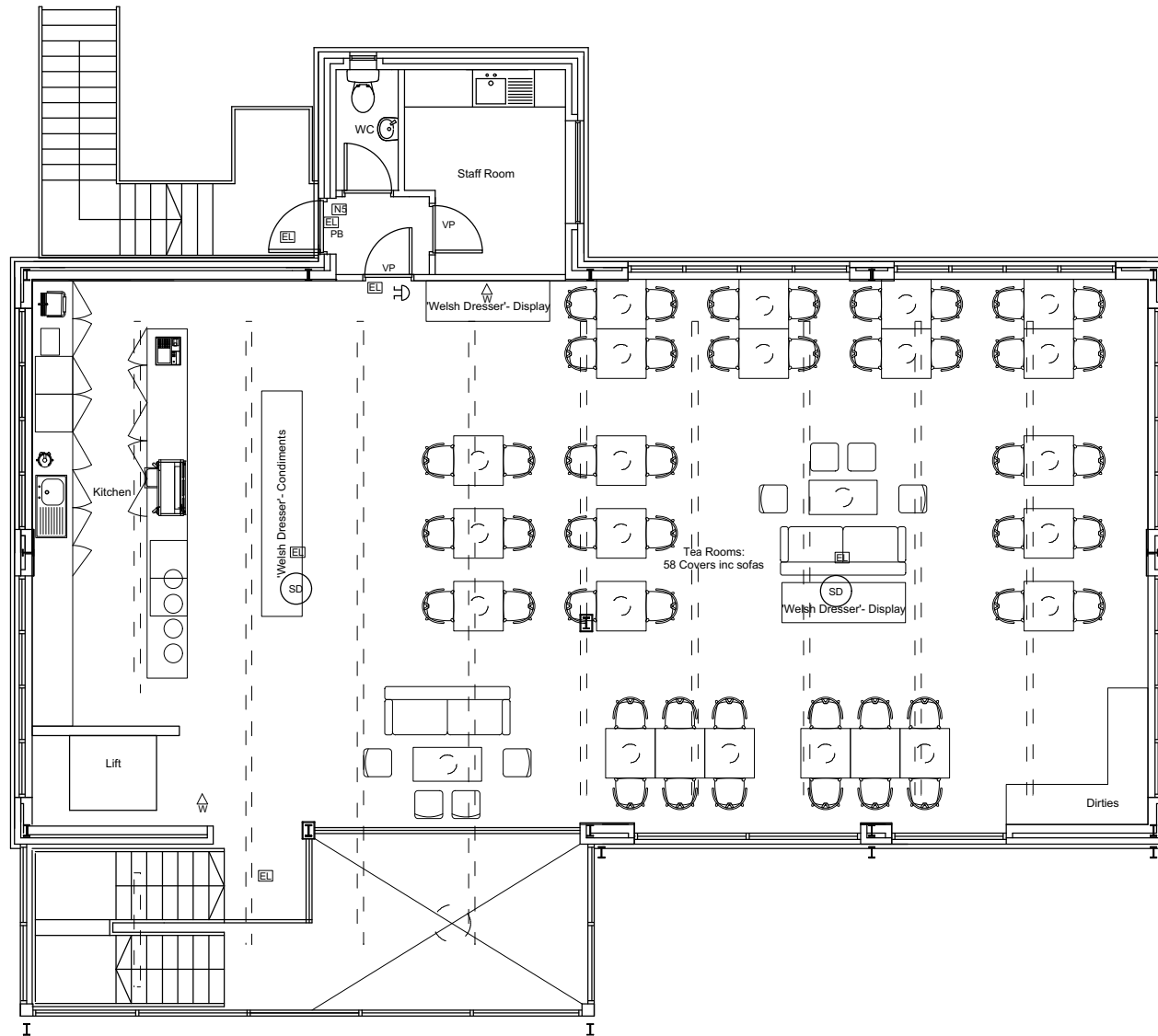
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Layouts
First Floor Option 1 Visual



Layouts
First Floor Option 1 Plan







Memorandum

To Senior Licensing Officer My Ref: 258482
Your Ref: 257568

From Environmental Protection and Community
Safety Manager

Subject APPLICATION FOR A NEW PREMISES LICENCE.
EDEN TEA ROOMS, COURSE LANE, NEWBURGH, WN8 7UB

Date 29th April 2020

Thank you for consulting me with regard to this premises licence application.

I have discussed with the applicant that I felt that some of the risks to the prevention of the public nuisance objective were not fully covered and so the applicant has agreed to accept the following conditions listed below. In addition I raised concerns regarding the 0200 opening hours and regulated entertainment (live and recorded music) until this time on Friday and Saturday evenings and as such the operator has agreed to alter the opening hours and those for regulated entertainment to 0100 hours on Fridays and Saturdays.

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
- 2) Noise from music and associated sources (including D.J.'s and amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 1800 hours.
- 3) The volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.
- 4) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- 5) No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained

- 6) Notices shall be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
- 7) The Designated Premises Supervisor and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
- 8) No deliveries will take place between the hours of 20:00 and 08:00 hours.
- 9) The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08:00 and 20:00 hours only, so as to prevent disturbance to nearby premises.
- 10) The Designated Premises Supervisor shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- 11) The Designated Premises Supervisor or nominated person shall regularly monitor levels of noise in any outside area used for smoking and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
- 12) The outside seating area to be closed between the hours of 21:00 hours and 08:00 hours each day.
- 13) The premises hereby approved between 2300 hours and 0100 hours on Fridays and Saturdays shall be for the exclusive use of pre-booked private functions only and shall not be open to members of the public. The premises shall maintain a bookings diary or other similar system which should be kept on the premises and made available for inspection by licensing authorities and environmental health on request.

.....
Gill Perkins
Senior Environmental Health Officer
Ext 3302

om: >

Sent: 30 July 2020 21:30

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fwd: Objection to Licence Extension by Eden Tearoom & Gallery

From:

Subject: Objection to Licence Extension by Eden Tearoom & Gallery

Date: 30 July 2020 at 21:25:44 BST

To: licensing.enquiries@westlancs.gov.uk

Cc:

Licensing Department,
West Lancashire Borough Council
Robert Hodge Centre,
Skelmersdale WN8 8EE

To Whom It May Concern

My wife & I have been residents in Newburgh Village for over 45 years & we object very strongly to the application to have extended Alcohol Licensing hours for the Eden Tearoom & Gallery, Course Lane, Newburgh.

In our opinion there is absolutely no necessity for a "Tearoom & Gallery" to need to be serving alcohol as early as 8.00am or indeed for such a premises to be open & serving alcohol until 11.00 pm at night - even less necessity for the premises to be asking to change its use to provide refreshments, live & recorded music for late night events until 1.00am on Fridays & Saturdays.

This is completely out of character with the **rural residential** area in which the premises are located because it is heightening the possibility of nuisance, noise, & inconvenience to local residents & could even be a danger to children in the area.

Please take these comments into consideration.

Yours Faithfully

From:

Sent: 09 August 2020 14:16

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tea Rooms

Application – 2020/0439/FUL

- alcohol to be served for consumption on and off the premises Sunday to Thursday 8 am to 11 pm. Friday and Saturday 8 pm to 1 am:
 - provision of late-night refreshment, live and recorded music indoors only for the same hours for pre-booked events only:
 - proposed opening hours Sunday to Thursday 8 am to 11 pm. Friday and Saturday 8 pm to 1 am:

It is inconceivable that any positive consideration should be given to the above application. Eden was originally planned to be Tea Rooms opening 8 am to 6 pm Monday to Saturday and on Sundays and Bank holidays 9 am to 6 pm.

Not only to excessively extend the hours, but also to include alcohol does not appear to be in keeping with the expectations of the original application in which no mention was made of these future proposals. The outcome of the original application may have been different had this been made known at the time. As the tea rooms have only been open for a few weeks the change of use seems to be extraordinarily sudden to say the least.

The late night hours are of grave concern to those of us living near by. Very few will be leaving before the 11 pm or 1 am closing times and the resulting noisy exodus in cars will disturb many residents, some of whom have to go to work the following day and need a good nights sleep. It has been noted in the media recently that when alcohol is consumed, respect for others seems to evaporate – this is a worrying thought.

The wedding and other private functions which are planned for the future (at which the proposal is to provide alcohol) also poses the question of the numbers of people we can expect to be attending. At the moment numbers are limited, but this is just for now and reading about the couple who recently married with a compulsory reduced attendance of 30 instead of the planned 300 – I think we need some answers before it is too late.

Venues like this are usually sited in a city or town centre, far away from houses and residents who could be affected by the noise associated with the consumption of alcohol. This venue is very close to many houses and residents who will be affected. Let's not lose sight of the fact that we live in a small rural village not a city or a town and we would ask that others respect that fact.

Sent: 05 August 2020 09:06

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fw: Eden Tearoom and Gallery - Premises Licence Application

I am forwarding my message because I wrongly addressed it.

----- Forwarded message -----

From: >

To: licensing.enquiries@westlancs.co.uk <licensing.enquiries@westlancs.co.uk>

Sent: Tuesday, 4 August 2020, 17:21:22 BST

Subject: Eden Tearoom and Gallery - Premises Licence Application

I wish to make the following representations for consideration by the Licensing Authority:

The application for alcohol to be served for consumption on and off the premises Monday to Sunday 8 am to 11 pm is likely to cause nuisance to the public, particularly those living nearby. There is a considerable likelihood of late night noise from people leaving the premises and from associated vehicles. There is a risk to public safety in that the premises are clearly designed to attract passing motorists with a consequent risk of additional casual drinking. The hours for off sales are probably longer than at most local off licences, with a risk of additional traffic as people drive to Newburgh towards the end of the opening time.

The hours are longer than most pubs and seem inappropriate for a self styled cafe and gallery. The application effectively changes the premises from a cafe to a pub.

The application for the provision of late night refreshment, live and recorded music 11 pm to 1 am Friday and Saturday for pre-booked events only serves to exacerbate the problems raised above - with the potential for public nuisance extending to 1 am on two nights a week. No limitation is proposed for the number of such events to be permitted. The hours proposed are excessive in any case and even more so if the events could occur every week.

The proposed opening hours allow for the premises to be open till 1 am every Friday and Saturday, presumably without refreshment on the nights when there is no pre-booked event. This is again a potential source of nuisance on a regular basis.

Back Lane
Newburgh
WN8 7XB

Newburgh

From:

Sent: 26 July 2020 15:16

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery - Premises Licence Application

Dear Licensing Authority members,

I write to object to the premises Licence Application by Eden Tearoom and Gallery, Course Lane Newburgh.

I do so because the application, if granted, would have a detrimental effect on some or all of the relevant licensing objectives. Light and noise 'leakage' from inside the venue would be compounded by the noise and light from late-night vehicular movements, affecting the sleep and general quality of life of children (and other local residents). The application would allow increased drinking time and thus pose an increased threat to road safety in the village. All in all the workings of the application would constitute a public nuisance and go well beyond the reasonable and apposite proposals originally approved for opening the establishment.

Yours sincerely,

New Acres,
Newburgh.

Cobbs Brow Lane
Newburgh

-----Original Message-----

From:

Sent: 22 July 2020 22:01

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to licensing and changes to proposed building

Hi

I would like to object to the application for late licensing at the Eden Tearooms and gallery.

A late license until 1am would be detrimental to the rural area and would cause disturbance to local residents. Noise, late at night, when people are leaving premises in the early hours. Original application was for 11pm, NOT 1pm.

I also object to the application for a large outdoor seating area on greenbelt land, this will cause further late night disturbance and the footprint of the new building was supposed to be within that of the old building. This is NOT. It would be a new structure outside the original footprint agreed.

I also object to the new signage, more suited to an urban retail park, not in keeping with a rural village in a conservation area and with buildings of historical interest.

King regards

Newacres

Newburgh

WN8 7TU

Ref Eden Tearooms License.

We strongly object to this application.

It does not matter how many conditions are attached to the license, the applicant HAS to abide by them, the residents of Newburgh have no idea if the conditions will be adhered to. The applicant has so far flouted many breaches of planning as it is. In our experience it does not matter how many conditions are attached to planning applications, applicants rarely abide by them and nothing is done about it by the Council! They have admitted there is very little they can do.

If this license is granted the residents of Newburgh will have noise, extra traffic, car doors banging in the early hours, not to mention light pollution which is causing a nuisance to nearby residents at the present time. Whatever the event in the summer months partygoers etc will inevitably go to sit outside in the early hours, this will cause untold nuisance to residents all over Newburgh, noise carries in the evening. We are quite a distance from Tawd Vale scout camp, when they have gatherings and events and we can clearly here what is going on, Tawd Vale is set in a valley surrounded by trees, the Eden Tearooms are in a wide open space with no trees to deaden any sound emitting from the premises.

Light pollution is a big issue with this building, the construction being steel and mainly glass, 'the whole frontage is glass', we do not believe the building is a suitable structure for weddings and events etc.

Newburgh is a quiet village served by The Red Lion. Briars Hall along with the Sports Club all suitable venues for any events.

Residents feel they have been completely misled by the applicant, there were no objections to the tearoom and gallery in the first application, a pleasant stopping place for a bite to eat etc, at no time did we think a late alcohol license would be applied for! They have never at any time discussed their plans with the village or the Parish Council (they were invited to).

When we last went past the building there were two very large and obtrusive satellite dishes on the front of the building, what are they for we ask? There is seating outside which is being used by customers at present (flouting planning rules) leaving us and many residents with serious concerns that the applicant will just ignore any conditions attached to the license.

If trouble were to occur at an event at the Eden Tearooms (being music or wedding etc) with alcohol involved there could be great disturbance caused to residents, we all know to our cost how difficult it is to get a police response in a small village as they are invariably dealing with issues in towns and cities. In these present times with Covid in our midst times are even harder for everyone, fire, police, ambulance, especially are already at their limits.

Who could possibly police the "guests" at music events etc to stop them going outside? they would need so many staff it would not be cost effective!

Please have some thought for the residents and refuse this application.

There are serious concerns how the alcohol license was granted in the first place.

-----Original Message-----

From:

Sent: 25 July 2020 16:14

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Eden Tearoom, Newburgh application

I wish to lodge an objection to the application made by Eden Tearoom, Course Lane, Newburgh for:

- Alcohol license on Monday - Sunday,
- Late license on Friday and Saturday,
- Opening hours to 11am weekdays and Sunday and 1am Friday and Saturday

The original application for a tearoom was supported by residents however this late license will create noise and light disruption to this small, rural village. The business also propose to develop an outside area for events will also add to the noise levels in the village.

This type of venue is inappropriate in an area where there is limited public transport and will mean additional traffic late into the evening as well as the noise generated by groups of people.

I would ask you to decline this application.

Best wishes,

Woodrow Drive,
Newburgh

From:

Sent: 04 August 2020 09:36

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms & Gallery

I strongly object to the late hours Sunday to Thursday 8am to 11 pm and Friday and Saturday 8am to 1am as this will cause considerable disturbance to the residents of Course Lane i.e. the bright lights from the building, the noise from people drinking outdoors and people leaving late at night with car doors banging and headlights shining into houses which will cause a major public nuisance for the residents of Course Lane. I strongly recommend this application be rejected.

Course Lane, Newburgh

From:

Sent: 22 July 2020 22:56

To: Murray, Michaela <Michaela.Murray@westlancs.gov.uk>

Subject: Re: Eden Gallery and Tea Rooms 2020/0439/FUL

I understand that this application together with any variation now falls back in your remit. We wish to reiterate our strong objection to the granting of any licence that will prove to be detrimental to the peace and tranquillity of our village. There is no objection to the originally planned opening times as a tea rooms and gallery but a venue that intends to operate until 1am on Friday and Saturday offering both alcohol and live music are not compatible with the quiet nightlife Newburgh village offers.

You can insist on as many safeguards as you wish but you are absolutely not going to avoid disturbance for the near neighbours to this venue. There will be increased traffic, raised voices, vehicle doors closing. Presumably flashing lights from any live music event/private function. None of this fits in with the original vision created and applied for by the applicants. It is for these reasons and those stated in our original email that we again voice our concerns and strong objections.

WN87UW

From:

Sent: 24 July 2020 16:53

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden tearoom and gallery

I wish to make a few points in relation to the application by Eden Tearoom and Gallery for a licence to serve alcohol into the late evening. I believe that that application should be rejected.

It is absurd to grant an alcohol licence for hours that the premises are not allowed to be open. It is obviously more sensible for the applicant to apply to vary the hours of opening first and, if approved, then to apply for a licence to sell alcohol.

However, if this state of affairs is going to be done back to front, then I would object to the alcohol licence on the following grounds

1. The application runs contrary to the planning permission granted to the applicant. The planning permission took into account the local situation and the conditions were applied after due consideration. These conditions are very important and should be upheld.
2. Late night opening with a licence to sell alcohol would inevitably have a negative impact on the quality of life of local residents. The applicant talks about using the venue for weddings! The noise and light generated by large late night gatherings would constitute a public nuisance. Please take into account that the building has glass walls and noise and light nuisance would be greater than for a brick-built building.
3. The applicant is already advertising events that flout the existing planning permission. This has led to considerable suspicion locally about nuisance being unchecked by the applicant.

New Acres
Newburgh
WN8 7TU

From:

Sent: 25 July 2020 14:44

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tea Rooms

I wish to register an objection to the proposed license for Eden Tea Rooms on the grounds of the prevention of public nuisance. There is no justifiable reason why these "Tea Rooms" should be in a position to supply late night refreshment and live or recorded music until 1.00 am on any Friday or Saturday. It is my understanding that planning permission to operate the premises in the evenings after 6.00 pm on any day has not been as yet approved, and would question whether any of the immediate neighbours would have approved of the original application had they realised that this was going to happen. I am sure you will get appropriate advice but a building with glass on both sides at the upper level may not be sufficiently sound proofed to protect the local residents from internal intrusive noise, let alone a car park which could have noise emanating from guests to the facility shouting and banging car doors late at night which we all know is what does happen no matter what measures the operator puts in place. It will without a doubt increase noise levels and therefore cause a public nuisance. For the record, in my objection to the planning application I have stated that 10.00pm would be the latest time that evening opening might possibly be acceptable but I am a resident of Newacres and am less likely to be impacted in any case. I do however feel that my fellow villagers on Course lane and Sandy Lane who will be impacted do not deserve to have their quality of life potentially affected by these licensing proposals. As a tea rooms operating in tea room hours, the development is very welcome but as an evening and late night facility, this is not appropriate and the financial viability of the business has absolutely no basis for consideration as the operator must have been well aware of the restrictions when they moved in.

Many thanks.

Newacres, Nerwburgh, WN8 7TU

From:

Sent: 24 July 2020 16:25

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Consultation on Application by Eden Tearoom, Newburgh

Dear Sir,

I raise the following points on the proposed licence application for the serving of alcohol for consumption on and off the premises, for the provision of late night refreshment and for late opening hours.

(Planning Application No 2020/0439/FUL)

1. The Planning Statement supporting the planning application states that there will be active management of sound levels within the premises so that noise shall not be clearly distinguishable at a neighbour's property boundary after 6:00pm. I would comment that this is a somewhat arbitrary level of control and potentially open to interpretation. An enforceable noise limit should be defined at the boundary of the tea room premises with that limit established as the current noise level (as measured in dba) at defined locations on the boundary of the premises during the proposed hours of operation. i.e. there should be no detriment to the current standard of amenity in the village.

2. The potentially more difficult problem associated with the proposal is that relating to movement of people, particularly away from the venue late at night. I think that this type of music venue is suitable for locations where the local infrastructure supports the effective movement of people away from the venue with little impact on the neighbourhood. For example, where there is immediate connection to local public transport or plentiful local overnight accommodation. The proposed village setting will not work in this respect. The Planning Statement identifies a number of potential problems associated with people outside the premises including the prohibition of use of litter bins after 8:00pm to avoid noise! Other concerns are apparent:

- Congregations of people outside the premises during the event, smoking, for example, causing elevated noise,
- Spread of litter and rubbish, especially if litter bins will not be available,
- Traffic noise associated with congregation of taxis or minibuses awaiting pick-ups,
- Traffic noise associated with cars leaving the venue,
- Road safety issues associated with interaction of existing traffic, including HGVs, and new traffic, for example waiting taxis,
- Adequacy of toilet facilities,

And noise outside the premises as groups of people leave the event.

3. It is the ongoing regularity of the proposed events that is of concern and the consequent likelihood of continued loss of amenity to village residents given that any proposals for control over noise and disturbance associated with movement of significant numbers of people will be impossible to enforce.

Consequently I object to the proposal.

Regards

Newacres

From:

Sent: 29 July 2020 17:45

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Application for Premises Licence Eden Tea Room NEWBURGH by Mr Parson, - owner of Ditto music Ditto Coffee and Director of Eden Tea room

Importance: High

This is to **object against the application of alcohol licence for the EDEN Tea Room.**

1. A tea room does not need alcohol licence and the planning application for Wedding Venue to 2am on Friday and Saturdays will be a public nuisance and Crime potential for the Greenbelt community of Newburgh. We are a designated green belt conservation village and this licence will go against the ethos of the village. It will bring late night noise and light pollution and criminal damage from drink driving as there is no public transport at night through the village and will create a litter nuisance.
2. See photo:



I would be grateful if you could explain the differences between the two boundary lines for Eden tea room. The original boundary from the planning application is in red and the original licence boundary is in blue. Eden is actually applying to use greenbelt land which is outside the planning permission from the 2017 agreement.

Note: the huge discrepancy between the two boundaries. What is going on, surely the applicant can't be suggesting the site is as big as they suggest?

They have already broken several breaches to the building application and continue to flout the restrictions. They have tried to gain an alcohol license by hiding the original notices behind their barriers and yet this week the council has had to re-issue the public notice as the details were incorrect. This is after suspending their licence as it was issued without public consultation. It could be argued that the police and

How on earth can the council agree to such a licence of 2am when the planning application states 1am in a green belt. This is wholly unacceptable in a green belt area and the building is a commercial building that is unlikely to attract weddings. Live music would be heard around the village and this would travel throughout the village. Once a year we have to experience the Tawd valley scout celebrations and the disco can be heard in the centre of the village and although they have a licence until midnight it continues until 1am so what is to stop Eden continuing live music past the licence time.

I put it to the council that as they have over 10 breaches already that they will continue to breach and they are advertising alcohol now – when they don't have a licence – are they actually serving it now?

How can they propose that all doors and windows will be kept closed when it is a glass building and in summer months it will be very hot so they will open windows. The night lights at present create a light pollution already which will cause a noise pollution once live music is undertaken.

How can they control the sound when people leave events at all times of the night so this will create noise all night and also staff leaving the venue will be even later than the proposed 2am

I also must advise that they are receiving deliveries at 7am which breaches the original licence which stated 'all deliveries to be understood between 8am-6pm'

You cannot trust this company who has a multi million pound director just out for profit – not putting anything back into the community unlike other companies in the village ie Applecast. The application states that the 'volume of the amplified sound shall at all times be under the control of the licensee' BUT Matt Parson will not be present at all times as he has his other companies to run and the website of Eden states that it is his wife's business. She has young children so again is unlikely to be present till 2am. If leaving this to young staff it is unlikely that they will abide with the regulation and the community would be unable to ensure the terms are complied with.. It is a known fact that the council does not check whether licensee's abide by rules.

They had submitted a letter 'supporting statement' for the proposed business times and they stated that they would not be accepting 'young adults, only mature' – this is discriminatory and how on earth would they be able to police this. If it was a 50th birthday party does this mean they wouldn't accept children of couples in their 50's.

It is a ludicrous statement to make and just shows how arrogant they are towards the community. They are also already advertising nationally on certain websites the menu with alcohol and accepting payments for night time event, it is as if it is just a process and that they know they already have been granted the alcohol and late night opening.

The village community will be strongly protesting against both the alcohol licence past 6pm and late nights opening and alcohol at these times. The village has already contacted media and will continue to shout loud and hard about the gross violation of a greenbelt area.

I look forward to your comments and am also interested in knowing why you granted a licence without correct procedure, who is accountable for this error. Who do I contact in order to find out what investigation and the outcome of the investigation in the 'discrepancies'

As a high paying council tax payer I insist on knowing who is accountable for these errors and wish to see the process for which licenses are granted and want assurance that there has been no 'handing over of money' in order to achieve both the alcohol and changes to building regs. Why are councillors on both committees. Is this not a conflict of interest. Have you asked the police and environmental officer for a new assessment based on the breaches of planning.

Clovelly Drive
Newburgh

From:

Sent: 04 August 2020 07:00

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Notice of Application for the Grant of a Premises Licence, Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

Back Lane

Newburgh

Lancashire

WN8 7UQ

Licensing Officer

West Lancashire Borough Council

Licensing Section

Robert Hodge Centre

Stanley Way

Skelmersdale WN8 8EE

4th August 2020

Dear Licensing Officer

REF: Notice of Application for the Grant of a Premises Licence, Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

I wish to object to the proposal as per the following statements:

The Local Plan is clear that each area of the District should retain its own distinctive character through the protection of assets and good design of development. This development in this quiet Green Belt location does not match these requirements specified in the local plan.

1. noise will be excessive and disruptive to local residents including those caused by patrons at events, travel to and from the venue, music being played at various times, deliveries, plant, etc.
2. disturbance from patrons visiting and leaving the premises late into the evening, live music bands packing up and leaving after the event
3. litter from patrons drinking, eating and smoking outside the premises, and on their way to and from the premises;
4. Antisocial behaviour including violence, alcohol abuse, drug use, damage cause by reckless behaviour, etc
5. Environmental damage through excessive light pollution contrary to initiatives already in place and planned to reduce this

Yours faithfully

From:

Sent: 04 August 2020 08:56

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Licensing application Eden Tea Rooms

Sirs, I wish to register my strong objections to the licensing application by Eden Tea Rooms and Galleries in Course Lane, Newburgh on the grounds that the late hours until 11pm Sundays to Thursdays and until 1am Fridays and Saturdays. These late hours will cause considerable disturbance to the residents of Newburgh and in particular the residents of Course Lane, especially those living directly opposite the building.

The noise of people and vehicles leaving the premises at that time of night will create a lot of noise and will cause disturbance to the residents' sleep and thereby their mental well being

Course Lane, Newburgh WN8 7UB

-----Original Message-----

From:

Sent: 26 July 2020 15:06

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery

Dear Sir

Re Eden Tearoom & Gallery, Course Lane.

I object to the premise license application on a number of grounds:

1. The extension of hours until 01:00 would be highly significant risk for public nuisance and crime and disorder. The impact this would have on both residents and surrounding areas would be immense. This type of licensing sees excessive episodes of disorder and is associated with urban areas where the areas are afforded security personnel, CCTV, higher levels of policing and the infrastructure to cope.
2. Public Safety. The venue is located on the A5209 with potential for significant risk to both traffic and users of the venue with vehicle access and egress to the site, taxi attendances and alcohol related traffic incidents.

There is no similar precedent for such licensing in the surround area and the Licensing Authority must observe its statutory duties in protecting the public.

Ash Brow
Newburgh
WN8 &NG

-----Original Message-----

From:

Sent: 11 August 2020 16:09

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom and Gallery in Course Lane Newburgh Premises Licence

F A O The Licencing Officer

Dear Sirs

We write with reference to the above matter When the premises the subject of the above application changed hands an Open Evening was held when plans were disclosed, discussed with the New Owner and his Agent, and broadly welcomed by residents as a fitting amenity for this small rural community. The prospect of a Tea Room and Gallery with limited opening hours was considered to be appropriate and in keeping with the locality.

As the construction of the building continued it was apparent that this would be a desirable amenity and the original Planning Application confirmed this.

Out of the blue and with no opportunity for dissent it then became known that a Music and Alcohol Premises Licence had been granted fundamentally changing the hours for which the Planning Consent has been obtained and changing the entire nature of the proposed use originally envisaged Furthermore the premises at the rear were last weekend used for a Farmer's Market without correct approval and several other breaches of Planning appear to have been made.

The name given to the premises confirmed its objective but it now appears that by seeking to obtain a Premises Licence for vastly increased hours with the addition of a music Licence this objective was spurious from the start.

The hours of opening in the Original Planning Application cannot have been a mistake or oversight and the current applications are a cynical ploy to obtain fundamental changes The 4 items applied for are entirely out of keeping with a tea room and gallery and obviously would have raised objections to the original Planning Application if they had been revealed then We therefore object strenuously to the application on the following grounds:

1. Public Nuisance

Singing and amplified music would reverberate around the village to the detriment of residents particularly those living opposite.

Annual events such as Newburgh Fair each June have some musical evenings and the sound carries to all parts of the village. They do not go on late into the night and are open to all.

Musical events on a regular basis with late licences and music would create a public nuisance.

We note the reference on the website to keeping external doors and windows closed. With respect this is very unlikely to be fulfilled and in any event are the premises sound proofed? This is entirely inappropriate for a rural village location and more suited to a city centre There would also be the issue of vehicles and other traffic creating noise and disturbing the tranquility of the village It is understood that a ventilation fan has been installed contrary to the submitted plans. These are very noisy and the omission from the plans surely cannot have been accidental

2. Public Safety The road is a busy A road linking to the M 6 motorway and is in use throughout the year The sale of alcohol to be consumed so near to the road will inevitably create problems given the extent of the outside drinking area designated on the Application

3. The venue is being widely advertised and is likely to attract people from outside the area resulting in potential crime and disorder as well as harm to young children. Furthermore there is very little police support in the area As well as protecting young people from harm consideration for the many elderly and retired local residents needs to be given.

Finally please note that in our opinion the premises when in use would result in light pollution for nearby residents and a distraction for vehicles passing through It seems a great pity that what began as a pleasant gentle artistic venue now seeks to reform itself into something inappropriate for

anywhere other than a town or city centre Please acknowledge receipt of these objections Yours
faithfully

Ash Brow Newburgh Wigan WN 8 7 NF Sent from my iPad

Short description: Licensing enquiry

Description: Contact Type:
Web

Type of request:
Other

If other, please state:
re application 2020/1151/FUL Eden Tearooms for extended alcohol licence

Details of enquiry or feedback:
I wish to lodge my objection for the above application for extended alcohol licence
This is more in keeping with a town centre than a small rural village.

this will cause a great deal of distress to the many homes that surround Eden Tearooms.

1, the noise from people leaving the proposed functions at 11pm Monday- thursday and Friday and Saturday at 1am will cause residents which include elderly and children a great deal of sleep disruption.

2 The people leaving said functions would certainly not leave quietly, there would be car doors banging, lights from cars and possibly coaches leaving by two exits

3 it also opens up the possibility of crime and disorder by the fact alcohol will be served at such a late hour.

4 The lights emanating from this building would be most intrusive to people who live in close proximity. They have been left on one or twice (maybe by accident) and looks like a well lit car showroom.

5 this business is advertising their functions widely outside the village so people who do attend may not appreciate we are a quiet village.

As a resident of Newburgh we at first welcomed Eden Tearooms as an asset to our village with the opening hours of 8am-6pm which I do not object to alcohol being served, now we are very concerned that it will turn into what some might describe as a nightclub.

Please put the residents first and turn down this licensing application.

Kind Regards

From:

Sent: 05 August 2020 14:44

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Premises licence application by Eden Tearoom and Gallery Newburgh

We are objecting to the above application on a number of grounds.

Prevention of public nuisance:

The 2016 planning consent was subject to certain conditions, one of which was opening hours up to 1800 hours.

The granting of an alcohol licence up to 2300 hours would be at variance with this condition and cause a nuisance to the residents in the surrounding area.

Extending the opening hours to 1am at weekends would produce disturbance with the departure firstly of guests and subsequently of staff.

Live and recorded music provision. The building was not built with soundproofing as a principle of its construction. Music played internally would inevitably intrude on the peaceful village surroundings until late into the night/morning.

Public Safety:

The A5209 is not an accident free road. Adding to the late night post entertainment traffic will not improve this state. The number of lamp standards that have to be replaced and the damaged hedgerows are witness to the current problem.

Reliability of the site operators:

The applicants have shown their disregard of the terms of their planning consent. Consideration should be given to how closely they would comply with the terms of any licence.

These collectively are substantial changes to the original planning consent and materially impinge on the right of local residents to a peaceful life.

From:

Sent: 25 July 2020 11:55

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Fwd: Change to alcohol license at Eden Tearoom and Gallery

FAO Licencing Dept

I would like to object to the application for a license to sell alcohol at Eden Tearoom and Gallery.

My reasons are the same as I listed in the email regarding the revised planning applications (please see below) I would also add that the chosen name for this business may have led Newburgh villagers to believe it would be a TEAROOM not a venue for late night functions!

I am very concerned that the chances of road accidents and public disorder would be high if this alcohol license is granted.

I would be grateful if you could consider my objections during this consultation.

Many thanks

From:
Sent: 27 July 2020 12:11
To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>
Subject: Eden tearoom, Newburgh

Dear sir/ madam,

I write with regard to the license application for Eden tearooms and gallery, Course Lane, Newburgh. As a resident of the village whose address is on Course Lane I am registering my concern about the impact of the licensing application to sell alcohol on and off the premises and late licensing hours application for pre booked events on Friday and Saturday evenings.

This is a quiet village, with a lot of elderly residents and the increased level of noise this license will potentially cause is a public nuisance to local residents. As the serving of alcohol will require the clientele to either walk through the village with potential increased noise disruption at a late hour, or after an 'event', transport required to take people from the venue is additional noise and a potential public nuisance at a late hour. There is little police presence around the village and no one to monitor the behaviour/ noise levels of people leaving the venue.

The original planning application was for a gallery and tearoom - less invasive than the fallout of that now becoming a place where alcohol could be served.

I would like to register my objections to this application.

Kind regards,

Course Lane,
Newburgh
WN87XD

From:**Sent:** 12 August 2020 15:03**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Subject:** Representation regarding Eden Tearoom, Newburgh

Dear WLBC Licensing Officer,

Please register our concerns about the recent alcohol licence application made by Matt Parsons on behalf of Eden Tearoom, Newburgh. Although we could respect an alcohol licence that matches the approved daily opening hours of 8am-6pm (9am-6pm on Sundays), the current application to extend these hours is wholly unacceptable to us for the reasons below. Our objection is particularly significant given the enormous disparity requested for an extension to 11pm daily and 1am on Fridays and Saturdays. Eden Tearoom did not consult with villagers about this licence application and is pushing beyond reasonable limits. Even the boundary for alcohol consumption unreasonably includes outside areas (excessive space at that) so amplifying litter, noise and light pollution.

The Prevention of Crime and Disorder

Newburgh is a small village with little crime and disorder. Litter, graffiti, damage, violence, driving offences, theft, burglary, drunkenness, drug use, smoking and disputes are rare, thanks to a strong, supportive, traditional community environment. The village already has a licensed pub and a sports club that are sufficient to serve the local residents. If this licence were granted, evening users of Eden Tearoom would mostly live outside the village and have little respect for it, with a resulting increase in crime and disorder beyond a level that could be properly policed. Visitors from the nearby towns of Burscough, Skelmersdale, Ormskirk and Wigan would be unsympathetic to respecting and maintaining our rural quality of life.

Public Safety

Granting this licence would lead to increased traffic through the village, rendering an already busy road even busier and further endangering pedestrians, cyclists and animals. This effect would be amplified because of increased noise levels and erratic driving due to alcohol consumption. Although police respond to incidents when requested, there would be no local capacity for dealing with minor problems such as loud music, unruly behaviour, shouting, theft from gardens, discarded litter and broken glass left behind by drunken visitors. Such matters can instil fear in local residents and cause harm to pets and wildlife.

The Prevention of Public Nuisance

Course Lane is very busy with lorries, cars, buses, motor bikes and other vehicles during daytime hours, so the evenings currently provide some relief from this noise and danger. Clearly, any increase in evening traffic would be a nuisance to local residents. The levels of noise and light pollution would also increase and become a public nuisance to villagers, not just those located close to Eden Tearoom but all Newburgh's residents. We know this because we live several hundred yards from the Red Lion and the School but hear the annual fireworks and fair celebrations, respectively, clearly from our house. Such rare village events are bearable, but regular noise and light pollution, as would arise if this application were granted, would be a very annoying nuisance to us all. Although the licence application suggests that noise and light pollution and driving problems would be controlled, general

experience elsewhere suggests that this would not happen in practice as thorough monitoring and licence revocations are rare.

The Protection of Children from Harm

We have no children and so have no direct experience or concerns here. However, the points raised above clearly have implications for the health and safety of children in the village.

Yours truly,
Cobb's Brow Lane, Newburgh.

----- Forwarded message -----

From:

Date: Thu, Aug 13, 2020 at 12:39 PM

Subject: Licence application 2020/1151/FUL

To:

Dear Licencing Team,

My wife and I have lived in Newburgh for almost 50years, I am a former Parish Councillor, we moved to this lovely quiet Village and lived quietly.

I am over 80 years old and disabled, I object strongly to the proposed extended hours at The Eden Tea Rooms.

To allow alcohol to be served till 11pm, 5 days a week will I am sure result in a lot of noise after 11pm as customers leave the building, car doors, drunken goodbyes, horns sounding etc.

This will cause a considerable nuisance to many neighbouring properties.

To have the hours extended to 1am on Fridays and Saturdays gives an extra 2 hours of noise and nuisance which is just not in keeping with the quiet life the people of Newburgh are used to.

The size of the area for proposed consumption of alcohol will accommodate a large number of people who will get noisier as the night progresses and more drinking goes on.

A dozen people drinking and chatting makes a lot of noise, the outside area may well have 50 or more noisy drinkers

This is not good for Village Life.

The outside consumption area appears to include the parking area, so calls into question where will the customers park ... Sandy Lane, New Acres, Tears Lane or the Main Road?

This will create more widespread noise and nuisance and danger to the public, traffic accidents and more mayhem.

The Venue is advertising widely and will attract more traffic from other areas, resulting in more parking problems, public disorder, noise and drunken abuse for anyone objecting, there is even the mention of Coaches being able to visit in the advert!

There is a potential that it will increase the crime rate which is currently very low, but with all those cars to steal thieves will come from far and wide and we don't have a Police presence in Newburgh or anywhere near so the residents, many of them elderly, will be at the mercy of the influx of criminals.

There are lots of venues for Weddings, etc in the area. WE DON'T NEED ONE IN NEWBURGH

Yours faithfully

From:

Sent: 13 August 2020 12:09

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms, Newburgh drinks application

Dear Sir/Madam,

I wish to object to the above application for a drink/music license upto 11pm Sunday to Thursday and 1am Friday and Saturday for the following reasons:-

1) Noise and public nuisance. There will be car door slamming, engine noise, shouting, late at night in a very quiet village.

2) Road safety. Extra traffic coming from a place that will be selling alcohol late into the night must be of public concern.

3) Light pollution. Front of building is mainly glass so the light will be a nuisance to both local residents and passing motorists. It will also effect the local wildlife, especially the bats which frequent this area.

4) Is a potential nightclub suitable for a quiet, agricultural village like Newburgh? I would strongly suggest it is not.

Yours faithfully,

Course Lane, Newburgh, WN87UB

To WLBC Licensing Team.
Licensing.enquiries@westlancs.gov.uk

Ref: Eden Tearooms, Course Lane Newburgh.

Newacres Newburgh, WN8 7TU

I would like to register my objections against planning application 2020/1151/FUL
I would like to set out my objections against the licensing act 2003.

- The prevention of crime and disorder.
- Public Safety.
- The prevention of public nuisance.

The prevention of crime and disorder.

Newburgh is a small quiet Rural Village with little or no crime, or disorderly behaviour.

- How can this be prevented if the consumption of alcohol has been consumed over a long period of time.
- When leaving the premises after a late night of consuming alcohol **disorderly** disagreements are bound to happen.
- In the event of a **disorder** who would police this, there is no Police Support in the close vicinity.
- Customers attending these functions would be coming from further afield, so would not have the same respect as locals to keep the noise down when leaving.

Public Safety

Newburgh has only one A road in and out of the village, Advertising this venue would generate a large amount of people who would not be used to a quiet rural village life style, and with no other means of transport, this would generate an increase traffic flow with cars, mini buses, etc. during early evening and Late at night, increasing the risk of **public safety**.
With the isolation of the venue being in a small rural village, could this not encourage drink driving, causing a **public safety** concern?

Added to that with the venue so close to Course lane, lighting and amplified music could be a distraction to drivers passing through, causing a high risk to **public safety**. Also, with large crowds congregating outside at the end of the evening having consumed alcohol all night could distract any drivers coming through the village.

Prevention of public nuisance.

Newburgh is a small rural village, after 6pm the village becomes a much quieter place to live and enjoyed by its residents. At night, the village becomes silent.

The Building that the Eden Tearoom operates from on Course Lane, was designed as a farm shop. And does not have the acoustic design to reduce any noise.

On that basis, amplified music would travel causing a **public nuisance** to the residence on Course Lane, Sandy Lane, Back Lane, Newacres, Tears Lane. Woodrow Drive, causing a **public nuisance** to 500 or more residence in Newburgh.

Other consideration, where will the customers be parking if they decide to drive to the venue, Parking in residential areas would cause a **public nuisance**.

There is very little parking space outside Eden Tearooms.

Public nuisance caused by light pollution. The front of the Tea rooms is fronted with glass and is already bad with internal security lights on, lighting up the whole area.

Flashing lights to the early hours of the morning would be a real **public nuisance** for all residence within proximity of Eden tearooms.

To conclude. I am totally opposed to the application to extend opening hours for a music venue, and the consumption of Alcohol, at the Eden tearoom in Newburgh. For all the reasons mentioned above.

I also do not understand why they would want such a large area outside the premises for the consumption of alcohol. The initial planning application which was approved was between the times of 8-6pm, and 9-6pm on Sunday. This fits in with a quiet rural village lifestyle, why now and with breaking planning rules would Eden Tearoom apply for a late-night music and Alcohol consumption Licence in a quiet Rural village.

Yours Sincerely

To whom it may concern.

I would like to inform the parish council of my households objections to the application from Eden for extended hours til 11pm weeknights and 1am at weekends.

As a resident directly opposite the building I find the proposed hours to be inappropriate in such close proximity. The noise levels are undoubtedly going to affect my family; even if the only noise is large parties of people leaving the premises at 1am or 11pm.

I have seen the restrictions but note there is no limit to the number of events per year or month. Therefore this could be every weekend. The hours applied for do not seem to fit with the original proposed business which is a tea room and art gallery.

I will be objecting officially with the council.

Kind regards

Ash Nook
Course Lane

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Sent from my Android phone with [mail.com](mailto:) Mail. Please excuse my brevity.
Thank you for your email. I can confirm that a Licensing Sub Committee will be required to determine this application. Further details will be provided regarding dates and times and a formal invitation will be provided on or before Monday 24 August 2020.

Please see below my reasons for my objection to Eden Tea rooms having a licence till 1am. The prevention of public nuisance- the noise of people leaving after 10 pm when they have been consuming alcohol would be a disturbance to the residents of Newburgh with increased traffic ,car doors and conversations. Taxis drivers and mini buses would probably be used as a transport as well adding to the public nuisance of noise levels.

This could also be a safety aspect as the number of vehicles on a dark road and the additional traffic with no pavement on that side of the road.

In addition I would be concerned re the amount of alcoholometer being being consumed till that time would lead to an increase in crime and disorder in the vicinity , litter, and fights may be an issue in the summer people may wonder from the venue resulting in broken bottles on roads and pavement and vandalism to nearby building bus shelters etc. People attending would be visitors to the area and cause disturbances as they were leaving the venue.

Thank you

Sorry for the delay I have been away

> Courselane
> Newburgh
> Wn8 7la
>

From

Sent: 16 August 2020 16:32

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Alcohol License Objection: Eden Tearooms, Newburgh

Dear Sir/Madam,

I am writing to register my objection to the alcohol and music license application from [Eden Tearooms, Course Lane, Newburgh, WN8 7UB](#), dated 27th of July 2020. I am owner and resident of Tabby's Nook, Newburgh, WN8 7LN.

I object to this application, as I believe the conditions of the license would result in **public nuisance** to nearby residents. My arguments for this are as follows:

- 1) The proposed license considerably extends the opening hours of this premises, in contradiction to conditions set in the original planning permission for the building.**

Condition seven of the original approved planning application (2016/1151/FUL) states: *"The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays and 0900 and 1800 on Sundays and Public/Bank Holidays"*.

For the stated reason:

"To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document"

Therefore, it is plain that local government (following public consultation) have already established that an extension of opening hours would, *ipso facto*, **risk** the amenity of adjacent properties and the area generally.

- 2) The proposed license would cause both noise and light pollution, into the early hours each weekend.**

Despite the license requirements to keep doors and windows shut, I would draw your attention to the construction and locality of the Eden Building. The building is situated in a small, quiet village, facing residential housing and surrounded by flat agricultural land. The front of the Eden building is glass, and in keeping with the design language for many modern galleries, it appears to consist of a poured concrete floor and minimalist interior – i.e. a semi-transparent echo box, situated on a flat open plane. As such, the building represents a source of both light and noise pollution, which could be reasonably expected to carry beyond the immediate barrier of the property. To illustrate, noise from night events held in Tawd Vale (approximately 1.3 miles away, again over predominantly flat agricultural land) can be heard in Newburgh.

- 3) The proposed license would cause considerable traffic, into the early hours each weekend.**

Newburgh and nearby Parbold are well served for licensed premises (e.g. the Railway, the Windmill, the Stocks, the Wayfarer, the Red Lion, Newburgh Sports Club). It would therefore be reasonable to assume the requested extension to business hours, in particular the light night pre-booked events on Fridays and Saturdays, would be aimed at serving the needs of a predominantly late night, out of town audience, rather than local residents. In turn, this would likely increase traffic from visitors cars and local taxis, causing noise from car engines, banging car doors, as well as noise generated by patrons leaving the site.

Many thanks for your consideration of these objections.

Sincerely,

NEWBURGH
Lancashire
WN8 7LD
16th August 2020

West Lancashire Borough Council
Licensing Service
Robert Hodge Centre
Stanley Way
Skelmersdale
West Lancashire
WN8 8EE

Granting of the Alcohol and Music Licence for the Eden Tearooms, Newburgh

Dear Sir / Madam,

I understand that another application has been made for the granting of a licence for alcohol and amplified music (8am -11pm, and to 1 am on Fridays and Saturdays) at the Eden Tearooms, Course Lane, Newburgh, this time by the Director Mr Matt Parsons.

Yet again I wish to register my strong objection to the granting of this licence, on the grounds of potential public nuisance. As the properties immediately opposite and adjacent to Eden Tearooms are homes of working families and elderly residents, I feel that the licence, if granted would bring many hours of unacceptable noise and disturbance to this previously quiet, residential community.

The neighbours could potentially be subject to disturbance and sleep deprivation until the early hours every weekend. Even the earlier closing time of 11pm during the week would bring its own problems of noise and light pollution, slamming of car doors, coming and going of cars and clients adding to the disturbance in the outdoor seating area. I might add that the main road through Newburgh (A5209) is extremely busy and noisy during the day, with thousands of large HGVs thundering through the village. It is a welcome relief at the end of the working day when the road becomes relatively quiet. How sad it would be for the neighbours of the Eden Tearooms to be deprived of this quiet time due to this ill-considered licence application.

Despite the applicant's assurances that noise from the customers will be closely monitored, I do not believe that this would prevent unacceptable levels of disturbance for the residents who live in close proximity to the venue. The area where outside drinking would be permitted seems large to me, and I do not think that staff would realistically be able to enforce the quiet and restrained behaviour of clients who are out to celebrate and have a good time. The consumption of alcohol until late night is surely a factor here!

The claim that the venue would only be open late for pre booked functions is of little significance. Just because a function is 'pre-booked', this does not guarantee the peace and quiet the neighbours deserve.

Keeping the doors closed to prevent music and disco sounds emanating from the building is also unrealistic as people would obviously want to move freely between the building and the outside area.

An element of public nuisance is to "materially affect the reasonable comfort and convenience of life of a class of Her Majesty's subjects" The granting of this licence

would in effect turn the 'Tearoom' into a night time venue, with all the noise, inconvenience and disturbance this would bring to nearby households.

Appropriate function venues are already available at the Sports Club and the Red Lion public house, and are more in keeping with the needs of local residents.

The original application to turn the old strawberry farm into a tearoom and gallery was welcomed by many residents of Newburgh as this seemed in keeping with the quiet, rural nature of the village. The incremental steps towards turning the 'tearoom' into a night time drinking and music venue however seem presumptuous and unfair. In view of these concerns, which I believe to be shared by many in Newburgh, I request that the application be denied.

Yours sincerely

Back Lane
Newburgh
WN8 7UQ

16 August 2020

Dear Sir/Madam,

Re: Eden Tearooms and Gallery, Course Lane, Newburgh - application to

extend alcohol and music licence

I am a resident of Newburgh village and wish to object to the application to

extend the music and alcohol licence beyond 6pm daily.

1. The noise created by amplified music and the sound of people drinking

alcohol after 6pm, either inside or outside the premises, constitutes a public nuisance which would materially and adversely affect the quality of life of the residents of Newburgh. I can hear music from the marquee erected for the annual Newburgh village fair and from Tawd Vale scout camp whenever they apply for extended licensing hours. However these licenses are applied for very rarely. It would adversely affect the whole of Newburgh village if the sounds of music and customers drinking alcohol at Eden Tearooms (which is much closer to my house than the fair or scout camp) were to be allowed every day of the week.

In addition, the consequential noise created by suppliers of alcohol delivering bottles and the staff clearing empty bottles into the waste bins is already and will continue to be intolerable for those residents on Course Lane, Sandy Lane and Back Lane.

A commercial enterprise such as the applicants are envisaging after 6pm

is out of character for the village. Residents with school age children who need to be in bed much earlier than 11pm or 1am and those who are retired (as I am) will regard the extra noise as a public nuisance which will affect their quiet enjoyment of their houses and gardens.

2. The noise created by the frequent sounds of cars and other vehicles travelling to and from Eden Tearooms along Course Lane, Sandy Lane and Back Lane would also constitute a public nuisance. Newburgh is a very quiet village and there is hardly any sound from vehicles in the evenings as there are few commercial businesses operating after 6pm and so the vehicular traffic tends to be that of residents returning home from work. Eden Tearooms have space for a large car park which will also create noise from customers parking and exiting the car park late at night which will also be a public nuisance which does not occur in Newburgh at present.

3. There are many residents who walk their dogs down Back Lane, which does not have pavements for their safety. Back Lane is a narrow, quiet road and the parish council have sent reminders to residents to drive slowly to ensure that vehicles show consideration to pedestrians and cyclists. Customers using Eden Tearooms after 6pm are unlikely to be aware of pedestrians and their safety and I would urge the licensing authorities to take into consideration the public safety of pedestrians and cyclists.

4. Light pollution caused by the bright lights facing Course Lane and the smaller windows which are situated on all other sides of the buildings constitutes a public nuisance in my opinion. At the present there is hardly any light pollution in the village. The only lights that I can see come from residents' houses and the street lights. There are no commercial businesses which use powerful lights in the evenings. The envisaged light pollution caused by Eden Tearooms would materially and adversely impact upon the quality of life of the residents of Newburgh and would change the character of the village.

5. As most people know, late night consumption of alcohol can often lead to disorderly arguments where police involvement may be required. Newburgh is a quiet rural village where disorderly arguments are extremely rare, perhaps even non-existent. It is totally different from urban locations where the police are on hand and commonly deal with such issues.

6. The applicant originally applied for permission to use the building for a tea room and gallery, not a late night venue for parties involving alcohol. I believe that the licence originally granted to the applicants, to serve alcohol until 6pm, is fair and not excessive. In addition, it is clear that Eden Tearooms wishes its customers to consume alcohol outside the premises. Again, this may be appropriate for the hours up to 6pm, but after this time, the residents of Newburgh village should be allowed quiet enjoyment of their homes.

Eden Tearooms are already in breach of planning permission granted to them. For example, the building has not been properly clad, designated grassed areas now have tarred hard surfaces, a craft market has been held

without prior approval and suppliers have arrived before 8am in breach of

planning approval. I therefore have no faith that they will honour future obligations if the extended licence is granted.

Eden Tearooms should not be permitted to impose their commercial

interests above the residents by this application which will materially and adversely impact on the whole of the village.

For the above reasons I strenuously and wholeheartedly object to the application to extend the licensing hours beyond 8am -6pm (Monday to Saturday) and 9am – 6pm Sunday.

Yours faithfully,

From:

Sent: 17 August 2020 12:30

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom night time alcohol & music license application

Dear sir / madam

I am writing to express my concerns over the above application in Course Lane, Newburgh.

I object to the application for the following reasons:-

Light pollution from internal lighting coupled with vehicle headlights exiting the venue, along with noise from events and members of the public leaving the venue late at night will become a public nuisance for our rural community.

I feel the current approved hours are sufficient and hope that careful consideration will be given to the necessity of this application.

Yours faithfully

Back Lane, Newburgh, WN8 7UW

From:

Sent: 18 August 2020 17:01

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Premises Licence Application - Eden Tearoom and Gallery, Course Lane

I refer to the Licence Application for the above premises and comment as follows.

The original Licence Approval (now withdrawn for “ technical reasons “) should not have been approved.

The Licensing Authority should not have granted, and should not grant, any Licence for hours of opening that are not consistent with the hours of opening defined on any Planning Approval.

It appears, on the face of it, that the action of the Licensing Authority in granting a Licence in the first instance was bordering on the negligent.

I now refer to the current application. The application states that “ operating times and conditions already agreed with the Police and Environmental Health will remain in place “ and goes on to list those agreements.

It is quite wrong to assume in the current licence application that those conditions still apply. How can the Licensing Authority grant a Licence that may be at variance with the hours of opening defined in any Planning Consent ?

It is clear that there is considerable public concern about this application. This is evident in the document, available on line, relating to the Planning Application 2020/0439/FUL which seeks to allow later opening hours.

I have no doubt that it would greatly assist the Licensing Committee, in coming to a decision in this matter, if they read the responses to that application.

Many of these responses specifically refer to the matters that can be taken into account and in forthright and strong terms the responses include comments on:

The prevention of crime and disorder

Public Safety

The prevention of public nuisance

I have not read any responses that mention the Protection of Children from harm.

For my part I wish to object to the the possible approval of this Licence on the grounds of The Prevention of Public Nuisance (light pollution, noise pollution, traffic pollution).

This e-mail is not vexatious or frivolous and it relates directly to the defined Licensing objectives.

I hope that the Committee arrives at a decision that will promote the common good of the people of Newburgh.

I would be grateful if you would acknowledge receipt of this e-mail.

Thank you.

Cinnamon Nook,
Newburgh,

From:

Sent: 18 August 2020 17:57

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom

I wish to raise an objection to the extension of the licensing hours of The Eden Tearoom (the title says it all...Tearoom !) When the idea of a tearoom, gallery and art workshops was put forward most residents seem to think it was a good idea and a possible asset to our village. Since then it appears the owners think they can flaunt all original intentions.

Newburgh is a quiet community and does not require a hostelry.

We are virtually a crime free village and when necessary we are supported by Skelmersdale Police Force. Should Eden Tearooms be granted extended licence hours, I feel it would bring disturbance and problems.

I think most people know that when alcohol is involved all reasonable behaviour will be challenged, I.e. disregard for residents, loud shouting, singing etc. when leaving the building in the early hours.

Many of the residents in the surrounding properties are elderly, and have enjoyed living in a quiet environment without the kind of disturbance and nuisance that the extended hours would bring. Some of the residents will also be troubled by the amount of bright light from the all glass building. Also the properties directly opposite the building will lose a great deal of privacy.

Course Lane is a very busy road during the day, but quietens somewhat in the evening, late night revellers in their vehicles would change this.

Please, please consider the points I have made.

-----Original Message-----

From:

Sent: 17 August 2020 14:07

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden tea room. Course Lane Newburgh licence application

My name is , I live with my husband at Course Lane Newburgh, we are both very concerned about this license application.

We have lived in Newburgh for 20 years, relocating from east Lancashire as we had friends who had moved to the area and we loved it so much we decided to move here too.

One of my concerns is that there is relatively very little crime or disorderly behaviour at the moment in the village, I fear this would change if a licence was to be granted for the hours requested. The venue is very much in a residential area, a late event until 1.00 am with alcohol would have a detrimental effect on neighbours, with potential to increase crime and public nuisance, many of these functions would not be for the benefit Of residents, in addition if there was any situation we have no police support close by.

Another of my main concerns is the noise and light pollution. Anyone who has lived in the village for some time will remember the noise travelling from Tawd Vale camp which is over a mile away, this only happened once a year but was enough to keep you awake. As this is a rural location the noise travels. The noise would also be made worse by the opening and closing of doors during the event, especially if it is hot and people smoking outside etc. Course Lane becomes much quieter at night and the noise and light would also affect the abundance of wildlife that is in the area.

I sincerely hope that my concerns will be given consideration.

NEWBURGH PARISH COUNCIL
Clerk to the Council
Burscough, Ormskirk, Lancashire, L40 7UY
e-mail: clerk@newburghlancs.co.uk

17 August 2020

Eden Tearoom and Galleries Premises Licence Application – Newburgh Parish Council Representation

Newburgh Parish Council makes the following representation to West Lancashire Borough Council Licensing Authority on the Eden Tearoom and Galleries application for a Premises Licence. Our representation addresses the criteria of potential public nuisance and public safety.

Newburgh Parish Council has objected to West Lancashire Borough Council planning application 2020/0439/FUL for an extension of the Eden Tearoom opening hours to 11pm on Monday – Thursday and Sunday and to 1am on Friday and Saturday on grounds of the potential impact on neighbour amenity, particularly from late night external noise. A copy of our objection submitted to West Lancashire Borough Council on 23 July 2020 is attached for information.

The planning application statement from Eden Tearoom seeks an extension to the current opening hours “to maintain and diversify a viable business.”

A further supporting statement amplifies this, requiring the 11pm closing time from Sunday to Thursday “to accommodate the *occasional**cheese and wine night, a craft gin tasting and events of this nature.” Eden social media similarly says “After 6pm the tearoom space shall be used for *occasional** privately booked events such as cheese and wine evenings, yoga and gin tastings to name a few.”

The case for a 1am extension (or 2am in the licensing application) on Friday and Saturday is justified in the licensing application for “private functions such as weddings, anniversary parties etc to be *occasionally** held on Friday and/or Saturday”. In the planning statement it is similarly for “private pre-booked functions only. This was with the thought of *occasional** wedding anniversaries etc”

Newburgh Parish Council challenges the need for such late hours to accommodate the proposed events. Why would an event such as a cheese and wine evening need a closing time up to 11pm? Why would an anniversary party need a closing time of 1am?

A music and alcohol licence for these late times in a residential area in a rural village is unacceptable on grounds of potential disturbance to neighbour amenity. Whatever internal noise controls are applied, the activity of guests outside up to 9pm (as per the proposed licensing conditions) and departure of guests at times up to 1am presents the threat of unacceptable external noise. A building illuminated until late at night would be an unwanted intrusion into neighbours’ privacy. The departure of traffic on to a main highway late at night presents a risk to public safety.

Newburgh Parish Council represents to the Licensing Authority that, once a licence is granted, the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be and whoever may operate the site.

While there is much emphasis on “occasional” events this is an ill-defined term without limitation which could simply be interpreted to suit the frequency required by the operators. There has been considerable support for the concept of a tearoom and gallery and art-related activities opening from 8am to 6pm as currently permitted but much public disquiet at the

extension of activities whose frequency and hours would be at the sole discretion of the applicant.

The Council has no objection to a licence applying to current opening hours but recommends refusal of the licence for the late hours proposed on the grounds of the potential public nuisance and public safety.

**our italics*

From:

Sent: 18 August 2020 10:20

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Licence application for Eden Tea Rooms, Newburgh. Representations from Newburgh resident

Sandy Lane
Newburgh
WN8 7TT

I would like to make know my objections to the Alcohol and Amplified Music licence application recently submitted by Eden Tea Rooms which requests permission for sale of alcohol and playing of live and recorded music beyond the time limits of opening hours as agreed in planning application 2017/0738/FUL which restricts the opening hours of the tea room to between 8am and 6pm every day of the week.

- The approved planning application (2017/0738/FUL) does not mention the sale of alcohol and the playing of music of any kind so an application for such a licence is a major change to the use of the building so the full planning process should revert back to square one and the planning process started again.
- The sale of alcohol and playing of music will inevitably cause significant problems to the neighbours of the site and surrounding areas. The site is very exposed ,sound will travel great distances and will especially be intrusive at night.
- It will be very difficult to control the behaviour of customers attending events and especially when they leave the site (loud voices, doors slamming etc). There will also be a problem with the lighting from the building which will be very bright and intrusive to the neighbours , especially so in the winter and late at night.
- The licence application asks for extension of serving of alcohol to 1am on Friday and Saturday evenings **but also requests extension of playing of live and recorded music to 2am** , which inevitably means that the site would not finally close until about 3am to allow staff to clear up . This is surely not acceptable .
- The threat of raising the level of CoronaVirus infection from the extended hours cannot be emphasised too much. The recent abysmal performance of site management to implement the required safety measures to control the spread of the virus at the recent Artisans Market gives me no confidence that best practice will prevail if the licence is granted.
- Please confirm that the application for extension of hours only applies to the Eden Tea Room cafe and not to the Art Gallery and especially not to the Agricultural Storage area which was used to hold the Artisans Market in direct contravention of Planning Approval (2017/0738/FUL) where Restriction 5 states that the Agricultural Storage facility ' will only be used to store agricultural equipment and produce grown on site ' .
- Granting of the licence to all parts of the site opens up the possibility of large-scale events in the Agricultural Storage which would be a disaster for the village .

In my opinion the original opening hours granted by the approved planning application are sufficient for the running of the business and the local community. I hope the committee see fit to refuse the application for extension of these opening hours.

Regards,

From:

Sent: 18 August 2020 17:52

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms night time alcohol and music licence (weekend late hours application), in Newburgh village.

Woodrow Drive

Newburgh

WN8 7LB

REF:- Application by Ditto Coffee: WLDC Planning Application No 2020/0515/NMA:
2020/0439/FUL: 2016/1151/FUL

Under Licensing Act 2003, the Council is the licensing authority for the Newburgh area of West Lancashire, and deals with the retail sale of alcohol and the performance of live music. My area of concern, aligns with the council's objective of preventing nuisance in our quiet rural village.

In essence, the nuisance that would be caused by alcohol consumption into the late hours of Friday and Saturday nights, by granting a alcohol and live music licence until 1am in the morning. This is totally unreasonable, and is normally only granted at Christmas and New Year. Car parking will overflow into Woodrow Drive where I live, and other side roads, with late night revellers, and the slamming of car doors.

Please review these late hours.

Yours Sincerely

Sent from [Mail](#) for Windows 10

From:

Sent: 20 August 2020 11:31

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to Licence Application for Eden Tea Room

Course lane

Newburgh

WN8 7XD

20 August 2020

Licensing Service

West Lancashire Borough Council

Dear Sir,

Application for a Premises Licence

Eden Tearoom Newburgh

I live further down Course Lane from the above premises and wish to make representations to the Council in relation to the application for a premises licence. The grounds on which I am relying in support of my objection are the likely adverse effects of the grant of the application on the promotion of the statutory licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Newburgh is a quiet residential village in a rural setting with ample provision of licensed premises. The Community Council will confirm that there is no demand for additional provision so the likelihood is that the granting of this application will lead to an overprovision. With insufficient local demand, the viability of the business must be questioned and may well lead to the applicant seeking to attract customers from outside the village. Such customers will not have the same respect or concern for the amenity and good order of the locality which would likely be reduced.

There is a serious fear among local residents that the granting of the application will lead to many of the problems and issues associated with licensed premises which attract customers from outside the local area. Surveys show that such premises suffer from greater incidences of fighting, disorderly behaviour and drug problems, none of which are present in the village at the present time. Allied to this the absence of public transport, especially in the evenings, will mean that most of the customers will arrive by car, leading inexorably to drink driving and other motoring offences and accidents. It is also a major worry of local residents that customers stranded at the premises or fuelled by alcohol, will be tempted to steal cars from local residences and that there will be a sudden increase in opportunistic burglaries.

It is well established that those who operate licensed premises have no responsibility for their customers once they have left the premises and it will be down to the residents of Newburgh to deal with the consequences. All the emergency services are some distance away.

It is in support of the licensing objective of preventing public nuisance that I have the strongest objection to the granting of this application. I ask the Council to recognise that its own Environmental Health advisers required its planners to put a condition on the planning permission for a tea room granted to the applicant, that the business must not stay open after 6.00 pm in order to protect and secure the amenity of local residents. I am at a complete loss to understand how one arm of the Council can advise that to protect local residents a tea room must close each day at 6.00pm but the same department of the Council subsequently advises

that it is appropriate for the same premises to be allowed to serve alcohol and stay open until 11.00 pm Sunday to Thursday and 1.00 am Friday and Saturday. I fear that the interests of the local residents have been completely overlooked in the “terms agreed by the Environmental Health, the Police and the applicant.”

As a local resident of many years standing, I am in no doubt that the granting of this application will result in a very significant and detrimental change in the character of the neighbourhood. The site of the premises was formerly arable farmland with a farm shop. When the shop closed – usually by 6.00pm each day - the site was completely quiet. If the application is granted, the site will become a hive of activity all evening and until the early hours of the morning on Friday and Saturday. There will be constant traffic, additional fumes, noise, vibration, light, litter – all of which will constitute a public nuisance and adversely affect the quality of life of local residents and myself.

Licensed premises are completely out of keeping with this locality but even more so is it a kick in the teeth to local residents to permit live and amplified music to be played during licensing hours. It will be inevitable that the music will be heard in nearby houses and constitute a major intrusion into residents’ quiet enjoyment of their homes. I have read the proposed conditions whose intention is to control noise emanating from the premises but the reality will be: windows will not be closed on hot summer evenings, performers always increase the sound level to prevent their audience from talking during their set, bass levels are always increased to create vibration, late night revellers are always noisy when they leave, soundproofing material (if any was used in the construction of the premises which was designed as a tea room) is never as effective as the manufacturer claims and at booked events, such as weddings, the occasion is so important to the customer that they feel justified in ignoring closing times and continue celebrating for much longer than the permitted hours. And it goes without saying that customers and staff do not finally leave licensed premises until a considerable time after the so-called permitted hours. The end product is that local residents will suffer this nuisance well into the next day and considerably later on Friday and Saturday – without respite.

The granting of a premises licence will create a multitude of problems and difficulties for myself and my neighbours. These matters were investigated by the Environmental Health Department when the planning application was made and their conclusion that there should be no activity at all on this site after 6.00 pm each day of the week is correct. The Council should honour that conclusion when considering this application and determine that protecting the amenity of local residents is overwhelmingly more important than an individual’s business interest.

Yours faithfully,

From:

Sent: 21 August 2020 11:58

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objections to Planning Application 2020/0439 - Eden Tearooms, Course Lane, Newburgh

Dear Sirs

I write in respect of the above application and object most strongly on the following grounds:

Why does a tearoom need an alcohol licence to 11.00pm Sunday to Thursday and to 01.00am Friday and Saturday?

I don't know of any other "tearoom" that has a licence after 9.00pm

We have no bus service after 6.00pm and Course Lane after around 7.00pm is extremely quiet. Customers to these premises will be arriving by car/taxi/minibus which creates noise in itself and on leaving the premises later in the evening say 11.00 - 01.00am the noise is bound to be amplified thereby causing a public nuisance to neighbours.

Late night drinking can lead to altercations/disagreements and as we are in a rural area sounds travel over an extended area so causing distress to local residents. I would also state that customers to the tearooms, later in the evening, would in the main not be villagers and as a consequence would be bound to be less interested in keeping quiet as they leave the premises.

My understanding of the original application was for a Tearoom not a music venue or a venue where parties/weddings could be held? How many quiet parties and weddings have you attended?

Why is the area for outside consuming of alcohol so large? Surely this is going to increase noise levels which will lead to unnecessary stress on local residents?

Yours faithfully

Woodrow Drive
Newburgh

Sent from Windows Mail

From:**Sent:** 21 August 2020 11:16**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Subject:** Eden Tearoom, Course Lane, Newburgh. Premises Licence Application - Representation

Eden Tearoom Limited have applied for a Premises Licence at:
Eden Tearoom and Gallery, Course Lane, Newburgh WIGAN WN8 7UB

I wish to make representation about this application, in line with Licensing Objectives

As a local resident, I am unhappy that this request for a Premises Licence, and extended opening hours significantly changes the approved purpose of the former Farm Shop, now Café, and would adversely affect the character of Newburgh village

Prevention of Public Nuisance: - Light and visibility from the building

At night, when the building is lit-up, the light shining from the premises is a serious public nuisance to those living opposite, who would need blackout curtains if the evening and late-night hours are permitted. This would be a significant change to the residents and is totally unacceptable.

At all times, you can see from the Tearoom into resident's homes opposite, and this would be exacerbated at night, invading privacy.

Residents would also be able to see everything going on in the Tearoom

Traffic leaving the building would shine their headlights directly into people's front rooms, causing nuisance late evening and night

Prevention of Public Nuisance: - Noise

The building has been constructed as a day-time Gallery and Tearoom, and has no soundproofing. Any amplified music and party noise will be audible around a wide area. Residents experience it annually for Newburgh Fair, and Scout Camp Jamboree's. It is unacceptable to allow it seven days a week. The conditions listed to manage unwanted noise are unworkable.

The Protection of Children from harm:

There is a serious danger to Children playing in the outside area – whether supervised by parents consuming alcohol or not:

This proposed area for outdoor alcohol consumption is far too large. The applicant asks for an area in “close proximity” to the building, then puts a plan of an expansive area – which even goes off-curtilage. This area is mainly unfenced, and alongside a main road that is busy during the day. The outside area has no approval to be lit after 6pm, and any outside lighting after 6pm would be a Statutory nuisance.

Public Safety:

Most of the customers to the premises are likely to be from outside the area – that’s where the Tearoom is advertising, so there will be many strangers coming into the village. There is little crime in Newburgh, and outsiders are likely to bring in recreational drugs, and even attract crime to the un-lit car-park, sides and rear of the cafe

The applicants were aware of the Approved hours of 8am to 6pm Mon-Sat, and 9am-6pm Sunday from the start. These evening and late-night hours would cause significant change to the character of our quiet rural village, and would be contrary to the WLBC Local Plan, which aims to sustain and conserve the pleasant built and natural environment of the Eastern Parishes.

Please do not allow the Premises Licence after 6pm, and ensure that any outside area is as requested – in close proximity to the building.

Thank-you

New Acres
Newburgh

-----Original Message-----

From:

Sent: 21 August 2020 10:59

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc: Councillor Edward Pope <Cllr.Pope@westlancs.gov.uk>; ParishClerk, Newburgh (MBX) <

Subject: Representations re Eden Tearoom Licensing Application

To the WLBC Licensing Team,

We would like to raise the following points regarding the application to extend the licensing hours of Eden Tearooms in Newburgh.

We live on Back Lane, directly behind the Tearooms and are worried about the noise and disturbance this will cause. We say "will cause" from a life experience point of view. We have never been to a wedding or similar function where the sound from the disco or group have not been too loud to talk over. There is no way the a Responsible Person would be able to regulate or control this noise, therefore a Public Nuisance will be inevitable with almost every event that is staged. There is nothing in the application to say how often these functions will be held. We believe that if the licence is granted, functions will be held regularly and not occasionally, therefore causing a Public Nuisance.

Our experience tells us that events where alcohol is being sold until the early hours of the morning will result in noise and disturbance in the neighbourhood when guests are vacating the premises. Causing a Public Nuisance.

Should a disturbance or public nuisance occur, there is little Police cover in the area.

We assume that if the original licence application and planning application had included the late opening hours, it would have been refused. We therefore believe this is a ruse by the applicant to circumvent the procedures, and should be seen as such and refused.

The application appears only to cover for numbers up to 40, however, it is common sense that if the changes are granted to allow for functions, the tables and chairs will be removed and many more visitors will be allowed into the premise. There appears to be nowhere in the application to show that a Fire Risk Assessment has been carried out, to show whether this first floor Functions Area has adequate fire escape staircases for the probable occupancy. As the terrible fire that occurred at Grenfell Tower proved, if the building is not correctly configured or managed, many lives could be lost.

We have elderly relatives who live directly opposite this development on Course Lane and would certainly suffer from the Public Nuisance, that will almost certainly occur during or following Licensed events.

On your website it states the lengths that the Applicant says they will go to to minimise disruption etc., but again, our experience informs us that warnings and signs do not work with people who are under the influence of alcohol. The comment that doors and windows will be kept closed is laughable. There is no practical way this is going to happen.

The Applicant has already proved that he is not to be trusted. There have been many instances of breaching the conditions of the Planning Application. Why therefore should the Licensing Authority believe him when he agrees to undertakings?

We are disappointed that WLBC Planning Department appears to be allowing most of these breaches by asking the applicant to apply for Retrospective Planning Permission, instead of enforcing

what was originally passed. The original Planning Application was for a Shop, we are going to end up with what is tantamount to a night club in our village if this application is allowed. We strongly oppose the extension of licensing hours, and the use of the venue for functions.

Back Lane,
Newburgh.
WN8 7UW

From:

Sent: 21 August 2020 17:11

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc:

Subject: Premises License application Eden Tearoom and Galleries, Course Lane, Newburgh

21 August 2020

The Licensing Officer

WLBC

Licensing Dept

We wish to object to the granting of the hours requested on this application as they fall outside of the permitted hours of use shown in Planning Approval 2016/1151/FUL with these hours being 8am to 6pm Monday to Saturday and 9am to 6pm Sunday's and Bank Holidays. The hours therefore requested for licensing are disproportionate to opening times.

There is also the question of the area to be licensed as the map on the application shows a far greater area which is well beyond the boundaries of the actual premises and on Green Belt area.

A licence granted outside of the approved hours would result in increased noise, traffic and lighting issues which will be extremely damaging to Newburgh Village Community and especially nearby residents who are already being caused distress and affecting health and mental well-being.

Main reason for objection :-

Prevention of Public Nuisance

Noise - The building structure is constructed of metal and glass windows with no soundproofing insulation nor acoustic glass so all sound after 7pm when traffic diminishes and the evening quiet and tranquillity closes in will inevitably be heard externally. The noise generated from live/recorded music, general visitor conversation, mechanical ventilation fan etc will all combine releasing noise externally affecting the Community and nearby residents. There is only one entrance door so each time this opens and closes it will allow more sound into the outside thus causing disturbance and Public Nuisance.

Traffic movement on and off the premises - the car park has a gravel surface which emits a loud crunching noise from tyres of vehicles moving on or off the premises and

especially when turning. Doors opening and closing, horns sounding (taxis) and reversing sensors all sound much louder in the still, quiet of evening and will have a damaging effect on resident. Headlights from traffic leaving the premises at night will be shining directly into nearby residents living and bedroom windows causing again considerable invasion of privacy and have a damaging effect. This happened just a short time ago, again a breach of condition by tenant but cars leaving illuminating houses opposite.

Visitors entering and leaving premises for smoking continually will add to external noise as this will happen many times throughout the course of the evening and with a no smoking area present it is likely they will wander around the site for this purpose. The tenant also mentions external areas for licencing but they have no planning permission for this at this time and the associated noise from this in the evening would be intolerable.

Public nuisance to nearby residents with lighting on all evening as there are 15 residential properties that would be seriously affected by light shining onto living rooms and bedrooms - many of these are retired, elderly residents and some more vulnerable who at present do feel safe in the confines of their homes in quiet Newburgh village. There are no window coverings or obscurity filters on the windows which is a privacy intrusion to neighbours in close proximity. Many residents living in close proximity cannot enjoy their own living rooms due to the lack of privacy and overlooking at all times of the day and some too vulnerable to speak up about the impact thus is having on our lives. To add evening usage would further compound this with no enjoyment in own homes or gardens and no view of the night time skies.

There is also the question of wildlife as the noise and light will disturb these and other livestock in the near vicinity.

PREVENTION CRIME AND DISORDER

There is no police presence in Newburgh and often drinking can lead to disorderly behaviour and there would be delays in getting police to attend from Skelmersdale putting more stress on nearby residents.

Majority of visitors will be from further afield and with no transport amenities in Newburgh problems could arise on closing times and delays with planned transport or taxis.

PUBLIC SAFETY

There is no pedestrian access to the premises so at night time this would pose a threat to health and safety as these visitors would have to navigate the vehicle access roads to gain entry to the building.

There is no external lighting on the property as this would be statutory nuisance as agreed by Environmental Health but this could also be a potential issue for safety.

SUMMARY

Have the tenants fully considered the major impact that these extended hours will have upon the community with a building structure not suitable for this change of use. It was designed for Tearoom Cafe with retail sales and not for evening social venues.

Despite assurances From tenant that “ a Responsible Person would be able to regulate and control the noise, keeping doors and windows closed,” this would be impossible to predict and will inevitably cause Public Nuisance with most events staged.

***Presently varied staff members/ cleaners when leaving the premises in the evening leave excessive lighting on causing distress to neighbours opposite and this information has been relayed to tenant via Environmental Health a number of times now but still occurs to date. Residents are woken up from 6.10 am by delivery vans when there is a condition in place that they are to be between 8am and 6pm only - again breached by tenant and very damaging to residents health.**

The tenant has never attempted to consult with residents to gauge feeling and has apparently ruled out any discussion over possible compromise if this was to be an option.

You may or may not be aware that both WLBC Planning Dept and Environment Support put the restricted hours of use condition in to Safeguard the amenity of nearby residents who are in close proximity to the premises. Environment Support stated in their support statement “ as the site is in close proximity to residential premises there is a potential for some increase in noise which would require these restricted hours to be in place “.

We ask that you respect the rights of the Community and nearby residents in line with GN3 policy and Human Rights Act Article 1, Protocol 1, safeguarding resident amenities and refuse this application for the hours proposed - we have no objection to a premise licence for the permitted hours of business.

Regards

**Course Lane
Newburgh
WN8 7UB**

Alcohol License Representation - Eden Tea Rooms

I am the owner of _____, Course Lane which is located 200 metres to the West of the premises across an open field. I wish to make representations on the granting of the above alcohol licence in its current form.

Preamble

Professionally, I am a Licensing and Violence Reduction consultant for the Night Time Economy (NTE).

I am also a former Head of licensing for Merseyside Police in North Liverpool. My current consultancy advises licenced premises on all matters relating the Licensing Act 2003 and a wide range of crime and violence reduction measures. I work nationally and am considered a subject matter expert in NTE issues in particular, as well as the safe management of public open spaces. (Portfolio and references available on request.)

I have approached this issues as if I were advising a client and have tried to take my personal interest out of the equation. That said, as a locally resident who will undoubtedly be affected by this application, I am deeply concerned with the natural consequences of the late hours proposal, should this be granted.

Basis of Objection

I believe that the proposal undermines 2 of the 4 Licensing Objectives as follows:

Objective One: Prevention of Crime and Disorder

The primary Objective within the Licensing Act 2003 is the prevention of Crime and Disorder. The proposal and associated conditions, given the operating environment and geographical location of the

premises, will negatively impact on this condition. The disorder associated with incongruous rural licensed 'offers' (those not in keeping with the local prevailing culture) is well documented. The original proposal is cautiously welcomed by the local community but the late extension of hours' application is already eroding public trust in the enterprise. The late hours' extension significantly elevates the potential for inter and intra personal conflict, especially after 8pm. (See comments on the Planning Statement below for further details.)

Objective Three: Public Nuisance

It is anticipated that public nuisance, even in a well-run and regulated venue (which, I have no doubt this will be), will be a constant feature during operating hours after 8pm. As no impact assessment has been completed by an independent body with specialist Licensing expertise, the depth of this nuisance can only be inferred from parallel cases across England and Wales where similar applications

have been sought. The Licensing Department will have access to these precedents. I suggest that this won't be needed but as evidence based practise is the sensible route to take for such proposals, the Licensing Department should be consulted and requested to advise on similar cases in rural settings within England and Wales. I believe their conclusions will concur with my own once the full facts are known.

Further information on the impact on public nuisance is contained within the proposed conditions comments below.

Proposed Conditions

I make the following comments on the conditions proposed in support of the application. These are made based on my professional knowledge and experience in managing these type of applications from a Responsible Authority perspective as well as an industry practitioner and guest University lecturer on night time economy public space protection issues.

2.6 The provision of recorded and live music Between 08.00 and 23.00 Monday

Thursday and

Sunday and 08.00 – 01.00 Friday and Saturday

This condition is incompatible within the geographical setting it will operate. There are many reasons for this which other objectors have cited, however, the below is a non-exhaustive list of my concerns:

- Fifteen bedrooms directly overlook the venue. The closest is less than 40 metres away
- Light pollution for all residential premises within line of sight will certainly occur

2.7 Condition 1: All external door to be kept closed

This condition would be subject to breach on every occasion that a patron enters or exits. I am unaware of the capacity but there is a simple industry calculation which should be applied for Committee to be able to gauge this. This is called 'Pedestrian Vectoring' and is a well-studied industry

phenomenon. The actual assessment (Pedestrian Interactive Process Analysis or PIPA Assessment), is also well documented and a simple academic literature search will provide all the source information Committee requires should this concept be unfamiliar to you.

Pedestrian Vectoring = Number of patrons times hours in attendance times number of entrances/exits

minus 75% Plus number of patrons (Captures termination.)

Example: Private function operating between 8pm and 1am with 50 attendees and 2 exits/entrances

$50 \times 5 \times 2 - 75\% + 50 = 175$ (Or 35 per hour)

This would mean that during the event, the numbers of patrons exiting/entering the venue would be 175 which is 35 per hour or approximately **9 every 15 minutes**. Even when supervised (which there

are no plans to do other than at the termination of business), this would lead to a noticeable and constant source of external noise.

2.7 Condition 2: Noise from music and associated sources shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 18.00hrs

This is impossible to manage. Using the same calculation as above, 9 times every 15 minutes a door will be opened for a brief period which will result in noise pollution discernible by local residents.

There has been no mention of the noise level within the application. The industry maximum of amplified music is 89Db and at this level it would most certainly be distinguishable, a fact presumably

known to the authors if they have been exposed to these types of assessments in the past.

2.7 Condition 3: Volume of the music under the control of the Licensee at all times

As a regulator of this industry for over 30 years, I can say with certainty that this condition is unachievable. Even with a resident band (which is not proposed), visiting DJs and other music professionals insist on control not only of volume, but of base resonance as this is part of their performance. Any attempt to regulate this will be rejected. Base resonance is the single biggest concern expressed by complaints of loud music as it is this that has a physical effect on the body. (If you think of when the base has been too high when you have listened to loud music you will recall the way it makes your stomach and ears vibrate. This is a natural phenomenon at low frequencies and

is part of why we found music exciting to listen to at volume. Unfortunately, it does not discriminate and is even more noticeable at a distance from the origin of the music.)

2.7 Condition 4: Regular assessments of noise by the DPS

Plans for regular assessment of noise implies an understanding that this will be an issue. (Otherwise, why would this be required.) Even if excessive noise is found and dealt with, the problem would still have happened.

2.7 Condition 6: Notices requesting respect for the needs of local residents

Such notices, whilst popular with people seeking an alcohol Licence, are wholly ineffective, particularly

during the termination hour. There is a particular well known and studied phenomenon called 'The Law of Pragnanz' (taken from the Gestalt School of Psychology which focusses on understanding the world in organised wholes.) Once a notice has been observed, the brain disregards this as irrelevant on subsequent occasions. The NTE industry uses what is called 'The Sky Sports Analogy'. Imagine here

seeing the Sky Sports icon in the corner of the screen during a televised match but within a few minutes, this is screened out by your brain and loses its impact on subsequent views. (much the same

as the warning notices.)

2.7 Condition 11: Monitoring of the smoking area

The smoking area will be responsible for the majority of external noise as well as the smell of smoke and vapes carried on the wind. Both will invade the personal space of local residents and certainly impact of their enjoyment of their outside spaces, especially during clement weather.

2.7 Condition 12: Outside seating areas closed after 21.00hrs

9pm is too late for such an area to remain open as it will have a direct impact on the privacy and enjoyment of residential outside spaces as previously discussed.

3.3 Proposal will not increase levels of disturbance or nuisance that would be unduly detrimental

to local people

This is an impossible assertion to make given the above.

3.4 and 4.2 Support for diversification of the existing business

There is currently no operating business to diversify as they are yet to trade. Presumably, one would expect a fully costed business plan which the original alcohol licence submission was based on. As nothing material has changed in their proposal, I suspect that their strategy was to introduce different

elements of their plans in degrees. If this is the case then at best, they had a poor thought out plan and at worst, they contrived to request this late hour's application once the initial licence was in place.

In either event, this shows poor judgement, poor planning or mischievous intent.

3.7 No representations made by the public objecting to the proposals

This statement is deliberately misleading as it refers to the initial application and not the late hours extension. It is important to note that the business has not engaged in any public consultation throughout this application process. This is a key issue for any business applying for such a licence and

in the many Licensing Committees I have been involved in, is expected to have taken place. (I have not appeared before West Lancashire Licensing Committee but have made the presumption that this is process that Councillors also expect to have taken place.)

4.3 "It has been demonstrated there will be no additional negative impact on the amenity of neighbouring residents through the extension of business hours"

Unless there is an impact assessment in place which we have not had sight of, then I fail to see where

they have demonstrated no negative impact. If there is a missing document, please supply this so I can take a view.

4.4 "No identified dis-benefits"

There is no balance in this statement and this demonstrates a lack of fairness and accuracy in what I believe is a biased report.

Application for late hours

My views differ here from the significant majority of other residents. A 1am licences is indeed inappropriate for the many reasons cited within others' objections. It is however, my professional judgement that a reasonable compromise should be made in permitting a licence to 9pm 7 days a week with all outside consumption of alcohol to cease at 6pm. My rationale is in balancing what

should be a community asset versus a community liability and the potential for the business to be sustainable going forward.

If the venue closes at 6pm due to a lack of demand based on the non-provision of alcohol, the premises

may struggle to be viable in the long term and the site given over to another less desirous endeavour.

If, however, they are permitted a 9pm licence exclusively for inside only, they will be able to deliver community driven and compatible events such as cheese and wine evenings, craft demonstrations with alcoholic refreshments, gallery launches with wine and canapes etc. This is an entirely laudable use of the space and in keeping with the original proposal for the venue to be an Arts driven offer.

It was my intention to attend Committee to present my case but I have made a decision not to do so as I am aware that my views on hours are incompatible with the majority and I wish to retain my relationship with neighbours. That said, I am in universal support with the remainder of the issues local residents have put forward other than the permitted hours.

Course Lane
Newburgh

Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

Email to: licensing.enquiries@westlancs.gov.uk

For the attention of: West Lancashire Licensing Team

Re: Application for a Premises Licence at Eden Tearoom and Galleries, Newburgh.

Name of person making this representation: Date: 21st August 2020

Address of representee: Clovelly Drive, Newburgh, Wigan, Lancashire WN8 7LY

I am a resident of Newburgh and I wish to make a representation in opposition to the above application because I am concerned that the granting of a licence for the sale of alcohol and the playing of amplified music late at night particularly in this rural situation, will create the potential to undermine one or more of the four licensing objectives of the 2003 Licensing Act and the evidence for my objection is as follows:-

Prevention of Public Nuisance

The application proposes new extended operating hours when licensable activities can be carried out that are likely to undermine the licensing objectives by causing a nuisance to nearby properties and the general area. The proposed opening hours of Sunday to Thursday 08:00 - 23:00hrs; Friday & Saturday 08:00 - 01:00hrs, are contrary to the trading hours specified in Condition 7 of the Amended Full Planning Permission document dated 2nd February 2017, which states: **"The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays, and between 0900 and 1800 on Sundays and Public/Bank Holidays"**. The reason given for stipulating these approved opening hours as stated in the Planning Permission document is: *"To safeguard the amenity of the adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document"*.

Policy GN3 in the above document allows development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties. It is my belief that this Policy will be contravened if the proposed new extended trading hours is permitted and it would also undermine one or more of the Licensing Objectives by increasing and not preventing the interference and nuisance caused to local residents and the nearby community.

In view of the foregoing and by reference to Section 5.0 Intergration Strategies in the WLBC Statement of Licensing Policy 2020, Planning and Building Control on page 21, items 5.3 to 5.6, I fail to see how the proposed extended operating hours can be permitted to override any lawful requirement of the planning system, because items 5.4 and 5.5 in the Policy give clear guidance for applicants and the procedures they must follow, extracts from which are as follows:-

- "The granting of an authorisation/permission will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes"*.

- "Applicants and existing licensees should ensure that they have due regard to any planning restrictions on the use of premises to avoid any possible enforcement action"*.

•"*Prospective applicants must be aware of potential breaches of legislation arising from the decision process of both regimes. This is particularly pertinent in relation to opening hours. For example, if a closing time has been set through the planning regime, which is different from the time set through the licensing regime, the applicant must observe the earlier closing time*".

The WLBC Statement of Licensing Policy 2020 provides more information and guidance about the measures needed to prevent the occurrence of public nuisance in items 4.24 to 4.33 on pages 14 to 17, and item 4.26 in particular describes a situation which is relevant to Newburgh and its rural situation, where it is stated that:

•"*the Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. The impact of night-time activity has caused some considerable concern to residential and business communities in the Borough*".

I have been a resident of Newburgh village for over 40 years and have enjoyed its quiet and peaceful rural location surrounded by agricultural fields. The village has a good community spirit and an active Parish Council which effectively deals with official matters and keeps every villager informed of what is happening through its regular news letter. Everyone welcomed the news that the old Farm Shop site on the former strawberry field at Course Lane was to be redeveloped and provide a much missed facility for the village.

Some villagers were perplexed when the plans were amended to provide a change of use to a mixed use of non-food retail and cafe, but their concerns were eased when they heard that the planning permission included conditions restricting the opening and closing times to between 08:00 and 18:00 Mondays to Saturdays, and 09:00 to 18:00 on Sundays and Public/Bank Holidays. This decision was made by the Planning and Environmental Officers after giving due diligence to determine suitable opening hours for the premises. However, the applicant is now seeking to extend the opening hours until 23:00 from Sunday to Thursday night and until 01:00 on Friday and Saturday nights, which is a considerable increase in trading hours and is likely to have a greater detrimental impact on the amenity of those residents living on Course Lane and also those living in the general area.

My real concern is that all of the proposed extension in time will occur after 18:00 and continue into the middle of the night which is likely to create an increasing amount of public nuisance in and around the village as people and vehicles leave the building. This is simply due to the fact that levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.

I trust that my representation clearly shows my concerns about this application and the likely effect that licensing the premises for the sale of alcohol and the playing of amplified music late at night could have in failing to promote one of the Licensing Objectives.

Yours faithfully,

-----Original Message-----

From:

Sent: 22 August 2020 00:31

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to alcohol & music licence (extended hours) Eden Tea Rooms, Course Ln Newburgh

Dear Sir/Madam

I wish to raise my concerns regarding the application for an alcohol & music licence for up to 11pm daily & 1am Friday/Saturday nights.

Newburgh is a quiet rural village & these extended, licensed opening hours would have an adverse effect on the residents throughout the village. Residents would be subjected to the nuisance of the noise. Loud music cannot be contained in a building that is basically a glass box. People will be in & out the building during the evening & sat outside using the outdoor seating. This makes the noise uncontainable. Then there is the noise from people leaving the premises at 1am. Car doors being closed, taxis arriving, noise from intoxicated partygoers which would go on for another 30-40 minutes before they had all departed. The increase in traffic is also a hazard as the main road through Newburgh is narrow & windy. Strobe/ flashing lighting which can clearly be seen, will be a nuisance to all residents who live adjacent & very distracting to all other road users.

There is bound to be an increase in alcohol fuelled antisocial, rowdy behaviour which is something we are not used to. Glasses & bottles will be taken off the premises & then left littering the paths & roads or dumped in people's gardens & fields, this is another hazard to residents. There is also the hazard to livestock that graze in adjacent fields. We also have a lot of elderly residents in the village & this noise & antisocial behaviour would be frightening for them & leave them feeling very vulnerable.

The application states that this would only be for pre-booked events but within no time this would be every weekend & week night as any 'party night ' not just occasional weddings or birthdays can be classed as pre-booked. The owners of Eden Tea Rooms have already demonstrated little regard for planning regulations or the local residents as there have already been numerous breaches Eg. holding Farmers Markets in the adjacent buildings, tarmac over green belt, no wood cladding etc.

I have no objection to the Tea room as applied for in the original application but I strongly object to it being used to hold late night events.

Yours sincerely

Ash Brow
Newburgh

From:

Sent: 22 August 2020 12:59

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Gallery Licence Application

While I think the present opening hours for Eden Galley Newburgh are acceptable, I strongly object to the new application for late night alcohol and music. It would be completely unacceptable to allow this in a quiet village like Newburgh. The noise and light pollution, the inevitable smoking and drinking outside, the banging of car doors and the loud talking that always ensues after a night of partying would cause distress and nuisance particularly to residents living opposite or alongside the venue. When we have music at Newburgh Fair the whole village can hear it, but that is a village event and only once a year, not every night. The building is essentially a metal shed, so I fail to see how this could contain the sound of loud music. This is a low crime area and we would like to keep it that way. The potential for anti-social behaviour would obviously be increased after late night drinking by groups of people. Just ask the police! We do not want this urban problem imported to our village. It is likely that people wanting to book this facility would be from elsewhere and therefore not concerned about the local impact. There is no public transport at night so we could expect a large number of taxis to be used adding to the noise and light nuisance already mentioned.

I notice that there have been many breaches of the current planning permission by Eden: lack of timber cladding. wrong type of gates, tarmac on green belt land, missing fence, air conditioning unit, lack of cycle racks, satellite dishes, extra metal staircase etc. Do Eden think they can build what they like and just get permission afterwards? If retrospective permission is granted this would make total nonsense of planning procedure and I hope they will be asked to rectify all the breaches. We could all quote examples of people being made to take down extensions, and occasionally whole buildings, which had not been given planning permission or hadn't built what they were given permission for.

I hope you will not grant permission for this late night alcohol and music licence application to be implemented.

Yours faithfully.

The Hawthorns
Newburgh

Representation with regard to premises licence application for:

Eden Tearooms, Course Lane, Newburgh, WN8 7UB

As a local resident, I wish to object most strongly to this application and make the following representations in support of this objection:

1. With regard to licence conditions, as previously agreed with environmental health, police and the applicant:
 - Whilst I appreciate that this is a re-application, due to a 'technicality', there would have been objection if anyone had known about the first application and this may have affected the original decision, parts of which remain in place. The behaviour of the applicants in placing the application notification where no residents could see it, suggests a level of dishonesty and a lack of respect for both licensing rules and local residents.
 - The timings applied for are unsuitable for an un-soundproofed building and outdoor area in a quiet rural and residential location.
 - Licence conditions state that it is for 'indoors only' - this has already been breached by applicant on several occasions, as she has installed outdoor seating. The installation of seating in itself is a breach of planning conditions and the serving of alcohol for consumption there breaches current license conditions.
 - License conditions state that 'noise is not to be heard outside after 6.00p.m.' - The building does not appear to have appropriate soundproofing to achieve this, as it is made of glass, with no external cladding, (a further breach of planning conditions). Non-music events have already been held after this time, with noise from people leaving and drinking outside, breaching conditions. A music event would certainly create more noise than this.
 - In addition, the application for an 'indoors' licence also includes use of a tent - this cannot possibly be adequately soundproofed to meet the above condition and the applicant has already told residents she is intending to regularly have marquees.
 - Noise carries in a quiet rural area, particularly at night - this is clearly demonstrated by the occasional events held at the Cricket Club and Tawd Vale Scout Camp, which are clearly audible within the village - due to the rarity of such events, they are currently tolerated in the interests of community relations. However, twice weekly events of this nature would cause intolerable nuisance and distress to residents.
 - Conditions state that 'no deliveries are to take place between 20.00 and 8.00. - Deliveries have been regularly taking place prior to 8.00 a.m. and have woken up local residents on several occasions. This again suggests the applicant's lack of respect for planning and licensing rules.
 - Conditions state that the 'outside seating area is to be closed between 21.00 and 8.00'. - This area does not in fact have planning permission so should not be used at all! It is currently, (and retrospectively), **temporarily** allowed due to Covid. Even if outdoor seating were permanently allowed, it would be extremely difficult to move all the people sitting outside, to inside at 21.00 and this could cause significant disruption to an event indoors and possible altercation over lack of seating. Current Covid distancing rules mean that there could be an issue that not all outdoor seated people could safely be transferred indoors. This could mean some would stay outside - breaking this condition. Who would 'police' and enforce this condition as it is unlikely that one staff member would be able to deal with it?
 - Although late events are for 'pre-booked, private' events only, this can still mean ticketed music events - owners have no control over those who attend. Pre-booked or not, the numbers and clientele attending would be the same as a public event and the noise and

nuisance caused would be the same in either case. Thus this condition does not mitigate the impact of the application.

- In addition, whilst the application states pre-booked events, in one section, they are also applying for premises to be 'open to the public' during the same hours - which seems a contradiction.
- The area for consumption of outside supplies is NOT clearly marked, (as stated in conditions), and has been enlarged by the applicant, (without planning permission), to encompass areas at the rear and side of the building, out of sight of cameras / licensees, (a condition is that all areas of consumption should be monitored by and in view of the licensees).
- Music, alcohol and 'late night refreshments' have been applied for between 11pm and 2.00a.m. This is later than the original application to 1.00a.m. A 2.00a.m. finish time would be even more disruptive for local residents and means that people will not have fully vacated the premises until 3.00a.m at least, and clearing up activities (e.g. bottles being thrown in a bin) will create further outdoor noise.
- The condition that the 'volume of amplified sound shall at all times be under the control of the licensee', would be impossible to achieve with live, amplified music or, for example, a band at a wedding.
- The currently approved opening hours (8a.m. to 6p.m. Mon-Sat and 9a.m. to 6p.m. Sunday) are acceptable, but the license application is entirely disproportionate to these hours. No extension of opening hours has, as yet, been granted and there is a huge number of objections to this.
- The applicants have been advertising late events with alcohol since 23rd June, without actually having a license to hold these.

2. With regard to Licensing Objective 1 - Prevention of Crime and Disorder:

- Behaviour after leaving the premises at 2.00a.m. after consumption of alcohol is likely to be noisy and possibly aggressive. This could easily lead to public order issues.
- Late events, (notably weddings), often end in loud argument or fight, due to alcohol - this disorder would cause disruption to residents as well. (Even 'cheerful' noise would cause nuisance to residents!)
- Likely attendees at events would not be local so would have no care for the village or its rural location and nature. This is likely to result in littering, from outdoor consumption and off license sales, as well as possible vandalism.
- Newburgh is a rural and residential village, with a very low current crime rate, so there is a lack of regular police presence and a significant time delay in access to this if necessary. This would mean that any issues could not be easily resolved and would therefore cause further disruption. A significant number of late night events would mean that this fact would be more widely known and this is likely, in turn, to attract people who wish to cause trouble or indulge in criminal activity, (e.g. drug use / dealing).
- The site configuration means that youths could easily congregate behind the building out of sight - increasing the possibility of drug use. N.B. this is increasing generally in the local area (e.g. along the canal bank - evidenced by nitrous oxide capsules and syringes discarded). A late night venue is likely to increase this further - in line with the point above.
- Patrons of the venue have already been observed urinating outside - with a large event and very limited toilet facilities, this would be likely to increase and would constitute a public decency and disorder issue.

3. With regard to Licensing Objective 2 - Public Safety:

- Traffic and parking violations - due to the limited and inadequate parking on site for a large event, (much has been re-purposed for outdoor seating), there is a likelihood of parking in narrow residential streets nearby or of parking on the main A5209, where the bend in the

road to west of the venue would cause a hazard, due to lack of visibility. There are already speeding issues on this stretch and this, combined with irresponsible parking would constitute a hazard. This would also exacerbate the likely issue of parking and noise on nearby residential streets late at night.

- The lack of pavement on the road outside the venue is likely to lead to people waiting and taxis stopping on the main road causing traffic hazard.
- Advertising hoardings / flags are a distraction to motorists and therefore also constitute a traffic hazard.
- Lights - particularly flashing disco lighting, cannot be hidden in a glass building and would be not only distracting for motorists, thus causing a traffic hazard, but would also be likely to affect the mental and /or physical health of residents opposite - flashing can be seen through curtains. The current security lighting alone is very bright and causes annoyance. I cannot think of any large event venue, where a late night license has been granted for such events in such an externally visible building, so close to residential property.
- Large numbers of people from a wide geographical area visiting a small rural village with which they have no connection, for the purpose of drinking and music events could give rise to fights etc - see point above.
- There is a risk of intimidating and threatening behaviour (some has already been reported to police), by the applicant towards local residents if they make any representation about any issue. This makes them fearful of reprisal if they raise an issue related to light or alcohol consumption nuisance.
- The area is inadequately fenced, outdoor seating is in place and there is no pavement - this could lead to unsupervised children straying into the road very easily or drunken individuals walking into it in a stretch where visibility from one side, (the side of oncoming traffic), is poor and there is no pavement, particularly in the dark.

4. With regard to Licensing Objective 3 - Prevention of Public Nuisance:

- See above regarding urinating customers
- The village, particularly the area along Course Lane is currently almost silent at night - flashing lights and noise from music until 2.00a.m. would cause nuisance to most of the village, not just this area. The development is directly opposite and adjacent to residential areas and if late night events are held, this would inevitably cause a significant level of noise and disturbance for those living both opposite and to the sides of the venue. Even if it were possible that noise from the event itself was kept inside the building, there would be noise from attendees coming and going, particularly at the end of an event, in terms of interaction between people and also traffic noise.
- Since the building is glass, it would also be likely to generate issues of bright lights as well as noise.
- No reassurance or plans have been seen from the applicant as to how they will ensure that music and lights will not be distinguishable to residential premises, how noise will be kept low enough that it does not cause a disturbance to local residents, or how the applicant will ensure that visitors leave quietly.
- The building is unsuitable as a party venue as its construction means it will automatically cause nuisance - it was approved as a shop and tea room, not an events venue. The amount of glass means that lights will shine out directly into the houses of local residents. Even the security lights cause significant light disturbance and nuisance at night.
- There is no public transport to the venue, so it is likely that not only a significant number of cars but also taxis and minibuses etc would be arriving at / leaving the site - with the attendant use of horns and slamming doors as well as loud voices. This would cause significant disruption and nuisance to local residents at 2.00a.m. or later, as people left the premises. This would be likely to waken residents, particularly due to bright headlights

shining directly into houses as they leave the premises. Many local residents are elderly and this would be a particular issue for them.

- Loss of privacy - There is a direct view from the upstairs of the building into the bedrooms of residents opposite, meaning that event attendees could see into properties with ease. The applicant herself has already been observed taking photographs of local residents in their homes and gardens. Whilst this is already unacceptable at any time, there is a loss of privacy, which causes a nuisance to local residents and this is exacerbated late at night when people are going to bed.
- The noise from attendees using outside seating is likely to cause nuisance, (as well as breaching planning conditions with regard to noise outside the building), - see also point above re seating, under 'conditions'.
- Since parking in local residential streets is likely, this will cause a nuisance to residents, particularly over access into and out of their property and through noise from returning event attendees in the early hours of the morning.
- With regard to 'sustainable development', no consideration seems to have been given to the current character of the area - an historic agricultural and residential area - the site was formerly a farm shop. The area is quiet, particularly in evenings and during the night. If this application was granted the entire character of the area would be changed at nights, causing significant public nuisance to residents.
- In addition to disturbance for immediate neighbours to the venue, it is likely that late night events would cause wider nuisance for village residents - particularly on Course Lane, Sandy Lane, Newacres and Woodrow Drive. Currently, sound from events at Tawd Vale Scout Camp and the Cricket Club can be heard in those areas. Such events are currently rare and finish by midnight, (even the final event for the once per year Newburgh Fair has to finish by 12.00), and are therefore tolerated by residents in the spirit of village community. However, a facility which has the potential, to hold late music events every weekend, could cause significant and intolerable disruption for village residents over a wider area than the immediate neighbours.
- It must also be asked whether a venue with the potential to hold late night licensed music events twice every week is an appropriate development for a small rural village. The two currently licensed village venues, (the Red Lion and the Cricket Club), currently hold late licenses, but have very rarely had need to use them. I have spoken to the venue owners and they liaise with local residents every time they have an event, and put measures in place to mitigate the effects of this (e.g. no music or noise outside). The events are rare, (once a month maximum for the Red Lion, and never until 1.00a.m.), and the rarity itself would suggest the lack of demand or necessity for further late night events. Thus, it seems highly unlikely, given the village demographic, that residents would regularly attend such events. Therefore, the development would not benefit the residents of the village and would need to attract visitors from elsewhere. This would in turn cause additional traffic and noise issues and visitors would be unlikely to understand or respect the nature of a rural village, since they would have no interest in it.
- Whilst the applicant has currently agreed to keep all doors and windows closed, this does not seem practical or sensible in a glass building, partially clad in metal sheeting with a lot of people in it, particularly in hot weather. If doors / windows were opened, noise would carry and cause nuisance. Similarly, the application states that a tent is deemed an indoor venue - noise and light would certainly carry from this and could not be stopped - thus causing nuisance.
- People going in and out of the building to smoke or into / out of the outdoor seating, would necessitate regular opening of doors - this would allow sound to 'escape' and cause nuisance.

- There is no designated outdoor smoking area, so people leaving the building to smoke would initially allow noise out and then also potentially cause nuisance to residents by going off the site and near to homes to smoke.
5. With regard to Licensing Objective 4 - the Protection of Children From Harm
- The area is inadequately fenced, outdoor seating is in place and there is no pavement - this could lead to unsupervised children straying into the road very easily in a stretch where visibility from one side is poor. This presents a risk to children.
 - See earlier note re groups of youths congregating.
6. Other considerations
- Not only people would be affected by nuisance and safety from this - there are stables and farms in the immediate vicinity and the site is adjacent to green belt land. The disruption, noise and flashing lights could adversely affect livestock and horses, (and therefore farmers' and residents' livelihood). There is also a need for consideration of wildlife protection. As the land is green belt and agricultural, a variety of wild animals and birds live in, on and above it, including bats, (a protected species). Their natural life cycles would be severely impacted by regular noise and late night light nuisance.
 - The number of breaches of planning regulations already committed by the applicant, (more than 15), suggests a lack of care or respect for adherence to laws or rules. This, combined with a threatening and intimidating attitude towards village residents, with whom she has consistently failed to engage, despite invitations and requests, does not suggest that the applicant would adhere to the conditions of the license. It further suggests that the applicant is unlikely to consider noise or other nuisance to local residents, an issue for her to address.

For these reasons, I believe that this license application should be refused or, if any license is granted, that this should be strictly limited to include only serving of alcohol in the building during currently approved times up to 6.00p.m. as the venue is entirely unsuitable in terms of construction and location for late night events.

The temporary outdoor Covid measures should be reviewed immediately following amended government advice and if a future application for outdoor seating and sales is made, any license application should be separately made at that time.

Yours sincerely

, Newacres
Newburgh
Lancs
WN8 7TU

-----Original Message-----

From:

Sent: 22 August 2020 18:29

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection re application: Eden Tea Rooms, Course Lane, Newburgh.

I am objecting to this application. I have read the application closely. I am deeply troubled, as a long-term resident of Newburgh, firstly about the whole approach Eden Tea Rooms have take to their application, having already set a precedence of conducting their approach to planning in a cavalier way.

This has made me feel distrustful of them enough to submit my concerns, which are re. licencing:

1. Section 11 states that they require their application to end at 02.00. This may be when the premises have to close, but I also object to their opening hours on Fri and Sat night to 01.00. Newburgh is a peaceful area and these arrangements do not suit this quiet village. The propensity for noise at these times on Fri and Sat is too high. Seeing how cavalier Eden Tea Rooms have already been with their applications, I'm afraid I do not trust them to police their noise in a respectful, thoughtful way to local residents, despite their requirement to do so in this application.

2. Section 11 also states that indoor licencing could include a tent. If you lived in Cobbs Brow Lane as I do, you would know that intrusive sound of music and revelling from a marquee or tent, travels at a high sound rate. I experience this from the annual fair, which is only 2-3 nights a year and finishes on the dot at 11pm. I also experienced it from a marquee set up near Taylor's farm shop last year, most likely from a marquee wedding event.

This is not vexatious comment, this is factual evidence that the noise travels to an intrusive point here and would so from Eden's marquee events, along with late night general sounds (in the warmer weather, there will be intrusive noise from revellers drinking and smoking outside).

In theory, there could be weekly 'tent' events with this licence til 1a.m. every Fri and Sat night in Newburgh.

This would be detrimental to my well-being. I chose to live in Newburgh because it is a quiet, gentle village. Granting this application changes this and I oppose it.

My final point repeats my concerns: I welcomed Eden Tea Rooms, even when the name was a misnomer, but bit by bit it is applying to be something else, and I no longer welcome.

Please share my clear and absolute objection to this licence.

Thank you.

Regards,
Cobbs Brow Lane,
Newburgh

From:

Sent: 22 August 2020 21:09

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: EDEN TEAROOM NIGHT TIME ALCOHOL & MUSIC licence application

Representations are the same, as the previous e-mail, sent on 6th July 2020, which are stated below.

Please reject application, due to the risk of crime and disorder, threat to public safety and prevention of public nuisance!

Thank you.

Begin forwarded message:

From:

Subject: 2020/0439/FUL

Date: 6 July 2020 at 10:11:41 BST

To: plan.apps@westlancs.gov.uk

Please register our objection, to the extended opening hours for Eden Tea Rooms, Course Lane, Newburgh up to 11pm(sun-thu) 1am(fri-sat).

Reasons to reject application;

- 1) Invasion of noise into the private dwellings of the residents of Newburgh village, during the evening and into the night, causing neurological problems (memory, thinking ,concentration etc)
- 2) As a person, with a missing stapes in my left ear, constant excessive noise, within a personal environment is likely to illicit an aggressive response, towards the source of the noise contamination.
- 3) My mother, who is into her nineties, goes to bed each night at approximately 10pm. This will cause sleep disturbance and exacerbate her potential ageing problems

Back Lane, Newburgh, WN8 7XB.

RE EXTENDED HOURS OF LICENSING AT EDEN TEA ROOMS AND GALLERIES

Newburgh is a very pretty, quiet village, formerly a farming area now residential. People choose to live here to enjoy the peace and quiet of a pretty village, the centre of which is a conservation area. This village has twice won best kept village competition. We have a post office with a tea room and a charity Apple Cast also with a tea room. Both welcome local people, Apple Cast providing pensioners with the occasional free cream teas. What a contrast with Eden Tea Rooms (whose aim is to attract people from outside the village and therefore having no input into the village) who have been antagonistic with local people who are concerned about the impact the proposed licensing hours will have on their lives! Recently there has been a malicious and vindictive accusation-(lies)- entirely false. Can one trust such a person?

Course Lane is a very busy road during the day but quiet and peaceful at night. Eden plan music nights and group celebrations. The building was a farm building and is not designed for this purpose. We have experience of how sound travels.

1. The dance held on the Saturday evening at Newburgh Fayre. The music can be heard over a wide area but as it is only once a year it is tolerated. Likewise the music from the scout camp holding their jamboree, music going on for three nights, sound travelling across the fields. The music and noise emanating from Eden Tea Rooms will be a public nuisance especially to those living across the road, many of whom are elderly.

2. Light Pollution. Recently the lights downstairs were inadvertently left on. All the surrounding area was dark so the building stood out like Manchester Airport, hardly an appropriate sight on entering a pretty village and very disturbing for all the neighbours. How much worse it will be when the lights upstairs are on also especially in winter. This could cause a traffic accident when the driver's attention is distracted by this building. (We have had experience of attention being distracted by the selling of Christmas trees when a car went into our son's car.)

3. Drinking and smoking outside - voices carry (especially today as people talk so loudly). This will cause a public nuisance to neighbours used to the quiet evenings.

4. Noise.-There will be a nuisance to the public, namely the folks living opposite when people are leaving the venue.Loud voices as they say good bye. Car doors slamming, engines revving ,headlights shining into homes as they leave.

5. Newburgh is an area rarely policed as there is never any trouble.Where there are parties and liquor especially going on to the time 1am asked for, rowdy behaviour and arguments ensue. Can this be monitored properly? Younger people will be attracted to the venue.

6. Each morning very early (6.45 am) residents are disturbed by delivery vans. They are not supposed to be there before 8 am.This is causing concern .

7.Eden Tea Rooms have deliberately ignored existing planning regulations. a) they used the barn designated to store agricultural machinery for a Farmers market despite being told they had no licence. b) They are using greenbelt land for outside tables and also for extra parking. c) On Thursday 13th August held a flower arranging class until 7.45 pm despite having to close at 6 pm.

This makes me very apprehensive what extra limits will be breached if these licencing hours of 1am Fridays and Saturdays and 11pm the rest of the week are granted. I vehemently oppose these hours and licensing and hope they will not be granted. Therefore I wish that the present hours of opening remain. If however extended hours are to be granted then I believe no later than 9pm inside the building and no later than 6pm outside the building should be granted. Our quiet country life will be no longer. It fills us with horror.

The yearly rental on this place is enormous. Coffee,tea and cakes will not be enough. They need to sell liquor and lots of it. It is a business venture purely.

.They are putting in planning application after application.There is no stopping. We are having to be vigilant.

course Lane, Newburgh.

From: Sent: 23 August 2020 13:52

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Objection to Application for a Premises Licence - Eden Tearooms and Gallery, Newburgh

Dear Sir or Madam

I wish to make my objections to Edens late night licence application and to the excessive boundary for the following reasons:

Prevention of Public Nuisance

- The structure of the building is metal and glass with apparently no soundproofing insulation or acoustic glass. Consequently, a late night licence with events in the building would undoubtedly generate noise in Newburgh which, although busy during the day, returns to the peaceful, quiet village that it is known for. Sound carries and would undoubtedly be a nuisance to the residents of the village.
- Another level of noise can be anticipated if the licence is granted because the outside areas surrounding the building would undoubtedly have people smoking, drinking, talking and laughing. Until there is an approved outside seating area, the licence boundary should be confined to the building only. This nuisance would be amplified by the arrival and departure of vehicles on the gravel surface which already emits a loud crunching noise. Add to this the arrival of taxis, (horns beeping), car doors being opened and slammed shut and the inevitable reversing sensor noise that accompanies most modern cars these days and there is a serious public nuisance being committed. At the moment, the planning application has been granted to ensure that no deliveries take place before 8am to prevent public nuisance and disturbance. I have personally witnessed deliveries at 7.21am and earlier. So, already there is a public nuisance with the breach of delivery hours.
- The building overlooks several houses on Course Lane. In the hours of darkness if a licence is granted, the headlights from vehicles leaving the property will disturb private residential houses as the lights will shine into the front of their houses, whether it be living room or bedroom windows. I have witnessed the lights being left on in the building in the hours of darkness and it is a serious illumination disturbing the peace and tranquillity of the area and adjoining residents.
- The application is flawed because the number of people is not indicated at the proposed functions.

Prevention of Crime and Disorder

- Newburgh has a fantastic (touch wood) crime statistic in that according to the crime figures on the police.uk website there has been no anti social behaviour or drug use within 250m of the Eden building since July 2017. In that time there has only been one theft reported.
- As an ex police-officer, I am concerned that a late licence will attract some undesirables intent on drinking to excess in order to have a 'good time' resulting in public order offences and violence. The proposed functions for which the license is required are being advertised on social media throughout the North West so it is reasonable to assume that many people from outside the village will be in attendance, some of which will have no conscience about keeping quiet and behaving accordingly. There is also the possibility that recreational drugs may be in use, (on the increase throughout the UK) which would scupper the drug use statistics mentioned above. The perimeter of the buildings is very dark and there would be ample opportunity to carry our illegal practices.
- A venue such as the Eden might also attract the opportunistic thief who would have multi vehicles as targets in the unlit carpark and as there is limited parking, any vehicles parked on the surrounding roads. This could bring a whole host of problems to Newburgh as many properties are overlooked from the Eden building. It is estimated that a burglary in the UK occurs every forty seconds and if undesirables are attracted to the village because of the late licence, it would be easy

to view which properties are empty during the evening. It is my experience also that when thieves target a village, they continue to cause crime in that vicinity until they are disrupted.

- Which brings me to the subject of a police presence in the village. There isn't one. Any crime, public order etc requiring police intervention would be seriously impaired as patrols would have to be summoned from other towns resulting in a substantial delay. Prompt attendance by the police is essential should any problems arise and this is unlikely to happen.
- The tone of the project has already been lowered by evidence I have seen in a photo of a male urinating against the side of the building in daylight hours. If people can't be bothered to use the toilets during the day, then it is likely there will be males and females urinating around the building because there is only one toilet where the proposed functions would take place.

Public Safety

- The car park has three access roads to the building, none of which have pedestrian paths within the grounds. I have witnessed cars arriving and having to wait until pedestrians have cleared the path before they can park. This could be extremely dangerous especially in the dark when these functions would take place.
- Also, a major safety issue is the lack of footpaths leading to the Eden building on Course Lane. From two access roads, the pedestrian is faced with the busy road to cross in order to get to a pavement which could be a nightmare scenario if children were left unsupervised. The gravel covering is hard to walk on and completely undesirable for use in the dark hours as a late licence would allow. For good reason, external lighting is not permitted on the site after 6pm as a condition of the existing planning approval so the dangers to pedestrians remain high.
- I visited the tearooms recently and was surprised to see there was one toilet on the first floor, the proposed venue for evening events. In my opinion this is not enough especially if someone falls ill and is occupying the toilet for any length of time. It begs the question as to where people will use the toilet if capacity is high? Downstairs toilets are likely to be out of bounds.
- I was also surprised to see that the fire escape is at the far end of the kitchen. If a fire was to occur, for example from the kitchen, there is a possibility that both the escape route and the stairs giving access to the first floor, at the other side of the kitchen, would be blocked with fire and smoke. I accept that there might be minimal risk of this but whatever the risk, safety must be the prime consideration and if this floor was full of people at an event, there could be potential danger to life.

Conclusion

I am a resident of Newburgh and would like to make it clear that I am not objecting to the Eden project as a whole, but to the licence application after 6pm. I am disappointed that this application has been submitted without consultation with anybody in the village to my knowledge.

I think the buildings concerned are a monstrosity, not in keeping with the village at all but heyho, the planning approval was granted and the premises still need to be completed in line with the approved drawings. I walked around the roads surrounding the fields where the premises are when there was a recent artisan market and in my opinion, the entire site was an eyesore to anybody approaching Newburgh or leaving on the A5209. There were cars everywhere, rubbish skips, people milling about, children playing unsupervised on the green belt land. This was in daylight and the market finished at 4pm. I dread to think what the situation would be with events at night.

The application is ambiguous as to whether the premises would be closed to the public after 6pm and if tents or similar could be erected and used on the premises at any time. I do not think the general public should have access to alcohol after 6pm as having public on the premises would make all of the above objections even more relevant. I have read in the application that tents are

classed as 'indoor' - I do not think they should not be used as it would be impossible to control the boundary noise condition and furthermore, it would not be unsightly for green belt land.

Any problems associated with public nuisance, crime, safety and harm to children occurring in the evening after 6pm, including those outlined above, could be easily prevented by not granting a late licence. As there is currently no approved outside area dedicated to drink off sales, the extensive licence boundary should be refused and amended to only include alcohol served in the building during the hours up to 6pm.

I hope my objections are clear and they are taken seriously by the Licensing Department.

Newburgh,

WN8 7LB

From:

Sent: 23 August 2020 14:38

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc: Councillor Edward Pope <Cllr.Pope@westlancs.gov.uk>; ParishClerk, Newburgh <clerk@newburghlancs.co.uk>

Subject: Eden Tearooms and Galleries Course Lane Newburgh Night time Alcohol and Music Licence Application

Eden Tearooms and Galleries Course Lane Newburgh

Night time Alcohol and Music Licence Application

Dear Sir/Madam

I make the following representation to West Lancashire Borough Council Licensing Authority on the Eden Tearoom and Galleries application for a premises licence. My representation addresses the criteria of potential public nuisance, public safety and the prevention of crime and disorder.

The original, approved application was for a Tearoom and Galleries operating between 8am - 6pm Monday to Saturday and 9am - 6pm Sundays. These are adequate times for a tearoom and looked forward to by Newburgh residents.

The application for licensing hours of 8am - 11pm Sunday to Thursday and 8am - 1am Friday and Saturday are totally unacceptable and bear no resemblance to the original accepted planning permission for a tearoom.

Newburgh is a quiet rural village particularly so in the evenings. Having lived here for 20 years I fully accept that noise travels from the annual Newburgh Fair and the occasional events at Tawd Vale. The application would create noise nuisance on a regular basis and also public nuisance into late evening and early morning as the sound will travel great distances. It will be a particular nuisance to those living close by.

The applicant has stated that all external doors and windows will be kept closed to limit the noise. How will this happen when people are entering and exiting a building not built or designed to restrict the nuisance of noise.

There are no public transport links in Newburgh which would therefore necessitate the use of taxis in the evening, again creating noise nuisance with the sounds of engines, possible horn tooting and the greetings of people exiting at 11pm or 1am and later in the early morning.

Light pollution is another public nuisance being created. The building frontage is mostly glass. The light emanating from the building is already disturbing those living opposite and causing a distraction to drivers with the possibility of causing accidents. This would increase in public nuisance value with late night closures and possible flashing lights at events.

Alcohol fuelled events can often lead to disorderly behaviour leaving events creating public nuisance. It can also lead to aggression creating concerns for the residents of Newburgh as any police support needed is difficult to access.

Another public nuisance concern is the boundary area outlined in their plans for alcohol consumption. Why is such a large area needed?

In summary, the application for a Night-time Alcohol and Music License for Sunday to Thursday 8am -11pm and Friday and Saturday 8am -1am is totally unacceptable for what is, with planning permission Monday - Saturday 8am - 6pm and Sunday 9am - 6pm, a Tearoom and Galleries in a quiet rural village.

Yours faithfully

Newburgh

WN8 7TT

Representation with regard to premises licence application for:

Eden Tearooms, Course Lane, Newburgh, WN8 7UB

As a local resident, I wish to object most strongly to this application and make the following representations in support of this objection:

Representation of Public Nuisance

The current application is asking for licencing hours up to 2:00AM on Friday and Saturday night/Sunday morning and up to 11:00PM on other evenings.

The original application for the project led the public to believe that the Eden Tearooms and Gallery was just that. Applications are now being made for music and entertainment nights to times way beyond what I would consider acceptable for the situation and structural make up of the building. As you are aware, the building is situated by a main road (A5209) in a rural village opposite houses who would be subject to the nuisance of lights and noise when they would be trying to sleep. This is not acceptable in my eyes.

The hours of application are more suited to a nightclub than a tearoom.

It should be noted that Eden are suggesting that events will be held on an “occasional” basis. The word “occasional” can be taken in various ways and is not clear to the meaning of what the owners require – once a week, once a month?

The building is primarily a glass-clad structure and at late night hours would produce light disturbance nuisance from events especially if there is a disco being held – again this is unacceptable for people living in sight of the building.

People living in houses around the building can be seen from customers in the tearoom therefore their privacy has been invaded. At night when houses have lights on and curtains not drawn then it is easier to be seen from the tearoom.

The type of events suggested imply that there will be a large amount of traffic entering and exiting the premises at various times and certainly late at night at weekends with all the nuisance of noise associated with it – car doors, engines, people talking and shouting.

The licence is being sought for “indoor” use – I understand that indoors can include a tent. Should a marquee be erected for an event then there is no way that noise from music and people be insulated from the public living close by.

Many people in the village can hear the noise from events held at the cricket club, Tawd Vale Scout Camp and Newburgh Fair but these events do not happen very often and are usually associated with local people. With an event closer to the centre of the village the noise and light nuisance would be more noticeable and disturb many more people and animals such as horses that are stabled in fields close by.

Representation of Public Safety

Flashing lights from a disco can be very distracting to drivers passing by – this could lead to accidents on this stretch of road which although has a 30mph limit often has vehicles exceeding this limit from personal observation.

Many of the people living in the vicinity of the tearoom are elderly and may feel intimidated if they feel the need to complain about the noise and light disturbance and may of course be reluctant to express their views to the relevant authority leading to stress and mental health disorder.

Representation under Crime and Disorder

People under the influence of alcohol tend to be louder when talking and can lead to disorderly disagreements.

The business is advertising its functions outside of the local area and it is assumed that the late-night events proposed to be held at Eden will not be for local people (although this does not mean that locals are excluded from holding an event here of course) and that an influx of people from afar would not be mindful of people living close by and not respect their right to not being disturbed late at night.

Newburgh does not have a local police station – The nearest police stations are Skelmersdale and Ormskirk. Should police presence be necessary it is not likely to be an immediate response giving any trouble occurring time to escalate.

Representation under Protection of Children from Harm

The entrance and exit gates are open to vehicles during opening hours of the site and the fence surrounding the site is an open metal fence which could allow unsupervised children to climb through easily. The fence is approximately 1m from the main road with a 30mph limit.

I do not believe that a licence should be granted up to the hours being applied for because of the reasons stated above but would be happy for the licence to be granted up to 9:00pm on all days.

New Acres

Newburgh
WN8 7TU

Dear Sir / Madam

I reside at , Back lane, Newburgh and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh. This email will read, somewhat similar, to my parents who also reside at this address. I have discussed the matter at length with them and I concur with the issues expressed in this email. It has been a pleasure to grow up in this village and we did welcome a low key coffee/arts space. Not what seems to be proposed. Therefore, please take what is written below seriously and I very much echo its sentiments.

CRIME AND DISORDER

Newburgh, as you would expect for a small country village located in an agricultural Green Belt, has a low crime and disorder rate. The recorded crime figures in the UK Crime Stats show there has been a total of 30 recorded crimes committed in a 1 mile radius of my home between the 1st January, and the 20th June, 2020. They break down as follows:-

Anti Social Behaviour = 13

Burglary = 6

Violence = 7

Theft = 2

Possess weapon = 1

Public Order = 1

No offences relating to Vehicles, Drugs, Damage or Robbery have been recorded.

The siting of a licensed premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area some of whom will have no regard for the lifestyle of a sleepy village, located in a Conservation Area, or its inhabitants.

It will increase the opportunity for drunkenness and associated disorderly behaviour, eg. alcohol fuelled arguments escalating to fights, criminal damage to vehicles and property and drug abuse.

Pre-booked parties will no doubt include Hen parties, Stag Nights, wedding, engagement, anniversary and birthday celebrations accompanied by live or recorded music. All of these functions by their very nature will create NOISE. Patrons will be entering and leaving the premises regularly to smoke a cigarette or get some fresh air allowing any NOISE to travel.

I do not accept that the management will control the NOISE emission as that would upset the very people who are putting money in the tills. The behaviour of the applicant to date has already displayed a total disregard for regulations so how can he be trusted to control NOISE emission.

The premises is located in a Green Belt area where the only public transport is by a very infrequent bus service which finishes at 7.30pm and doesn't operate on Sundays. Therefore, the only means of attending the premises is by taxi, hired mini bus/ coaches or car. How do you control a crowd of alcohol fuelled revellers waiting for their transport to arrive. How will the applicant deal with that situation. This will also increase the opportunity for vehicle crime as customers will be parking their vehicles on the car park at the front of the premises. As the premises is remote it will also increase

patrons risking driving whilst under the influence of alcohol with all the attending dangerous consequences.

I am aware of the staffing issues the Lancashire Constabulary has to contend with and the number of officers available in West Lancashire during the evening and night. Any incident at the Tearooms would not be a high priority and an immediate response cannot be guaranteed.

PUBLIC SAFETY

The applicant is already advertising his business widely outside the immediate area. Therefore it is reasonable to anticipate a dramatic increase in road traffic on a road that is already unfit for purpose. The premises is only accessible by car / minibus after 7.30pm and all day Sunday. The increase in road traffic will be reflected in more road traffic incidents.

PREVENTION OF PUBLIC NUISANCE

The NOISE from raised voices of customers during the evening or from the beer garden during the day. The NOISE made by customers leaving the premises on foot or by vehicle or waiting to be collected by a vehicle eg taxi. The NOISE from the slamming of vehicle doors and the starting and revving of engines. The music, live or recorded being played via an amplifier during the day and late into the evening. I understand the applicant has a business that promotes new music acts so there will be no shortage of live music on any night of the week.

NOISE caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

The application is for the premises to be open until 2am Friday / Saturday. This means customers will be exiting the premises any time afterwards up to and beyond 3am together with the groups of musicians moving their musical equipment and staff leaving the premises after cleaning up and throwing bottles out. The residents of the village are either elderly or have young families and work during the day. The average working family will be getting up around 7am to start their day. This means the adults and children will only have uninterrupted rest between 3am and 7am. What quality of life is that for anyone. The same applies when the premises closes at 11pm. Customers will take at least an hour to leave, bands moving their equipment and staff clearing up. So on a weekday there will be disturbance until beyond midnight. This will be happening 5 days a week.

The area is extremely quiet during the evening and night. The premises is not designed to restrict NOISE from amplified music, juke boxes or public address systems and it will be clearly heard within the village. The NOISE will certainly be heard from my premises and beyond thereby disturbing residents in their own homes at a time they should reasonably expect to be able to relax.

NOISE carries at night. The music from the Newburgh Fair and from the Cricket Club and Tawd Vale Scout Camp can be clearly heard from my home but thankfully they only take place once a year not 7 days a week.

A considerable increase in litter and debris from customers drinking, smoking and eating outside the premises and on their way to and from the premises.

Light pollution from the premises particularly from Autumn to Spring. The lights from the premises are directly in the view of the houses on Course Lane.

NOISE caused by any ventilation system. If one is not fitted then the doors and windows will need to be open allowing NOISE to travel to the surrounding area.

There are what appear to be Sky dishes attached to the building. What would a Tearoom, Art Gallery or room holding pre booked parties want with Sky TV unless they are to show sports programmes. If this is the case then on these occasions the premises would be attracting a type of client who will be leaving the premises having consumed a large quantity of alcohol, chanting their teams name no matter what time of day or night it may be upsetting residents and more than likely causing a reaction and confrontation.

PROTECTION OF CHILDREN FROM HARM.

As I have mentioned already if the licence is granted there will be NOISE coming from the premises after midnight Sunday to Thursday and 3am Friday and Saturday. Children of school age will have their sleep disrupted and this will impact on their ability to function during the day and could impact on their schooling and education.

The increase of traffic on the roads of Newburgh will also increase the danger to children as they walk the streets.

CONCLUSION

In conclusion, the original application was for a Tearoom open from 8am to 6pm Monday to Sunday and 9am to 6pm Sundays and Bank Holidays. No mention or suggestion of a licensed premises catering for live amplified music until 2am. This has been a back door approach to operating what is in reality a Night Club on Green Belt in a quiet village. If the applicant had been honest from the start would planning permission have been granted for the use of a building for amplified music events with a liquor licence and opening hours 8am to 11pm Sunday to Thursday and 8am to 1am Friday and Saturday on a green belt in the heart of a small village surrounded by private dwellings.

A key objective of the local plan is that each District should retain its own distinctive character through the protection of assets and good design of development. How does this development meet this criteria?

There is no need or desire from the residents of Newburgh for an establishment of this type which is more suited to a city or town where there are ready made customers.

THIS WILL SEVERELY IMPACT UPON THE QUALITY OF LIFE OF THE RESIDENTS OF NEWBURGH

I believe the points I have raised are valid and relevant to the application and I hope you give them due consideration.

Yours sincerely

From:

Sent: 23 August 2020 17:18

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Representation Against: EDEN TEAROOM NIGHT TIME ALCOHOL AND MUSIC LICENCE APPLICATION

OBJECTION FROM:

Parbold

WN8 7HB

Our elderly parents live on Course Lane, as well as many friends (we attend Christ Church, Newburgh). In relation to this objection I refer you to the West Lancashire Local Plan 2012-2027 Policy GN3 and the Licencing Objectives in the Licencing Act 2003.

In relation to the prevention of public nuisance, this proposal will not only cause noise and disturbance to the residents of Newburgh (most of whom are elderly, but also some young families), but will also bring larger amounts of people into this quiet village, and other surrounding villages, partying until late at night in the week, and the early hours of the morning at the weekends. Late nights and alcohol do not mix very well, and this will cause loud anti-social behaviour and possibly noisy drunken disagreements when leaving the premises. Unfortunately, we do not have an immediate and local police presence to contain this behaviour.

There will also be issues with parking, and therefore the loud noise of vehicles (cars, taxis, minibuses) coming and going until the early hours of the mornings, with multiple bright car headlights shining directly into the private properties opposite. I don't believe that anyone has an issue with the current hours that have been granted for the Course Lane site, but in the evening noise carries, and there will be live and possibly amplified music playing, car doors banging, anti-social drunken behaviour, etc from this site, which will obviously disturb many residents that live specifically in the close vicinity of the site, and then carry further afield, causing a serious public nuisance. Please bear in mind that even the noise from Newburgh Fair carries afar, so the closing of doors and windows in late evening will not contain much of the noise nuisance. I would also question if, as the building is clad in metal sheeting, is it soundproof? It was approved for use as a shop, not a party venue.

There are also current known flooding issues on Course Lane (and surrounding fields and area), and with many more cars accessing this site throughout the day and night it will cause more water logging due to mud and sludge being forced onto the road and blocking the drains.

We totally object to this night time alcohol and music licence application, it is not in keeping with the West Lancashire Local Plan 2012-2027 Policy GN3 and ask for it to be refused

Regards

From:

Sent: 23 August 2020 19:38

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Premises License application Eden Tearoom and Galleries, Course Lane, Newburgh

22 August 2020

The Licensing Officer

WLBC

Licensing Dept

I wish to object to the granting of the hours requested on this application as they fall outside of the permitted hours of use shown in Planning Approval 2016/1151/FUL. The hours therefore requested for licensing should be 8am to 6pm Monday to Friday and 9am to 6pm Sunday and Bank Holiday.

The area to be licensed shown on the map on the application goes beyond the boundaries of the premises and is on Green Belt land. There is no planning permission for outdoor seating.

Newburgh Village has a high population of retired residents many of whom live in close proximity to the premises and who enjoy the quiet nature and security of village life. The residents are appreciative of the natural beauty of the area and although the A5209 is a busy road, after 7pm when it quiets down they can be seen in the gardens enjoying the quiet of the evening. At present in the day time nearby residents are overlooked with invasion of privacy due to the large expanse of windows on the Eden premises and so only feel comfortable to the front of their own houses when the premises close at 6pm.

Prevention of Public Nuisance

The noise generated from live/recorded music, people talking, fans and air conditioning are all going to result in this being heard externally affecting the Community and nearby residents as there is only one entrance door so each time this opens and closes it will allow more sound into the outside areas thus causing disturbance and Public Nuisance. Should visitors mill around outside smoking and drinking then again there will be not only disturbance of noise but also a

feeling of insecurity to elderly nearby residents whom are used to the quiet confines of the village.

Traffic coming onto and leaving the premises will also create a lot of noise. The countryside at night is quiet and sounds magnify and travel over the fields and all external noise will be heard on Course Lane, Back Lane, Sandy Lane, Tears Lane and further.

The car park surface is coarse gravel which is noisy when vehicles are moving on or off the premises and especially when turning and reversing.

Doors opening and closing, horns sounding, much more traffic if taxis are picking up and dropping off.

When Eden held an evening event recently headlights from cars leaving the venue were shining directly into residents living room and bedroom windows opposite resulting in an invasion of privacy and constituting a public nuisance.

Public nuisance to nearby residents with internal lighting on all evening as there are 15 residential properties that would be seriously affected by light shining onto living rooms and bedrooms - many of these are retired, elderly residents and some more vulnerable who at present do feel safe in the confines of their homes in quiet Newburgh village. There are no window coverings or obscurity filters on the windows which is a privacy intrusion to neighbours in close proximity. This lighting issue has already been brought to the attention of the tenant from Environment as the "Responsible Person" on site when closing up in the evening now leave excessive lighting on continually which really is impacting on neighbours nearby.

PREVENTION CRIME AND DISORDER Drinking socially can bring with it issues arising from arguments or just high spirits and where this carries on outside then this could be disturbing to nearby residents. With events being advertised all over North West area it is outsiders who will be visiting who are not familiar with quiet villages and respect for residents. Again with limited public transport and taxis not turning up when requested this could lead to issues on leaving premises.

PUBLIC SAFETY

There is no external lighting on the property as this would be statutory nuisance as agreed by Environmental Health but this could also be a potential issue for safety. The security fencing to the front west of the building has not been installed (this is currently being looked at by planning department) which leaves direct access to the rear of the building and open fields which is very dark and thereby not secure and not able to be monitored from inside the building. Pedestrians do not have access to the premises other than via the vehicle driveways which at night has definite safety concerns.

Summary

The extended hours requested will have a major negative impact upon the village community mainly due to the building structure not suitable for this change of use. With no soundproofing installed and potential to play music in the evenings then this will cause disturbance and likely to add stress and affect mental well being of nearby residents. It was designed to be a Tearoom Cafe with retail sales and not to hold evening social venues as defined by class of use A3.

The tenant has never attempted to consult with residents to gauge feeling and has apparently ruled out any discussion over possible compromise (if this was to be an option.).Despite assurances by tenant as to the evening venues being “infrequent” “now and then” the advertising on social media and newspapers shows differently - reference from Ditto Coffee shows “venues to be a drop in centre for musicians to record, play music” does not sound like a cafe selling coffee and cake to me but more of a drinking social establishment. I cannot think of many visitors who would request coffee and cake at 11pm in the evening.

Environment Support stated in their statement for change of use of the building as a Cafe retail unit class A3 that “As the site is in close proximity to residential premises there is a potential for some increase in noise which would require these restricted hours to be in place “. These hours being until 6pm only. The residents rights remain the same now as when the statement was issued and need to be continued to be protected.

I ask that you respect the rights of the Village Community and nearby residents in line with GN3 policy and Human Rights Act Article 1, Protocol 1, safeguarding amenities and refuse this application for the hours proposed

- I have no objection to a premise licence for the current permitted hours of business finishing at 6pm in the evenings.

Regards

Course Lane

Newburgh

WN8 7UB

From:

Sent: 23 August 2020 22:52

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearooms

As we all know Newburgh is a small village and at night very few cars pass through. With events being held at the tearoom until late this will create disorder, with vehicles leaving late. Its known that some people after they have had too much alcohol can be disruptive with the possibility of damage done to property, cars and gardens.

Newburgh has a variety of ages living here. If the parents are young they could have children of school age, the light pollution, and music and sound coming from the tea rooms could stop children from having a good nights sleep disrupting there progress in school. A lot of people would not even live locally, they would just drive home not even thinking about the disruption left behind.

Newburgh is a quiet place we all enjoy this I do hope it won't change. And hope strangers going to Eden will not leave an uneasy feeling behind.

How can this be a Tea Room with the hours they want to keep. If you say to them it's a pub the reply you get is it's a tea room. I don't know anywhere you can have afternoon tea at midnight.

The applicants have not even consulted with the locals that says a lot about them.

Thank you for reading this I hope it's not a waist of time and you will give us some consideration.

From:

Sent: 22 August 2020 15:53

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc: Lovelady, Kay <Kay.Lovelady@westlancs.gov.uk>; Breakell, Kirsty <Kirsty.Breakell@westlancs.gov.uk>

Subject: Eden Tearoom and gallery

Dear Licensing Committee members

As an elected representative of the residents of Newburgh I wish to voice concerns about the license application submitted by Eden Tearooms.

As their title suggests this is a tearoom, not a licensed premises. The premises have permission for retail, café units and ancillary facilities all of which could be accommodated within the village of Newburgh. What the license application does is change the whole emphasis of the site into a licensed alcohol and entertainment establishment more conducive to a city or town site, with no consideration of the village status which has seen Newburgh twice been named Best Kept Village in Lancashire.

I believe that there are significant licensing issues as follows :-

- 1) **Prevention of Crime and Disorder.** A quiet village in a rural location, Newburgh has seen little crime and disorder in its long history. This application, for a licensed premises, at the entrance to the village and situated in the middle of a field changes the emphasis much more akin to a pub and entertainment venue, which in turn could make it more susceptible to the criminal elements in our society. The potential for disorderly behaviour, drug issues and traffic issues is significant. No noticeable public transport exists coming through Newburgh and it is likely that most customers will come in their own vehicles, again increasing the risk of traffic offences, drink driving and illegal car parking.
- 2) **Public nuisance.** This is the biggest issue as it leads to a risk or interference against the lives, well-being, property and common rights of the public. Already we have seen light pollution when the establishment's lights were left on overnight. In this location, the middle of a field, the whole area becomes illuminated. Car lights at the times requested will exacerbate this greatly, can you imagine an event running at full capacity, with multiple vehicles coming out onto the A5209 at 1am. This will undoubtedly disturb residents and may cause sleep deprivation issues. I note the potential measures to prevent noise, however the reality is that there will be significant noise at the end of the evenings' events with doors opening/closing, people saying their goodbyes and the noise will travel continuously out of the premises/car park and into the open field and beyond to residential homes. Allowing people to drink outside will also cause public nuisance. Who, in the gardens opposite, will want to hear excessive noise coming from over in the field or find litter being blown across the road. Residents over the road are already feeling constrained

by the tea rooms and licensed premises will destroy the peace and tranquillity they currently enjoy.

- 3) **Promotion of Public Safety.** This is paramount to the site and licensing it for late hours makes the impact potentially devastating for residents. To ensure safety will require significant additional lighting, the A5209 onto which vehicles will access from the site is a very busy link road direct to the M6 and for HGV's and cars to see traffic exiting the site will require increased lighting on the open field. This, of course, will increase the public nuisance aspect for residents.
- 4) **Prevention of children from harm.** This is clearly vital to everyone yet I see no evidence of it in the thoughts of the applicant. The aim appears to be sell alcohol at all times, from 8 in the morning until 11 at night or 1 in the morning. People are coming to a tearoom and gallery and bringing children so why are they being exposed to potential early morning drinkers when a more appropriate time to start selling alcohol may be 12 noon. I also see no condition preventing children entering the licensed premises after a certain time, say 8pm.

Overall this is a poor expansion of a development that, generally, had the support of residents as a tearoom. The idea of a tearoom and gallery fitted well into the village environment yet the owner has attempted to transform the permission for retail, café units and ancillary facilities into something totally different and totally inappropriate for the village of Newburgh. This will be damaging to its residents, the majority of whom have retired to the peace and quiet of a beautiful village.

I believe this application should be turned down completely, with the applicants invited to come up with a more reasonable suggestion in keeping with the village.

Newburgh

From:

Sent: 23 August 2020 22:28

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Subject: Eden Tearoom night time alcohol & music licence application

Representation from

I strongly object to the supply of alcohol and music at Eden Tearoom in the evening.

Newburgh is a quiet village populated by a number of older people, younger members who often have young children and others who commute to work in nearby towns and cities. All have chosen to live in a quiet environment and they often have an early start to their day needing a good night's sleep and good quality of life.

The prevention of crime and disorder:

The Tearooms will spoil the environment as there will be noise from music, cars, doors banging, people being loud/drunken as they leave the premises in taxis, cars etc. Anti social behaviour will increase as visitors won't have any regard for the disturbing the locals or their property and there will be overspill parking, litter, vandalism etc in a place where police support isn't close by.

Notices in the Tearoom advising guests to be respectful to villagers and to leave the premises quietly will probably have little effect after the consumption of alcohol, especially when it's late and they've been drinking all evening.

Public Nuisance

Noise can be heard very easily around the village and while people didn't mind hearing it from the final night of the annual village fair, they would strongly object to being disturbed late on Friday and Saturday night on a regular basis

On week nights adults and children need to have a peaceful nights sleep for work/ school.

We open windows at night so the noise will carry and disturb us and the increased volume of traffic during the evening will also be annoying as this is the only time we get a quieter road.

Public Safety

The light from the tearooms is a distraction, not only for people living opposite but also for passing motorists.

The village would have been supportive of a traditional tearoom but this is more like a public house/events venue. It doesn't enhance the village or bring any asset to it but it only brings problems to our environment, safety and quality of life.

Course Lane
Newburgh
Nr Wigan
Lancashire
WN8 7UB

Sunday 23rd August 2020

Dear WLBC Licensing Team,

RE: Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB

Please take into account our representation relating to the above's application for a Premises License

We object to the Premises License application.

Crime and disorder

Living directly opposite, we have concerns around prolonged and late-night consumption of alcohol and associated potential for anti-social behaviour e.g. offensive language and damage to private property. Alcohol has the potential to increase the volume of the spoken word and increase disinhibited behaviour, often as an evening progresses, until 1am in the morning if approved. This could spoil a quiet evening in the garden for us, or equally disturb our sleep later on.

CCTV to monitor/deter crime and disorder is laudable, but the likelihood of our every move to and from our private property being recorded is not. Within wide camera angles, we suggest there is potential for our privacy to be compromised.

Public nuisance

Noise

Gatherings of people will inevitably make noise, whether at a public or private function. This noise will travel to surrounding properties, unencumbered, from the margins of the proposed supervised alcohol consumption zone at the front of the Eden Tearoom And Galleries. We have previous experience of noise traveling across the road to our property during the Tea Room's former incarnation as a Fruit Farm, thankfully with limited hours and principally only over the summer months. The proposed 'zone' has the potential to bring noise disturbance (alcohol related or not) closer to our residential property and that of others.

Light

As we live opposite, we are prone to light nuisance from the following:

- Increased headlights (access/egress directly opposite our property)

- Lit internal lights through the glazed frontage of Eden Tearoom And Galleries day and night giving us a clear view within their building. We suspect an equally clear view will be available to the patrons of Eden Tearoom And Galleries of inside the rooms at the front of our property, and indeed of us too.

Having experienced the Tea Room's standard internal and security lighting late at night (please reference my email to Ms. Bailey, 25th July 2020), we have found this to be extremely distracting and impossible to ignore. In a similar vein, we have concerns relating to additional lighting associated with licensed entertainment e.g. strobe lighting, coloured and/or flashing lights, if they were used as they are likely to distract us when entertaining, reading, watching television and indoor exercising in the front room.

We respectfully request WLBC Licensing Team takes our objections seriously when considering the above Premises License application.

Yours sincerely

From: >

Sent: 24 August 2020 16:40

To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>

Cc: ParishClerk, Newburgh (MBX) <Newburgh.ParishClerk@westlancs.gov.uk>

Subject: Application for Premises Licence - Eden Tea Room and Galleries, Course Lane, Newburgh, Lancashire

Back Lane

Newburgh

Lancashire

WN8 7UQ

Dear Sir / Madam

I have resided at the above address for the last 21 years and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh.

The siting of a Licensed Premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area, some of whom will have no regard for the lifestyle of a small historical village. Nor will they have respect for its inhabitants. Newburgh is also a Conservation Area and the Parish is unique, and as such, it should remain so instead of being swallowed up and disappear into the abyss, as so much of our rural countryside these days.

These extended hours will have the potential for drunkenness and associated disorderly behaviour, e.g. alcohol fuelled arguments which invariably escalate to violence, criminal damage to vehicles, surrounding property and drug abuse. It is not unusual for drunks to use surrounding property /gardens of venues as urinals and to carry out overt sex acts.

Pre-booked parties can include Hen parties, Stag Nights, wedding, and birthday celebrations, all of which will be accompanied by live or recorded music. All of these events will create NOISE. Patrons sitting outside the premises in the evening will create NOISE. Patrons entering and leaving the premises regularly to smoke a cigarette or get some fresh air will allow any NOISE to travel.

The management will be unable to control the NOISE emission from their patrons, as that would upset the very people who are putting money in the tills. The applicant to date has already displayed a total disregard for planning regulations so I believe that it is highly unlikely he would control NOISE emission or any other stipulations imposed by the Council, whether it be Planning or Licensing!!!!

The premises are located in a Green Belt area with a very infrequent bus service which finishes at 7.30pm and doesn't operate on Sundays. The only means of attending these premises is by taxi, hired mini bus/ coaches or car. Alcohol fuelled revellers waiting for their transport will create NOISE. Vehicle crime may increase as customers will be parking their vehicles on the car park at the front of the premises. It also increases patrons risking driving whilst under the influence of alcohol with its attendant dangers.

Lancashire Constabulary has experienced cuts on staffing and fewer officers are available in West Lancashire during the evening and night. Any incident at the Tearooms would not be a high priority and due to lack of Police Officers and location of the premises an immediate response cannot be guaranteed if required.

CRIME AND DISORDER

Newburgh, is a small country village surrounded by agricultural Green Belt and has a low crime and disorder rate. The recorded crime figures in the UK Crime Stats show there has been a total of 30 recorded crimes committed in a 1-mile radius of my home between the 1st January, and the 20th June, 2020. They break down as follows:-

Anti-Social Behaviour = 13

Burglary = 6

Violence = 7

Theft = 2

Possess weapon = 1

Public Order = 1

No offences relating to Vehicles, Drugs, Damage or Robbery have been recorded.

PUBLIC SAFETY

The business has been advertised widely outside the immediate area. It is reasonable to anticipate a dramatic increase in road traffic on a road that is already unfit for purpose. The premises are only accessible by car / minibus after 7.30pm and all-day Sunday. The increase in road traffic will be reflected in more road traffic incidents.

PREVENTION OF PUBLIC NUISANCE

The NOISE from raised voices of customers during the evening or from the beer garden during the day. The NOISE made by customers leaving the premises on foot or by vehicle or waiting to be collected by a vehicle e.g. taxi. The NOISE from the slamming of vehicle doors

and the starting and revving of engines. The music, live or recorded being played via an amplifier during the day and late into the evening. The applicant has ticked the Live Music, as in his application Section 10 of 21 (Provision of Live Music)

NOISE caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

The application is for the premises to be open until 2am Friday / Saturday. This means customers will be exiting the premises any time afterwards up to and beyond 3am together with the groups of musicians moving equipment and staff locking up the premises after cleaning and throwing bottles out. The residents of the village are either elderly or have young families and work during the day. The average working family will be getting up around 7am to start their day. Therefore, adults and children will only have uninterrupted rest between 3am and 7am. What quality of life is that for anyone!!! The same applies when the premises closes at 11pm. Customers will take at least an hour to leave, bands moving their equipment and staff clearing up. So, on a weekday there will be disturbance until beyond midnight. This will be happening 5 days a week.

The area is extremely quiet during the evening and night. The premises are not designed to restrict NOISE from amplified music, juke boxes or public address systems and it will be clearly heard within the village. The NOISE will certainly be heard from my premises and beyond thereby disturbing residents in their own homes at a time they should reasonably expect to be able to relax.

NOISE carries at night. The music from the Newburgh Fair and from the Cricket Club and Tawd Vale Scout Camp can be clearly heard from my home but thankfully they only take place once a year not 7 days a week.

A considerable increase in litter and debris from customers drinking, smoking and eating outside the premises and on their way to and from the premises.

Light pollution from the premises particularly from Autumn to Spring. The lights from the premises are directly in the view of the houses on Course Lane.

NOISE caused by any ventilation system. If one is not fitted then the doors and windows will need to be open allowing NOISE to travel to the surrounding area.

There are what appear to be Sky dishes attached to the building. What would a Tearoom, Art Gallery or room holding pre booked parties want with Sky TV unless they are to show sports programmes, which brings into question the type of clientele they will be attracting, who will also be leaving the premises having consumed a large quantity of alcohol, chanting and shouting. It does not matter what time of day or night it will upset residents and is more than likely going to cause reaction and unpleasant confrontation.

PROTECTION OF CHILDREN FROM HARM.

As mentioned, previously, if the licence is granted there will be NOISE coming from the premises after midnight Sunday to Thursday and 3am Friday and Saturday. Children of school age will have their sleep disrupted. This will impact on their ability to function during the day and impact on their education.

The increase of traffic on the roads of Newburgh will also increase the danger to children as they walk the streets. It is bad enough now, when HGVs mount pavements nearly missing pedestrians.

NOISE and LIGHT emissions will also have a negative effect on our local wildlife e.g. our colonies of bats, birds, foxes and badgers

CONCLUSION

The original application was for a Tearoom open from 8am to 6pm Monday to Sunday and 9am to 6pm Sundays and Bank Holidays. No mention or suggestion of a licensed premises catering for live amplified music until 2am. This has been a back-door approach to operating what is in reality a Night Club on Green Belt in a quiet village. If the applicant had been honest from the start would planning permission have been granted for the use of a building for amplified music events with a liquor licence and opening hours 8am to 11pm Sunday to Thursday and 8am to 1am Friday and Saturday on a Green Belt in the heart of a small village surrounded by private dwellings.

Had residents been aware of these plans in the first instance there would have been many objections from the outset.

A key objective of the local plan is that each District should retain its own distinctive character through the protection of assets and good design of development. How does this development meet this criterion?

There is no need or desire from the residents of Newburgh for an establishment of this type which is more suited to a city or town where there are ready made customers.

THIS WILL SEVERELY IMPACT UPON THE QUALITY OF LIFE OF THE RESIDENTS OF NEWBURGH

I believe the points I have raised are valid and relevant to the application and I hope you give them due consideration.

From:**Sent:** 24 August 2020 16:58**To:** Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>**Cc:** ParishClerk, Newburgh (MBX) <Newburgh.ParishClerk@westlancs.gov.uk>**Subject:** Application for Premises Licence - Eden Tea Room and Galleries, Course Lane, Newburgh, Lancashire

Woodrow Drive

Newburgh

Lancashire

WN8 7LB

Dear Sir / Madam

I have resided at the above address for the last 3 years (But have lived in Newburgh for 18 years previously with parents) and I am writing to voice my objections to the issuing of an alcohol licence for the premises Eden Tea Rooms and Galleries, Course Lane, Newburgh.

The siting of a Licensed Premises on Green Belt, offering live music, open 8am to 11pm Sunday to Thursday and 8am to 2am Friday and Saturday will attract people from outside the area, some of whom will have no regard for the lifestyle of a small historical village. Nor will they have respect for its inhabitants. Newburgh is also a Conservation Area and the Parish is unique, and as such, it should remain so instead of being swallowed up and disappear into the abyss, as so much of our rural countryside these days.

These extended hours will have the potential for drunkenness and associated disorderly behaviour, e.g. alcohol fuelled arguments which invariably escalate to violence, criminal damage to vehicles, surrounding property and drug abuse. It is not unusual for drunks to use surrounding property /gardens of venues as urinals and to carry out overt sex acts.

Pre-booked parties can include Hen parties, Stag Nights, wedding, and birthday celebrations, all of which will be accompanied by live or recorded music. All of these events will create noise. Patrons sitting outside the premises in the evening will create noise. Patrons entering and leaving the premises regularly to smoke a cigarette or get some fresh air will allow any noise to travel.

The management will be unable to control the noise emission from their patrons, as that would upset the very people who are putting money in the tills. The applicant to date has already displayed a total disregard for planning regulations so I believe that it is highly unlikely he would control noise emission or any other stipulations imposed by the Council, whether it be Planning or Licensing!

The premises are located in a Green Belt area with a very infrequent bus service which finishes at 7.30pm and doesn't operate on Sundays. The only means of attending these premises is by taxi, hired mini bus/ coaches or car. Alcohol fuelled revellers waiting for their transport will create noise. Vehicle crime may increase as customers will be parking their vehicles on the car park at the front of the premises. It also increases patrons risking driving whilst under the influence of alcohol with its attendant dangers.

Lancashire Constabulary has experienced cuts on staffing and fewer officers are available in West Lancashire during the evening and night. Any incident at the Tearooms would not be a high priority and due to lack of Police Officers and location of the premises an immediate response cannot be guaranteed if required.

CRIME AND DISORDER

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PREVENTION OF PUBLIC NUISANCE

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Noise caused by delivery vehicles outside of normal opening hours. We have already experienced deliveries before 8am despite the promises made this would not happen.

The application is for the premises to be open until 2am Friday / Saturday. This means customers will be exiting the premises any time afterwards up to and beyond 3am together with the groups of musicians moving equipment and staff locking up the premises after cleaning and throwing bottles out. The residents of the village are either elderly or have young families and work during the day. The average working family will be getting up around 7am to start their day. Therefore, adults and children will only have uninterrupted rest between 3am and 7am. What quality of life is that for anyone!!! The same applies when the premises closes at 11pm. Customers will take at least an hour to leave, bands moving their equipment and staff clearing up. So, on a weekday there will be disturbance until beyond midnight. This will be happening 5 days a week.

The area is extremely quiet during the evening and night. The premises are not designed to restrict noise from amplified music, juke boxes or public address systems and it will be clearly heard within the village. The noise will certainly be heard from my premises and beyond thereby disturbing residents in their own homes at a time they should reasonably expect to be able to relax.

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There are what appear to be Sky dishes attached to the building. What would a Tearoom, Art Gallery or room holding pre booked parties want with Sky TV unless they are to show sports programmes, which brings into question the type of clientele they will be attracting, who will also be leaving the premises having consumed a large quantity of alcohol, chanting and shouting. It does not matter what time of day or night it will upset residents and is more than likely going to cause reaction and unpleasant confrontation.

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Noise and light emissions will also have a negative effect on our local wildlife e.g. our colonies of bats, birds, foxes and badgers

CONCLUSION

The original application was for a Tearoom open from 8am to 6pm Monday to Sunday and 9am to 6pm Sundays and Bank Holidays. No mention or suggestion of a licensed premises catering for live amplified music until 2am. This has been a back-door approach to operating what is in reality a Night Club on Green Belt in a quiet village. If the applicant had been honest from the start would planning permission have been granted for the use of a building for amplified music events with a liquor licence and opening hours 8am to 11pm Sunday to Thursday and 8am to 1am Friday and Saturday on a Green Belt in the heart of a small village surrounded by private dwellings.

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A key objective of the local plan is that each District should retain its own distinctive character through the protection of assets and good design of development. How does this development meet this criterion?

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THIS WILL SEVERELY IMPACT UPON THE QUALITY OF LIFE OF THE RESIDENTS OF NEWBURGH

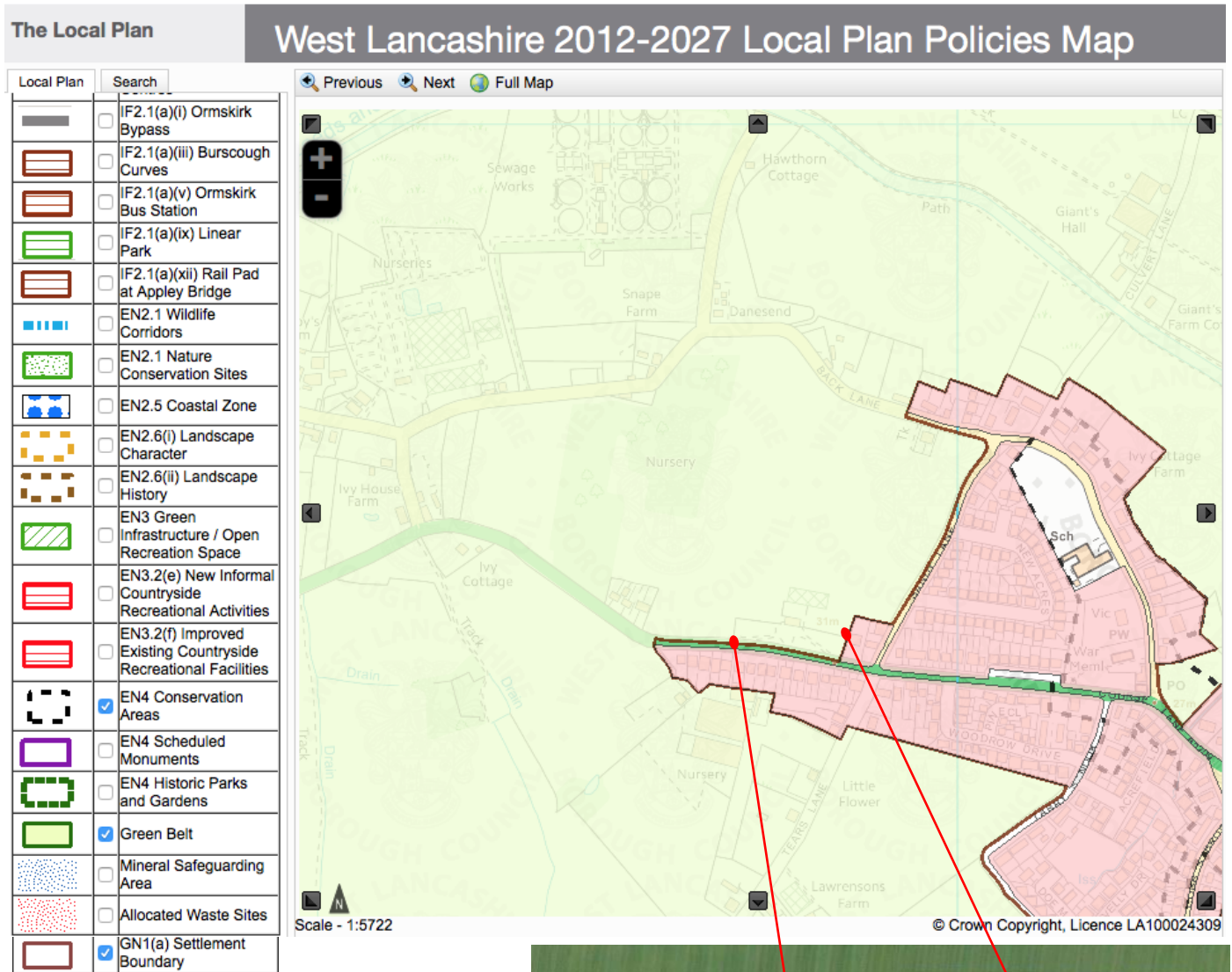
I believe the points I have raised are valid and relevant to the application and I hope you give them due consideration.

Yours sincerely,

Eden Tearoom Limited have applied for a Premises Licence at:
Eden Tearoom and Gallery, Course Lane, Newburgh WIGAN WN8 7UB

I wish to make representation about this application. I live on New Acres, within 500m of the premises and would be affected principally by the proposed late evening and night noise from events on the premises.

The ex Farm-Shop site is located within the Newburgh Green Belt, with residential properties immediately to the East, and to the South, where residents enjoy the benefit of a quiet rural setting in this residential and agricultural village. There are wide open fields to the west and north, with more, relatively isolated, residential properties within 2-300m of the building to the north and north-west



The proposed licensed area outlined in blue in the application expands well beyond the perimeter of the Tearoom building and into the adjacent field, and doesn't appear to match with the property perimeter.



The premises currently have approval for opening hours 8am to 6pm Mon-Sat, and 9am-6pm Sunday under Planning Approval 2016/1151/FUL

As a local resident, I am unhappy that there has been no Consultation by the Applicant as to this development of the business, other than this re-application for the Premises License due to “technical issues”, where now residents are being consulted under the Licencing procedure.

With regard to the Licensing Objectives, I respectfully wish the Licensing Committee to take the following points into consideration when determining any license issue.

Prevention of Public Nuisance: - Light pollution and privacy intrusion from the building

The building is glazed fully at the front, and partially at the sides – acceptable for a Gallery and Tearoom with daylight working hours, but in the evening, when it starts to go dark (around 4:30pm in winter), and once dark, the issue of light shining from the building becomes a serious nuisance

As well as residents getting unwanted views of the events happening within the building, the large glass windows offer unhindered views out over the road and into residents front rooms – upstairs and down.

Light also shines from the building into those properties, who residents are accustomed to having open views to the outside without being overlooked. These images of the Gallery from across the road, were taken by myself at around 1am on 22nd July, when the downstairs lights were left on overnight. If the 1st floor was illuminated too (as it would be for events), it would be an even greater nuisance to those living opposite, who would need black-out curtains, causing serious nuisance and changing their lives. This nuisance would be unacceptable. If a party also had flashing lights, that would further increase the nuisance



These lights have been left on, on several occasions since the opening, and cause particular nuisance to the residents opposite, many of whom are elderly and reluctant to make a fuss



This wide angle image is taken from the Eden facebook page, and you can clearly see the view into the houses opposite, from the middle of the tearoom, without standing directly in the window. At night, customers will be able to see very clearly into the residents illuminated front rooms, causing unwanted intrusion, nuisance and invading their privacy



Prevention of Public Nuisance: - Light Nuisance from Traffic

On 12th August, Eden held a Flower Arranging session in the evening, outside approved opening hours, and the few cars that left the premises that evening after 9pm caused nuisance to residents living opposite, with their headlights shining into their front rooms

This would be multiplied for the proposed events to an unacceptable level, most likely requiring residents to fit black-out curtains in an attempt to minimise the nuisance, which would be an unacceptable nuisance and loss of amenity

Prevention of Public Nuisance: – Regulated Entertainment - Noise

The building has been constructed as a Tearoom and Gallery, and whilst using some thermal insulation in the walls upstairs during conversion, does not seem to have any sound insulation and as such has not been designed to contain amplified music vibrations. In effect this is a metal and glass box, that will likely act like a drum with the likelihood of party music and noise being clearly heard outside the building.

Here's a screenshot from the Eden Instagram account showing the thermal insulation being installed:



The second image shows the internal false ceiling being installed. There appears to be no sound insulation in the roof either:



People going outside for a breath of fresh air or a smoke during events will also allow unwanted noise out of the building every time the door is opened – there is no internal porch to prevent this.

All this extra noise created during evening and late night events will likely result in local residents experiencing disturbed sleep; the need to keep windows closed in the evening and at night making it a real nuisance to be at home in the evening, sleep at night, and live in the village

This type of noise (amplified music, singing) is clearly heard across the village (on the odd occasion they hold an event) from the Scout Camp, Newburgh Fair and the Sports club. This should not be permissible seven days a week, and on no account regularly to 11pm or worse to 1am, and would seriously change the character of the village

Prevention of Public Nuisance: - Noise from the temporary outdoor seating area

Whilst a temporary outdoor seating area may be necessary during the current Covid-19 pandemic, it should not be allowed to stay open beyond 6pm. In the quiet evenings, the spoken word carries a long distance over the open countryside, and would be a serious nuisance to the local residents.

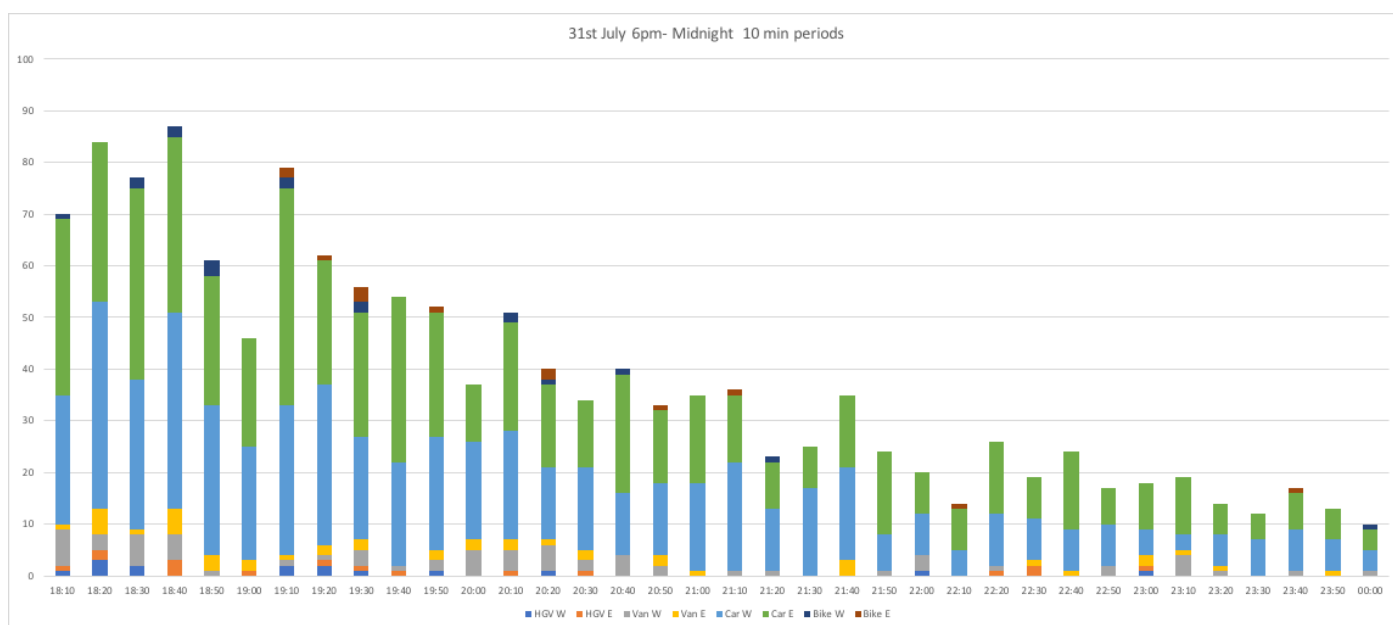
Any Permanent outside seating area should be considered by new Applications once Covid-19 has been determined to be over

Prevention of Public Nuisance: – Noise from extra traffic

Events held in the evening and late-night would obviously deliver an increase in traffic, and with people arriving and leaving, there would be the slamming of car doors, tooting of horns, and shouting cheery goodbye’s late into the night, causing nuisance and disturbing residents, particularly on Course Lane

Traffic is very busy during the day in Newburgh, with the lorries from the Burscough and Ormskirk Industrial estates running their business to the M6. However, traffic volume and noise reduces considerably in the evening, such that it is silent for long periods, other than for birdsong, sheep and people taking an evening walk. Noise carries very well over the open countryside, and the residents would like to keep it this way

I sat opposite the Tearoom in the car on Friday 31st July evening doing a traffic survey – and you can see from the chart, the volume is very low from around 7:30pm. The evening and night-time silence was lovely, and ask that you help keep it that way



Prevention of Public Nuisance: - Comments on Timings and Conditions agreed with Environmental Health, Police and the applicant in the License Re-Application

Timings

- The approved Opening hours for the premises are currently restricted by Approval: 2016/1151/FUL

which states *“The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays and 0900 and 1800 on Sundays and Public/Bank Holidays”*

I am concerned this application is for outside these hours

Some of these **Conditions** are impossible and many impractical to achieve

- *“External Doors and windows to be kept closed during regulated entertainment”*

Impossible: The building does not have a porch of any kind, so people entering and leaving during regulated entertainment will let noise out. This will be sure to happen many times at an event.

What ventilation does the building have that would enable internal temperature control? The windows are frequently open during the day now. Any air conditioning unit would cause additional noise from its compressor unit, and an extract fan would require fresh air to enter the building somewhere. If the windows are to be kept closed, customers would become hot, and any opening would let noise out constantly.

The building is clearly not designed to contain this type of noise, and should not be allowed to be used for the types of events proposed

- *“Noise shall not be distinguishable at the boundary of any neighbouring property after 6pm”*.

You can clearly hear people talking up to 100m away along Course Lane during the late evening and night. Noise travels further across the open countryside as it gets quieter after the rush hour.

- *“The volume shall be under the control of the management”*

Impractical: When bands come to play at weddings, customers will demand they turn up their volume for dancing – I’ve never been to a quiet wedding

- It is good there will be no external loudspeakers allowed

- *“Notices displayed at public exits (btw there is only one), requesting people to respect the needs of local residents”*

Impractical: When people have been to a party, and drink has been taken, it is inevitable they will shout their cheery goodbyes across the car-park, and slam their car and Taxi doors, especially if they are not locals, and it is too late once the disturbance has been caused.

- *The Designated Premises Supervisor – or other staff will ask people to leave quietly*

Impractical: They may ask, but it just doesn’t happen in practice

- *“No Deliveries will take place between 20:00 and 08:00”*

This has been broken many times already with Greenhalgh’s bakery (and others) delivering early morning – up to 12th Aug, as reported by a Course Lane resident living opposite:

Greenhalgh’s deliveries: 14th July - 7.09am; 16th July - 7.23am; 18th July - 6.34am; 8th August - 6.18am; 12th August - 6.51am; 13th August - 6.13am

Unmarked Vans: 15th July - 7.15am; 22nd July - 7.25 & 7.26am; 12th August - 7.35 & 7.36am.

- *“Designated Premises Supervisor or nominated person shall monitor levels of noise in any area used for smoking, and advise customers to respect local residents.....ask people to leave if causing disturbance”*
 Impractical: It is too late to ask someone to leave after disturbance has occurred. This is a small, quiet, rural residential village, and any disturbance is one too many
- *“The outside seating area to be closed after 21:00 and before 8am each day”*
 There is no approved outside seating area, other than currently allowed temporarily during the Covid Pandemic, and by the applicants request, any such area should be in *close proximity* to the building. The 9pm closure for this temporary outdoor seating area is far too late, and should be 6pm at the latest – allowing residents to enjoy the quiet evenings without the noise of customers making nuisance noise after 6pm. Voices, especially after taking alcohol, tend to rise in noise levels, and it’s not appropriate in this rural location as the residents currently have peace and quiet.
- *“If Premises approved between 23:00 and 01:00 they would be for Pre-booked, private functions.....”*
 Irrelevant: As far as I’m aware pre-booked functions are likely to be as enjoyable and noisy as public functions
- Training of Staff
 Just what any business should be doing
- CCTV and recording system around exits
 Standard requirement for a licensed premises

The Protection of Children from harm:

The proposed expansive area for consumption of off sales would likely be very unsafe particularly for children playing under the supervision of adults consuming alcohol. The premises are largely unfenced, in open countryside, adjacent to the main road through the village, and the area covers most of the car-parking area – very dangerous for children and parents popping back to the car for any items at any time, and especially in the darker unlit corners in the evening and night

The Area Proposed for consumption of alcohol off the premises is unacceptably large (appx. 130 x 55m) with regard to the purposes described in the Application:

“The Tearoom is the 1st Floor of the building, operating above a ground floor art gallery. We intend to provide a place for consumption of off-supplies within close proximity to the building, areas to be mapped out and submitted for approval”

The plan submitted in this application shows an expansive area, (appx. 130m x 55m), stretching well away from the building. It includes the car-park, the rear yard and beyond, and shows to be encroaching on the field.



If granted, any exterior area should be as requested in the Application form, i.e. in CLOSE PROXIMITY (ie within 5 or 10m and adjacent) to the café building
UNLIKE the large area shown on this plan

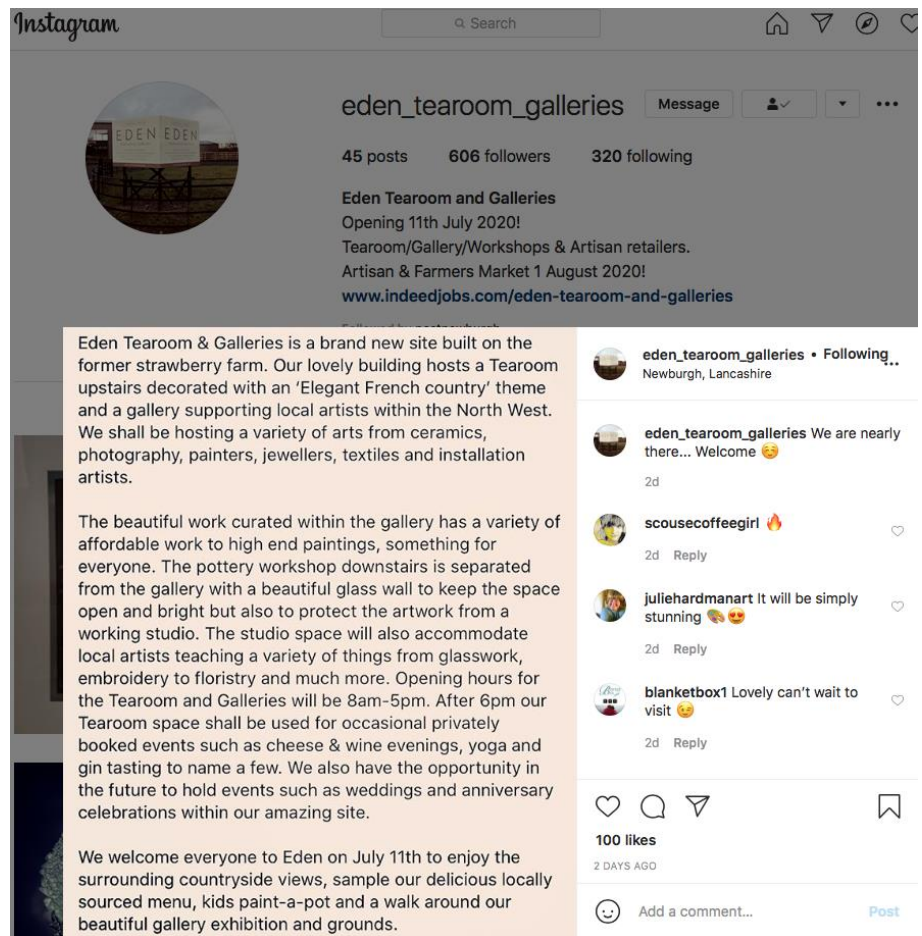
At night, there is no lighting at the sides and rear of the building or car-park - in line with Planning Approval conditions, and if external lighting were to be used after 6pm, it would be a Statutory nuisance.

Any outside area should be subject to being closed by 6pm, so that residents are not subject to noise from customers whose noise levels inevitably rise with the consumption of alcohol. This is a very quiet residential area in the evenings, and local residents should not have this valuable and long held amenity affected by any premises license.

Further, regarding the purposes requiring the Premises License described in the Application, I think that the Licencing Committee should be aware that the Tearoom have been presumptuously advertising since 23rd June on social media, that they SHALL be holding cheese and wine evenings, gin tastings, and future weddings and parties.

This is before they have approved extended hours or a Premises License

Screenshot from Instagram from 25th June – was also on facebook



It also states that these would be for occasional events, and as such a full premises licence could be considered excessive, as I understand any licence issued now can carry over to any subsequent user at the site, who may wish to have events more than “occasionally” – as indeed may the applicant. This midweek use is not mentioned on the Application form, questioning the need for the requested hours to 11pm anyway.

I also don't know if there is any significance, but the Application also states in Section 5, a maximum of 40 covers, but the plan included with it states 58 covers – that post covid could be many more.

The prevention of crime and disorder:

Newburgh is a quiet rural residential village, and Policed by Ormskirk & Rural West Lancs Police. The Police are rarely seen in Newburgh, and should disorderly events occur, would likely take some time to attend to any issues, particularly late evening and night.

From the local Police Crime map in Newburgh

<https://www.police.uk/pu/your-area/lancashire-constabulary/skelmersdale-rural/?tab=CrimeMap>

There have been no incidences of Antisocial behaviour within 250m of the Tearoom in the last 12 months

With customers coming in from outside the village to licensed events to 1am at the Tearoom / Café, there will likely be an increase in drug use in and around the premises – with the dark sides and rear of the building, along with the car-park area likely spots for incidents

Public Safety:

Eden are advertising their events all over the North West, it would be likely that most customers would be travelling from a distance to attend events, and be less thoughtful towards our small village community

There is no exterior lighting permitted after 6pm at Eden (either round the building or covering the carpark) under the existing Planning Approval which would make for safety issues at evening and late night events, with people potentially wandering around outside round the sides and rear of the building for a smoke, and there is a risk of drugs being brought in by outsiders to the village. Car crime could increase in the dark areas too

However, it is important to understand that any external lighting installed and used after 6pm would cause a Statutory nuisance in this rural green belt location.

Approved Planning Application 2017/0950/CON has condition that requires external lights to be operated only from 8am to 6pm and turned off automatically. I see no reason to change these times, as they were imposed to protect the amenity of residents

Public Safety: - risk to Traffic

When drivers pass through Newburgh, they're expecting a quiet rural village. Events going on in the Tearoom, with bright and sometimes flashing lights, would likely be a serious distraction to these drivers, especially late evening and night, with potential to cause accidents – there is a mini-roundabout very close to the premises that is regularly overshot even without these distractions.

Drivers turning out of the gallery exit gate would also increase risk to other road users not expecting this, and viewing the cars from the side as they leave would see no lights.

Public Safety: - Risk to Pedestrians

I have noticed that pedestrians entering the site from the only footpath near Eden have to share the same (Eastern) entrance with cars. There is little room for a car and pedestrian, and no room for a footpath with the wrought iron fencing at the side of the driveway. This is a recipe for an accident, especially in the dark, with vehicles coming to pick up customers when others are leaving on foot. (see the bottom right photo referring to Light nuisance on p.2)

Summary

There has been no change to the close proximity of residential premises since the initial Planning Application, and therefore I see no reason why the Environmental Health Official statement at the time under 2016/1151/FUL:

"I have no objection to the application for change of use of the premises to a retail/cafe use with the proposed hours of operation (8am-6pm). As the site is in close proximity to residential premises there is a potential for some increase in noise which would require restrictions to be placed on the premises"

.....should change their view on the opening time restrictions placed on the premises.

The West Lancs Local Plan vision states that *"In 2027, the rural areas of West Lancashire will continue to thrive off a strong agricultural sector, whilst enhancing biodiversity and providing a more diverse and adaptable economy. Appropriate new employment opportunities in the rural areas will include home based working, facilitated by high speed broadband..."*

..... The pleasant built and natural environment of these (Eastern Parish) rural areas will be sustained and conserved "

Newburgh is a small rural village, and would welcome the tearoom and gallery business, with the already approved opening hours. These requested evening and late-night hours are totally inappropriate in this setting and would adversely change the character of the village. There are over 140 objections to the Planning Application to match the opening hours of this Licensing request, of which over 100 include objection to the Licence. I expect a substantial number of residents have also made representation to the Licencing Application, though a less easily understood process may have disallowed some of these.

The applicants were aware of the Approved hours of 8am to 6pm Mon-Sat, and 9am-6pm Sunday from the start, however, they continue to openly breach conditions relating to planning approvals, that I trust the Planning Department have made you aware of, and this is of real concern to any conditions applied to a Premises Licence.


Crucially, the design of the building without soundproofing of any kind, its location in rural Green Belt and its close proximity to established residential properties, makes it wholly unsuitable for regular evening and late night events.

The fact that many customers will be from outside the village makes it less likely they will treat the village as local residents do, so will be much more disorderly when leaving the premises after drink has been taken, causing noise and disturbance to residents.

I ask that the views of the residents take significant weight in your decision. Most of the people who would likely be most seriously adversely affected by this have lived in this quiet rural residential and agricultural community for many many years. It would be reasonable for the business operating to the approved hours to have a Premises license, but outside these hours is the quiet time for those lucky enough to live in Newburgh.

I respectfully ask you to limit any license you may choose to grant to those approved hours, which were agreed after much consideration by WLBC, with any outside area permitted, albeit temporarily, to be in close proximity to the building.




Course Lane
Newburgh
Wigan WN8 7UB

13th August 2020

The Licensing Officer
West Lancs Borough Council
Licensing Section
Robert Hodge Centre
Stanley Way
SKELMERSDALE
WN8 8EE

Dear Sir,

Re: Eden Tearoom Planning Application for Night time Alcohol and Music Licence following on from original application No. 2020/1151/FUL

I refer to this latest application for a licence to serve alcohol and play music outside at the above venue until 11.00pm weekdays and 1.00am at weekends, and wish to register my strong objection to this. I live just a few metres away from the site, and would therefore be greatly disturbed by the loud music and excessive noise levels.

I am also concerned about the safety aspect when crowds of people have gathered outside, consuming alcohol, and maybe deciding to wander around the village late at night and possibly causing damage to property. As this is a very rural village, usually quiet at night, the thoughts of what the influx of lots of people and associated traffic coming and going until the early hours would do to our peaceful setting doesn't bear thinking about.

I would add that I had no objection to the original plan for a Farm Shop, Tearoom and Gallery which I feel would have been an asset to the village, and a licence to sell alcohol within reasonable hours would also not be a problem.

I think these latest plans are a bridge too far and would be a massive detriment to our lovely village environment. I trust these concerns will be given due consideration.

Yours faithfully,





Course Lane
Newburgh
WIGAN
Lancs
WN8 7UB

16 August 2020

The Licensing Officer
West Lancashire Borough Council
Licensing Section
Robert Hodge Centre
Stanley Way
SKELMERSDALE
WN8 8EE

Dear Sir/Madam,

EDEN TEAROOMS & GALLERY-NIGHT TIME ALCOHOL & MUSIC LICENSE APPLICATION

I write to object to the application for the above license.

I do not think any of my fellow residents would object to the granting of an alcohol license to cover the existing hours of the tearoom, namely 0800 to 1800 Mondays to Saturdays & 0900 to 1800 on Sundays & public/Bank Holidays as it would not be unreasonable for alcohol to be served between those hours.

However, is this a Tearoom and Gallery, or a wannabe Public House, Nightclub, & Music Venue they wish to create under the guise of a Tearoom & Gallery?

If this late night/early hours alcohol license is granted, you will be licensing the ability to cause a public nuisance. You also need to be fully aware of the strength of feeling amongst the residents which, if the license is granted in the form now requested, will result in every possible avenue of review being followed. In my own case, I was heavily involved in the Round O Quarry campaign, including giving evidence at the Public Enquiry, at which we prevailed in the end.

Whilst I am pleased that you have revoked the previously issued alcohol License "due to a technicality" we are fully aware that there were significant failures which ensured that the original application was not properly advertised, resulting in there being no consultation with the neighbours who would be most heavily affected by the impact of the license.

I am at a loss to understand why any applicant would think it acceptable to try & impose late night/early morning hours drinking, indoor & outdoor, INCLUDING AN OUTDOOR AREA 19.6 TIMES BIGGER IN AREA THAN THE FOOTPRINT OF THE MAIN BUILDING upon a community of residents living so close by. Many of us are elderly, myself included, & once the traffic noise has subsided between 6pm & 7am we need our sleep. Several residents have long term health problems & most of us are over 60 years of age.

Would you, for example, consider an application such as this, with its huge outside drinking area, as suitable in the centre of Ormskirk, with its large number of Public Houses, Bars, Take Aways & occasional Restaurant, but with a number of residential flats above the commercial premises?

My objection is on the following grounds:

** prevention of public nuisance

Sound carries at night across the open fields & surrounding area to many other residents apart from those close by. The noise from Newburgh Fair and the Scout Camp at Tawd Vale are very noticeable, but these are only annual & very occasional events respectively. The noise from trains on the Hoscarr stretch of the Wigan to Southport line can also sometimes be heard but not obtrusively & is wind direction dependent. The noise from Eden Tearooms will include car doors, noisy good-byes, taxis & noisy outdoor conversations, also the building has no noise insulation or blinds for the all-glass frontage.

** prevention of crime & disorder

late night drinking can so easily lead to excessive noise & disorder, especially since most of the customers will be from outside the area & from young generations. I do not think they will include those who would be content to attend a function & go home quietly after a couple of civilised drinks.

** public safety

I do not think any of the nearby residents would go for a night out in Wigan, or even Ormskirk, so why should potential disorder be pushed upon us, in the Green Belt & at a site which is totally unsuitable for a late night drinking entertainment & music venue?


I hope that common sense & practicality prevails & that you will only grant this license for the restricted hours mentioned.

PLEASE NOTE; AS OF 18 AUGUST THERE ARE SIXTEEN BREACHES OF PLANNING CONTROL AT THE SITE, INVOLVING THE NEED FOR FOURTEEN RETROSPECTIVE APPLICATIONS & TWO NEW ONES. YOU NEED TO LIASE CLOSELY WITH THE PLANNING DEPARTMENT OVER THE ALCOHOL LICENSE.

Yours faithfully,




31/07/2020


COURSE LANE
NEWBURGH
LANES
WNB FLA.

I WOULD LIKE TO REGISTER MY VERY STRONG OBJECTIONS TO THE PREMISES LICENCE APPLICATION BY EDEN TEAROOM AND GALLERY IN COURSE LANE NEWBURGH TO SERVE ALCOHOL ON AND OFF THE PREMISES AT ANY TIME, ALSO LATE NIGHT REFRESHMENT AND MUSIC LIVE AND RECORDED. THIS IS A QUIET RURAL VILLAGE THESE PROPOSALS WOULD BE MORE SUITED TO A TOWN CENTRE LOCATION, THERE ARE MORE THAN ENOUGH COFFEE AND LICENCED PREMISES STRUGGLING TO MAKE A LIVING IN THE AREA ALREADY. MY OBJECTIONS INCLUDE THE PREVENTION OF CRIME AND ALCOHOL RELATED DISORDER LEADING TO PUBLIC SAFETY AND NUISANCE TO THE RESIDENTS OF NEWBURGH.

Yours faithfully


P.S. I BELIEVE THE EXISTING ARRANGEMENTS WERE

Licensing Dept.
W.L.B.C.
SKELMERSDALE
WNS 8EE

[REDACTED]
COURSE LANE
NEWBURGH
LANCASHIRE
WNS 2UB.
6th August 2020

DEAR SIR/MADAM

RE:- EDEN TERRACE & GALLERY

I WRITE TO EXPRESS MY DEEP CONCERN ABOUT THE APPLICATION TO SERVE ALCOHOL AT THE ABOVE PREMISES AFTER 6.00PM AND ALSO THE PROPOSAL FOR THE PLAYING OF AMPLIFIED MUSIC. THIS IS A QUIET RURAL AREA AND THESE PROPOSALS REPRESENT A SIGNIFICANT PUBLIC NUISANCE. AND ALSO THE RISK OF DISORDERLY CONDUCT, SHOUTING AND SLAMMING OF CAR DOORS LATE AT NIGHT.

YOURS FAITHFULLY,

[REDACTED]
[REDACTED]

+

[REDACTED]
Newburgh
WN87UN
23.7.20
[REDACTED]

Re. Eden Tea Rooms, Newburgh

Licensing Dept
Robert Hodge Centre
Stanley Way
Skelmersdale

I wish to object to the licensing application for the above premises on the grounds of:-

1. Public safety.

The premises are situated on the already very busy A2509 and visitors to the premises will inevitably increase the volume of traffic through the village. The junction of Back Lane and the A2509 at the western end of the village is of particular concern. This junction is on a blind bend at the top of a hill and is dangerous both to traffic trying to exit Back Lane into the main road (because of the very restricted visibility) and to traffic waiting to turn right from the main road into Back Lane (because of the likelihood cars leaving Newburgh on the main road colliding with the back of the stationary vehicle as they round the bend)

2. Public nuisance

The premises are situated only yards away from a row of houses at the other side of the road, and close to other houses across open fields at the back and the sides. The noise and disturbance created by visitors to the tearooms, particularly out of doors and late at night would be completely unacceptable

[REDACTED]

[REDACTED]
Newburgh,
Nr. Parbold,
Lancs.

WNB 7TU
30th July, 2020

Dear Sir or Madam,

I wish to put forward
my objection to the premises
licence application by Eder Tearoom
and Gallery in Couse Lane, Newburgh.

My objection is to the length
of hours for alcohol to be served
for consumption on and off the
premises, the provision of late-night
refreshment, live and recorded music
until 1 a.m. at the weekend and
the proposed opening hours Sunday
to Thursday 8 a.m. — 11 p.m. and
Friday and Saturday 8 a.m. — 1 a.m.

Newburgh is a conservation
village and I am afraid that
this licence would possibly create
crime and disorder and, in general,
cause a public nuisance.

It would appear that the applicants are not, as we originally understood, providing a lovely tearoom and gallery, but have the aim of spoiling for ever the peace and quiet that we have enjoyed for so long.

Yours faithfully,

[Redacted signature]

RECEIVED
05 AUG 2020

[REDACTED]
Back Lane
Newburgh
Lancashire
WN8 7UQ

Licensing Officer
West Lancashire Borough council
Licensing Section
Robert Hodge Centre
Stanley Way
Skelmersdale WN8 8EE

26th July 2020

Dear Licensing Officer

REF: Notice of Application for the Grant of a Premises Licence, Eden Tearoom and Galleries, Course Lane, Newburgh, Lancashire WN8 7UB

I wish to formally object to the proposal above based upon the following statements:

The Prevention of Public Nuisance

Under the Licensing Act 2003 the prevention of 'Public Nuisance' is one of the four licensing objectives that must be achieved on all applications. The Public Nuisances listed below would directly affect nearby residents including residents along Course Lane, Sandy Lane, Back Lane, Woodlands.

1. Public Nuisance - **noise** caused by patrons sat outside the premises late in the evening or in the 'beer garden' during the day, patrons being dispersed and leaving the premises by car or other means, amplified music being played during the day and late into the evening potentially every day/night of the week and every day/night at weekends. Noise caused by deliveries of stock out of normal opening hours, noise caused by cleaning and bottling out, noise caused by a ventilation plant, if one exists and if not opening of windows/doors to ensure ventilation on the premises and the noise caused by fireworks from events being held.
The premises was not designed and constructed to prevent problems arising from noise caused by the use of amplified music, public address systems, and video juke-boxes etc. Background noise levels in the area of Newburgh are generally low and lower significantly more in the evenings, therefore entertainment noise is more likely to stand out and cause disturbance and at a time when people are at home and expecting to be able to relax.
2. Public Nuisance - **general disturbance** from patrons visiting and leaving the premises late into the evening, live music bands packing up and leaving after the event has finished which would be after the 11pm/1am closing time of the venue;

3. Public Nuisance – litter from patrons drinking, eating and smoking outside the premises, and on their way to and from the premises;
4. Public Nuisance - antisocial behaviour from patrons who may be intoxicated leaving the premises late into the evening after a day/evening of drinking at a Hen Party, Stag Night, Wedding, birthday party or music event etc.;
5. Public Nuisance - light pollution, in the evenings all year round but especially during the Autumn, Winter and Spring months;

Concluding Comment

Please be aware that condition 7 of granting the planning application for the Tearoom states that "The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Sundays and 0900 and 1800 on Sundays and Public/Bank Holidays." Would planning permission have been granted if the proposal for the use of the building had included amplified music events, a liquor licence and extended opening hours? Therefore, the application for extending the hours to 0800 and 2300 Sunday to Thursday and 0800 to 0100 Friday and Saturday breaks these conditions.

One of the key objectives of the Local Plan is that each area of the District should retain its own distinctive character through the protection of assets and good design of development. It is irreconcilable to take a view that allowing this Licence would not be detrimental to the distinctive character of the village. This is an inappropriate development in this quiet Green Belt location.

It is considered that the points raised in the above objection statement are based on sound material considerations and I trust that they will be given significant consideration and weight when you form your recommendation.

Yours faithfully



22nd August 2020

Dear Sir / Madam,

Premises Licence application by Matthew Lee Parsons for Eden Tearooms & Galleries, Course Lane, Newburgh

I wish to object to the granting of the above licence. My main objection is to the hours applied for after 6pm.

My representations are for the following reasons:

Prevention of Crime and Disorder

- If the licence is granted past 6pm then incidents of both crime and disorder will almost certainly arise. This could be in the form of disorderly behaviour when leaving the premises after alcohol has been consumed; late nights combined with alcohol often end in disorderly behaviour.
- Police response time is likely to be slow due to the remoteness of the location.
- The customers would most likely not be Newburgh residents due to the pre booked nature of Eden's events and so may be less interested in keeping quiet as they leave.

Prevention of Public Nuisance

- There will be an unacceptable level of noise from the venue, particularly late at night.
- There will be an increase in traffic, particularly at the end of the night once people depart.
- There would definitely be an increase in litter that would blow into residential properties opposite.
- The smell of cigarette smoke would drift to nearby residential properties.
- Loud voices from people outside smoking, or departing the venue, would drift to nearby residential properties.
- There would be unacceptable light pollution into nearby residential properties late at night. The venue is a glass fronted building and lights would cause great nuisance. This would be even worse if the lights were flashing during parties.
- There would be a loss of privacy for a large number of neighbouring houses. There are a number of houses directly opposite Eden who would be severely impacted by loss of privacy.

I would like to note that the construction of the building is not suitable for late night drinking and entertainment. The building is mainly constructed of glass and metal sheets. There are no window coverings and so this, combined with the large glass front, will result in light pollution and loss of privacy to residents living opposite. The noise from the venue will be a public nuisance to many Newburgh residents. On Newburgh Fair weekend, and on occasions when events are taking place at Tawd Vale Scout Camp, noise from these events can be heard throughout the village and disturb our sleep. The thought that this could happen on a regular basis from Eden is very disturbing and would cause significant nuisance.

Proposed Licensed Area

The area of the proposed licensed area at Eden Tearooms is too large and totally disproportionate to the size of the tearooms. The licensed area should be limited to the building itself, and a **temporary**


narrow area alongside the building for outside use before 6pm to take into account **temporary** measures for outdoor seating due to Covid-19. If a future planning application is made for an outside seating area, and it is accepted, then a separate licence for that should be made at the time.

Public Consultation

The applicant has not consulted with residents about their plans, despite there being sufficient time to have done so. This has left many Newburgh residents feeling extremely anxious about the future of our village. This is evident from the large volume of planning objections submitted by concerned residents.

I would also like to note that on a regular basis since opening in July, the business has repeatedly breached planning conditions and continue to hold events that they know are in breach of planning. This makes it extremely difficult to trust that the applicant will conduct their business within the conditions set out by the police and environmental health department which have been set out to protect the residents in line with the licensing objectives.

Yours faithfully,


Woodrow Drive
Newburgh

23 August 2020

Dear Sir/Madam

**Premises Licence application by Matthew Lee Parsons for Eden Tearoom & Galleries,
Course Lane, Newburgh**

Summary

I wish to object to the granting of the above licence. My central objection is to the hours applied for after 6pm. I have provided contextual information below, expanding on my key issues to support the Licensing Committee in their decision making process. These are:

- Newburgh is a village located in the heart of the greenbelt and predominantly a conservation area
- If granted, the licence will significantly undermine three of the four Licensing Objectives namely, Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety

Prevention of Crime and Disorder

- Incidents of both crime and disorder will be an almost certain outcome if the licence is granted after 6pm
- Police response time will be problematic due to the remoteness of the location. (Newburgh is not on a regular Police patrol route due to significant calls for service in both Skelmersdale and Ormskirk)
- Significant increase in numbers of people within the village after 6pm, the majority of whom will have consumed to some extent, alcoholic drinks with all the associated risks

Prevention of Public Nuisance

- Unacceptable noise from the venue, especially late at night
- Increase in traffic movement, particularly starting up, taxi collections and departures etc
- Increase in litter
- Drift of smoke and loud voices from outside
- Unacceptable light pollution into neighbouring houses late at night
- Fluctuating music being heard when doors open throughout the evening
- Strobing lights during party celebrations
- Loss of privacy for a large number of neighbouring houses

Public Safety

- Large open area unsuitable for children, lack of suitable lighting and cctv raising concerns for the safety of children and vulnerable adults
- Lack of footpaths endangering pedestrians, in particular families and people under the influence of alcohol, accessing and exiting the building through large car park and single track vehicular access to the east side of the building from the village

Additional considerations

- Lack of public consultation
- Strength and volume of residents objections
- Failure to adhere to the licence application requirements resulting in a direction to reapply.
- No local demand for another venue with an alcohol licence after 6pm in the evening.
- Environmental Health have previously recommended that 6pm should be the termination hour. This seems to have been overlooked
- Review of conditions already agreed by the applicant and the authority.

Newburgh Overview

Newburgh has been described as arguably the most attractive village in West Lancashire. Located about five miles from Ormskirk, the parish is bounded by the Leeds and Liverpool canal and the River Tawd and River Douglas.

It is rich in open space and recreational areas and is set in countryside attractive for walkers.

Newburgh is surrounded by Green Belt and at its heart is a conservation area with a village green – the site of an ancient fair – and a mixture of 17th, 18th and 19th century buildings.

We have a strong sense of history and place, as well as being an active and busy community with much to appeal to all ages.

Please consider my representation carefully as I OBJECT to the above application beyond the current opening times determined by the planning department 8am-6pm. If the licence is granted beyond day time use I believe local residents and the public will not be wholly protected from crime, anti-social behaviour and noise nuisance caused by the venue having an evening/late night/early morning licence.

I live across the road from the site on Course Lane and feel that the hours applied for beyond 6pm until late at night, and on occasions to the early hours of the morning, are not compatible with this rural residential location or the style and construction of the premises.



The business only opened in July and the applicant has not consulted with residents about their plans either before, or since opening. Even when the consultation period had to re-run due to a “technicality” the applicant did not take advantage of the additional opportunity to speak to residents. This has left many residents feeling anxious about the future of the village and in particular the future of the old “strawberry farm” site. A large number of residents have written their objections to the planning application and I believe many have also written representations to the

licence application. There have been many breaches of planning conditions and the business continues to promote and hold events that they are aware are in breach of planning. How are we supposed to believe that the applicant will conduct his business within the conditions set out by the police and environmental health department, to protect the residents in line with the licensing objectives?

My representations below are relevant to three of the four licensing objectives set out in the Licensing Act 2003, namely:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety

The prevention of crime and disorder

Figures taken from ukcrimestats.com website, the leading crime and postcode data research and analysis platform, show that there has been only one reported offence of anti-social behaviour and zero public order crimes within a quarter of a mile of the postcode of Eden Tearooms in the past 12 months. This surely shows how quiet and peaceful the area is in which the site is situated. Add late nights and alcohol into the mix, along with guests to pre-booked events who are unlikely to be residents, and I have no doubt that we will see an increased number of both anti social and public order offences in the area.

We are policed from Skelmersdale and rarely see a police officer, rural officer or police car in the area, apart from when they are passing through the village en route. I am sure with small numbers of officers on duty at any time that the response to any public disorder or anti social behaviour in the evenings and early mornings will not be very effective.

As a small rural village I am not aware of any specific problems with drugs or illegal substances. I have no doubt opening a licensed venue on a large open site until 1am with the provision of late night refreshment, live and recorded music and alcohol to be served for consumption on and off the premises, residents will see an increase in drug use in and around the vicinity of the premises.

The prevention of public nuisance

Course Lane can be a busy road during the daytime and with the volume of traffic, noise from the site is not presently an issue. However, the volume of traffic reduces significantly after rush hour and the residents can once again hear and enjoy the sounds of the countryside with bird noise being the loudest thing we hear, with the occasional sound of passing vehicles. I believe that if the premises get an evening licence, noise will become a significant nuisance. Residents, including myself, will be disturbed by vehicles and customers arriving at and leaving the premises. Noise disturbance through stereos, slamming doors, revving engines and cars beeping horns will be a nuisance.

Customers congregating outside the premises to smoke and chat will be a nuisance. We will see an increase in litter from a very open site which will cause a nuisance by blowing into our gardens on windy evenings. The residents of the village are very aware of litter on our streets, pavements and verges, mainly thrown from passing vehicles, and regularly conduct village clean ups to keep the area clean.

Lights from the premises after dusk will cause a public nuisance highlighted recently when lights were left on downstairs accidentally at the premises overnight. I attach a residents photo which clearly shows the light pollution from the premises, this was without lights being on upstairs in the Tearooms and the addition of “party lights” which are likely to be used for private events. **Please note that there are no window coverings and if an evening licence is granted a condition should be added that windows and other glazed areas should be fitted with heavy duty curtains or similar to prevent light breakout.**



The construction of the building itself is not suitable for the types of events the applicant wishes to hold during the evening. The building is mainly constructed of glass and metal sheets. The building has not been completed to the approved planning conditions and has not got the timber cladding agreed at the time of the planning approval. There are no window coverings so everything inside is viewable from the outside, which also means everything outside is viewable from the inside, causing neighbours to lose privacy and this will be a nuisance to many residents living opposite the venue.



The noise from the venue will be a public nuisance to many residents in Newburgh as sound travels a long way during the quieter evenings. Residents currently live with the noise until midnight from Newburgh Fair, but this is only for one weekend each year with many residents attending and money is raised for charity and the village. We also have noise disturbance during the summer months from the overnight camping at the Tawd Vale Scout Camp but again this is rare and very few complain as it is a celebration for children. However, residents often comment throughout the village of the noise travelling at night.

Public Safety

The site is a large open area with open access to fields. During the daytime hours families are already letting children run around the turf field adjacent to the site without parental control. I am not aware of any signage to deter this happening. If a licence is granted for prebooked events into the early hours with the examples given of weddings/celebrations then conditions should be made to deter children from leaving the building as the lack of lighting and cctv and the open access to the large area available could result in a danger to children.

I would also comment that access to the site from the road includes two one way systems for vehicles and one central two way system. There is no separate pedestrian access and as the main access from the village is to the east side of the site then perhaps a pedestrian path should be considered to promote public safety, in particular for families and again for people who have consumed high levels of alcohol.

Proposed Licensed Area

I refer to the plan attached to the application of the proposed licenced area at Eden Tearooms. The area outlined in blue is far too large and totally disproportionate in size to the Tearooms. I believe that the licensed area should be limited to the building itself and a temporary narrow area alongside the building for outside use before 6pm (to take into account temporary measures for outdoor seating due to Covid-19). ***I ask that the applicant be requested to submit a further plan giving more specific details of the exact areas they intend to use for the consumption of off supplies.*** It would be impossible for staff to manage the proposed area due to the vast size and staffing numbers required. If the licence was granted for later hours it would also become a danger to customers as there is insufficient lighting and cctv coverage for the proposed area. If lighting was increased to cover the area for safety reasons, I believe this would then become a public nuisance to residents.

Commercial use category A3

I would respectfully like to remind the committee that the building use licence for Eden Tearooms is A3 which is for restaurants and cafes where hot food is consumed on the premises. It is not A4 (drinking establishments). Many residents welcomed the idea of a Tearooms & Galleries in the village with or without a daytime licence, however, this venture with the proposed licensing hours appears to be stretching itself so wide that it is bordering on aiming to be a drinking establishment. The Post Office Cafe (A3) has a licence until 9pm (although they rarely use it until that time), Applecast cafe (A3) do not hold a licence and applies for a TEN when required. The other businesses with later licenced hours; the Red Lion and Newburgh Social Cub, clearly fall under the category A4. None of these establishments have the same construction and open site as Eden Tearooms and therefore will not impact as many residents as this business.

Conditions

The conditions agreed with the Environmental Health, Police and the applicant are mainly generic conditions that could be applied to any late night venue. They do not take into account the uniqueness of an ancient rural village, or indeed the design and construction of the premises. Have the Environmental Officer and Licensing Officer been to visit the site to see whether the conditions applied are realistic? If not, I would respectfully suggest that this should be done before the application goes any further. I would like to draw your attention to the words of the Environmental Officer quoted on the Case Officers Report in 2016 to the planning application 2016/1151/FUL to create retail and cafe units:

“I have no objection to the application for change of use of the premises to a retail/cafe use with the proposed hours of operation (8am-6pm). As the site is in close proximity to residential premises there is a potential for some increase in noise which would require restrictions to be placed on the premises”

Since there has been no change to the close proximity of residential premises I see no reason why the Environmental Health Officer should change their view on the restrictions placed on the premises.

Generic conditions to be examined more closely and possibly reviewed:

- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. This means that any live or recorded music beyond 11pm (if the licence is granted) requires the windows and doors to be kept closed. Therefore, as the building only has one main entrance door with no inner door, nobody would be able to exit the building to go home or out to smoke or for fresh air. **As this is impossible to manage I believe if a licence is granted then a condition should be added that no regulated entertainment should be granted beyond 11pm. Furthermore the restricted condition should include a tent or marquee.**
- No deliveries will take place between the hours of 20:00 and 8:00 hours. (This is the similar to the condition applied by planning in that no deliveries before 8:00 hours) Since opening the premises the tenants have not made any effort to work within this condition. There are many dates and times noted by residents when this condition has been ignored (these details are documented and can be made available if requested).
- DPS to ensure that staff arriving early morning or departing late at night to avoid disturbance to nearby residents. Unless the staff are entering the site on foot the noise of the gates opening to allow vehicle access currently cause a disturbance to residents living immediately opposite the site as the staff often arrive by 6am to start food preparation (as recently confirmed on Eden Tearooms facebook page).
- Outside seating area to be closed between the hours of 21:00 and 8:00 hours each day and the outside area used for smoking to be monitored by the DPS or nominated person to advise customers re level of noise with anyone causing a disturbance to leave the premises. At present there is no area outside with planning permission for outdoor seating or smoking. Although I appreciate that due to covid outdoor seating arrangements have temporarily been reviewed it should still be necessary to identify these areas in order to manage them. Presently the business has various types of seating areas jotted around the site but I believe this should be restricted to close proximity to the building and closed from 6pm to protect neighbour amenity and reduce potential of public nuisance and disturbance to residents.
- Consumption of off supplies of alcohol shall be within a designated area clearly marked and monitored by staff. The plan with the application shows a large area to be used which is totally disproportionate to the building and not in close enough proximity to be successfully monitored by staff or indeed CCTV. **I would suggest that the designated area should be reviewed to a narrow area immediately around the building.** Failure to do this could see the potential loss of neighbour amenity and issues of public nuisance and indeed increases the likelihood of crime and disorder.
- No open vessels, glasses, bottles, etc to be allowed to be taken beyond the delineated licensed areas. For the safety of patrons and residents, if a licence for an outdoor seating area was granted could a condition be added to only allow drinks in plastic glasses, no

glass bottles etc to be taken outside. As stated above the delineated licensed area needs to be reviewed due to size.

Demand

There is no demand within Newburgh or the neighbouring village of Parbold, for another venue serving alcohol during the evening and late at night. We have a pub and a social club, which can be hired for celebratory events within the village, and there are a further three pubs/restaurants within one mile of the venue serving the needs of residents and visitors to the area.

I would ask you to consider all of the above and request that you do not grant the premises licence to the applicant beyond the current opening times of 8am-6pm, in line with the current planning permission.

Yours faithfully



 Course Lane, Newburgh

●●●●●●●●●●
Newburgh,
Wigan
Lancs.
WN8 7TU
18th Aug 20

The Licencing Officer,
West Lancs. Borough Council.

Dear Sir,

My wife & I were pleased with the original proposal for the development of the site of the original Farm Shop on the land bounded by Course Lane & Sandy Lane. We felt that it would be a beneficial addition to the village. The then owner/developer took the trouble to hold a meeting in the School & explain his plans for the site, which were generally accepted.

Since then, we have received a continuous stream of modifications, all of which go in the opposite direction from the original plans and are totally unacceptable in this rural green belt conservation village.

Newburgh has always been a very quiet, safe village. Regarding crime, a neighbour accidentally left her French windows unlocked for 3 weeks & had no visitors, which gives an idea of how quiet & undisturbed we have been.

The flashing lights & noise of a disco would be extremely distracting for the traffic on the main road (Course Lane)

Regarding public nuisance, the field surrounding the Farm shop has stables with horses and, last thing at night before I go up to bed, when I put the empty milk bottles out for the milkman, I hear little owls all over the big field which is also the home

of Barn Owls & Tawny Owls. All the above would be adversely affected by noise & flashing lights.

I am eighty-four years old, next door are in their nineties & next door on the other side and opposite we have plenty of babies and little children & so the same applies.

So I hope you can see why the original application fits and the variations do not, I therefore am objecting to all these variations on the original application.

●●●● ●●●●

①

Newburgh
WN8 7Y

Licensing Office
White Licensure Centre
Starby Way Skelmersdale

Re Eden
Tearson

I believe Matt Parsons has re-applied
for an extended music & Alcohol licence.

As a villager for over 45 yrs and a member
of the Licensing Committee in the 1990's I
strongly object to this application.

This is a quiet village and this
would attract many people from outside
the area causing

1. Public Nuisance, crime & disorder
and with no police near a
threat to the older residents.
2. The noise would be unprecedented
3. When large numbers come together
having had a lot of alcohol this
could cause great disorder.
therefore causing threat to public safety
4. How could there be control of music
and the noise of considerable cars
car numbers not only parking
but noise late at night.

The villagers have not been advised
on any of these plans.

Sincerely

23 August 2020

Dear Sir/Madam

Premises Licence application by Matthew Lee Parsons for Eden Tearoom & Galleries, Course Lane, Newburgh

I object to the granting of the licence, in particular for the period after 6pm.

As a nearby neighbour of the above business I wish to make representations on the application for a premises licence.

First and foremost I would like to point out that the current building use licence for Eden Tearooms is A3 which is for restaurants and cafes where hot food is consumed on the premises. It is not A4 (drinking establishments). The applicant is therefore asking to use the building for a purpose which he cannot legally conduct.

Secondly and in a similar vein, under current planning conditions, the building must close at 6pm every day. Again, it seems fundamentally wrong that the applicant is asking for a licence to serve alcohol until late at night when to do so, would be an immediate breach of planning law.

My representation is relevant to the following Licensing Objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

The prevention of crime and disorder

As a retired police inspector of over 30 years operational and exemplary police service, I have some considerable knowledge in this field.

The proposal of evening and late night drinking will most certainly see an increase in anti-social behaviour and public order offences in the village.

Newburgh has very low levels recorded of crime and disorder, therefore any increases will be significant and detract from the peaceful and rural nature of this quiet village.

The conditions set by the authority and accepted by the applicant do nothing to reassure residents that if the application is successful then the prevention of crime and disorder will be harmed.

The prevention of public nuisance

Noise

A late night drinking establishment will without doubt, lead to an increase in noise both from within the building and outside.

In essence, the building is a metal box which is of agricultural construction and not designed for holding late night parties and events. From experience, we all know that parties such as weddings etc, generate an increased amount of noise from both human sources and from sound systems etc. This will be audible from outside the building and I have no doubt will disturb local residents who live close by. Sound carries, particularly on

still nights or if the wind is blowing in the 'wrong' direction. It is intolerable to think that local residents will be disturbed in this way.

There is only 'one door in and one door out' of the building, with no 'sound lock' system in operation. Every time the door is opened, the sound will be blasted outside. It is impossible to regulate this when people have the right to 'come and go' as they feel.

People leaving the premises for whatever purpose will also generate noise, whether it be chatting whilst having a cigarette or 'saying their drink-laden goodbyes' when leaving for home. This sound carries and would cause disturbance to local residents. Vehicle noise, whether it be engines or car doors slamming etc., will also cause a disturbance.

Light

The building currently has no way of containing light generated from within.

Local residents are already living with the light pollution generated from inside which has been subject to numerous complaints to WLBC Planning. Imagine how much worse it will be if late night events are being held, particularly if strobe or flashing party lights are being used.

It is important to stress that Eden Tea Rooms is located VERY close to local houses and the disturbance caused by both noise and light would be considerable to these local residents.

Public Safety

There is currently no pedestrian access to the site, with foot traffic having to share the same space as vehicles.

This is a clear 'safety issue' at all times but particularly when it is dark. Add on the effect of alcohol and it is an 'accident waiting to happen'. Imagine the scene when late-night party goers are leaving the premises, many under the influence of alcohol and walking along the access roads being used by cars, mini-buses, taxis etc. This is not safe.

There is no outside lighting to illuminate the area, increasing the safety risk. (NB I am not arguing for outside lighting which would increase light pollution but illustrating how unsuitable the site is for this type of use).

All activities inside the building are visible from outside, particularly at night when the inside is illuminated. This would be a distraction to passing drivers and increase the potential for road traffic collisions.

Additional Points

- The applicant has made no attempt to consult with local residents about their plans, leading to a climate of complete mistrust and suspicion.
- The applicant has already flouted licensing regulations when the first application was submitted, leading to it being cancelled and the process restarted. I understand this was summarized as because of 'technicalities' but I would suggest more an attempt to mislead and get the application passed under the cover of the Coronavirus pandemic. Amongst several 'technicalities', I believe the applicant displayed his statutory notice in the first floor window of the premises where it would

be impossible for anyone to view it! Hardly and open and transparent attitude to the licensing process!

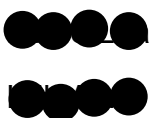
- The applicant and his wife have pursued an antagonistic approach to many local residents leading to a complete breakdown of trust. Furthermore, the applicant's wife (and proprietor of the Tearooms) has made a vexatious allegation against my wife, claiming she was on their site during their August 'Farmer's Market' taking photographs of young children! This is total fabrication, no evidence has been produced to support this malicious lie and my wife was not even there. This is outrageous behaviour and has caused great upset and distress. This has now been reported to the police as an allegation of harassment and 'wasting police time' and is under investigation. This must surely raise some serious doubts as to the suitability of such a person to manage a late-night drinking establishment?
- The applicant and Eden Tearoom management have already breached numerous planning conditions and continue to do so in spite of having been spoken to by WLBC officials. How can they be trusted to stick to any licensing conditions?
- The area shown in blue on the plan, marking the extent of the 'licensed area' around the tearooms is totally disproportionate and needs to be reduced considerably. Failure to do this could see the potential loss of neighbour amenity and issues of public nuisance and indeed increases the likelihood of crime and disorder.

Demand

There is no demand within Newburgh or the immediate vicinity, for another venue serving alcohol during the evening and late at night. There is a pub and a social club, which can be hired for celebratory events within the village, and there are a further three pubs/restaurants within one mile of the venue serving the needs of residents and visitors to the area.

I would ask you to consider all of the above and request that you do not grant the premises licence to the applicant beyond the current opening times of 8am-6pm, in line with the current planning permission.

Yours faithfully

A redacted signature consisting of two rows of black circles.

Course Lane

Newburgh

Objection to Application for a Premises Licence - Eden Tearooms and Gallery, Newburgh

Emailed to licensing.enquiries@westlancs.gov.uk by Mrs [REDACTED] 22/8/20

Sir / Madam

I write as a Newburgh Village resident to object to the above licensing application.

May I first point out that I have no objection to alcohol being served in the building under the currently approved opening hours up to 6pm each day. These hours have been set by WLBC to safeguard the amenity of neighbouring properties and there is no reason to change them.

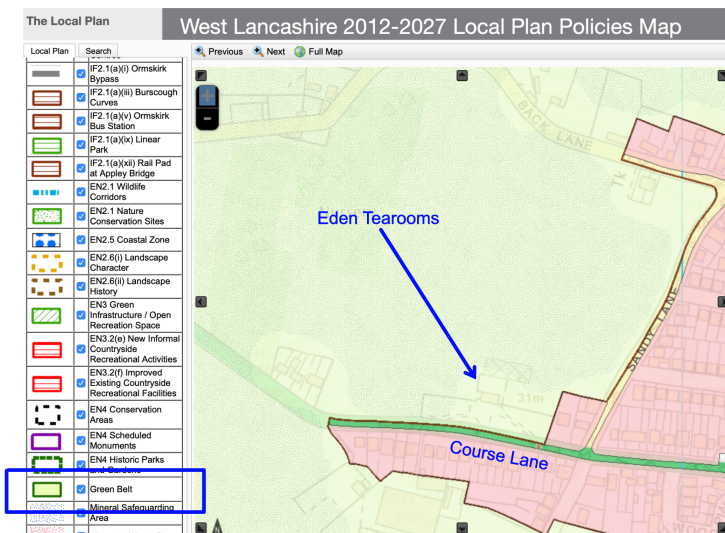
This licence application is a step change and seeks to create an altogether different use for the premises with evening functions and opening hours aligned to the liquor licence running to 1am.

My detailed comments are presented below. After an introduction they are structured around the four licensing objectives set out in Section 18 of the application. Comments on the conditions associated with the application are included where relevant.

1 Introduction

1.1 General

For people reading this who do not know Newburgh, it is important to realise that it is a small rural village made up of historic buildings, cottages and traditional housing surrounded by Green Belt with Grade 1 Agricultural Land.



The Eden Tearoom site is in fact on the Green Belt, fronting Grade 1 agricultural land. It is in a particularly rural environment which, after rush hour, is exceptionally quiet. Residential properties neighbour the site to the east, south and west, the closest boundary being only about 40m away from the cafe building.

Due to the nature of the cafe building and the openness of the site, anything done on the premises has a big impact on the Green Belt and the amenity of the local residents.

This licence application has come as a surprise to the village, even though it is actually the second application. The first was scrapped apparently because the applicant did not follow the correct procedure. I would have thought the applicant should have sought consultation with at least the neighbouring properties before submitting it because of the scale of change proposed.

There is a mismatch between the businesses making the applications. This licensing application is made by Eden Tearooms Limited and the planning application is made by Ditto Coffee Ltd. I'm not sure this is significant but it seems a bit strange.

I have no confidence that the enterprise would adhere to all the stated conditions associated with the licence application. They have broken many conditions of planning already. I won't go into them all here but they include; building hard standing areas on Green Belt, putting up additional signage, routinely taking deliveries earlier than permitted, using a barn for retail when it should only be for agricultural use and running a market without permission.

1.2 Opening Times

The Licence application is proposing opening times from 8am until 11pm during the week and from 8am to 1am at the weekend. I am not sure why such an early start time but it is the end times that are the issue.

- The licence application does not indicate that anything is planned in the tearoom after 6pm during the week. The proposed extended opening hours until 11pm during the week are therefore completely unnecessary.
- The proposed extended opening hours until 1am at the weekend, for late night functions, are unreasonable and completely out of character of the village, as reasoned below.

Condition 7 of the approved application 2016/1151/FUL states “The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 0800 and 1800 Mondays to Saturdays and 0900 and 1800 on Sundays and Public/Bank Holidays” The buildings, landscape and the neighbouring properties have not changed so there no reason to change these times.

The enterprise knew the opening times already imposed by WLBC when they took on the venture and should have used them solely in their business plan.

There is a mismatch between the end times of this licence application and the associated planning application. The end times in this licence application should be at least an hour earlier than the planning application to take into account the end of event time. My experience is that the end of event is normally about one hour after last orders and that does not include staff tidying up.

This licence application is running parallel with planning application 2020/0439/FUL for the same extended opening hours. I assume this licence application will be rejected if the planning application is rejected. It is interesting to note that over 120 objections have been submitted against the planning application. It is logical to imagine this licence application will attract the same objectors but I am concerned people may not be aware that they have to object to this licence application as well.

1.3 Licence Boundary



The proposed licence boundary (shown in blue) does not match the boundary of the site (shown in red) covers Green Belt and spills over onto the fields.

Temporary seating is currently being provided in a number of places on the site under provisions for COVID-19. It is presumed that a temporary “pavement” licence or similar, with a fixed review date, has been obtained. However, it can not be assumed that outdoor seating will be provided (see 4.1.2) so there is no reason for a permanent outdoor licence to be granted at all at this time.

I will explain later in this representation reasons why such a large license boundary would be detrimental to crime, disorder, safety and public nuisance and should only include the cafe building at this time.

2 Prevention of crime and disorder

The crime figures on the police.uk website show that there has been no anti social behaviour or drug use and only one theft reported on Course Lane within 250m of the Eden Tearoom site over the last three years since July 2017.

It is a well known fact that there is evidence of an association between alcohol and aggression. Obviously, many people who drink are never violent but it is the minority of visitors that would cause a fracas in the car park or cause a confrontation with local residents about say noise.

The proposed functions are already being advertised on social media over the north west so it can be expected that people from outside the village are very likely to attend the functions. The late night planning application has been made by the same person who is the director of Ditto Coffee operating in Liverpool and Manchester which would provide word of mouth advertising. This is worrying on a number of points:

- The cafe building has large ground floor and first floor windows over the full width of the building that overlook the neighbouring residents on Course Lane. These windows and the close proximity of the car park to the road, would give visitors from outside the village the opportunity to observe the local houses. Those with bad intentions could familiarise themselves with the workings of the houses in preparation for criminal activities like targeted robbery
- It is probable that some of the visitors to the proposed functions will take recreational drugs. The layout of the site provides many opportunities to carry out this illegal practice out of view in unlit areas, behind buildings or even in the car park. It would not be possible for the staff to police the whole site and there would be a worry that the local youth could get involved
- Litter is not an issue at the moment because there are no functions. Careless visitors, not bothered about where they are, would be more likely to drop litter further undermining the Green Belt location
- Vehicles left unattended, by visitors attending functions, in the unlit car park would offer opportunities for travelling thieves
- For whatever reason an individual has already been seen urinating on the site during daylight hours (The photograph of the perpetrator was taken accidentally when recording unapproved parking on unapproved hard standing that needs to be returned to Green Belt grass.)

This offence is probably out of the control of Eden Tearooms but add drink, darkness, an open site and only one toilet upstairs it is likely to be a common occurrence during late night functions.



The above points explain why it is very likely that the proposed late night functions would ruin the enviable crime and disorder statistics quoted above with incidents on and off the premises.

As described above Newburgh is a quiet rural village meaning its size does not merit a local police station. It is therefore policed remotely from nearby towns and, due to the low crime rate, I am pleased to say police are seldom seen in Newburgh. Should any of the above crimes or disorders occur during the late night events, it would be expected that the police would arrive too late to prevent or intervene.

3 Public Safety

3.1 Fire Safety

The cafe building upstairs escape route was not designed for the late night functions.

If it had been, best practice principles would have located the emergency escape more safely, and at no extra cost, in the north east corner of the cafe building.

Should there be a fire at the west of the building there is currently a possibility that both escape routes (stair case and emergency exit) would be affected by the same smoke and flames at the same time. A north east corner location would reduce the likelihood of smoke and flames affecting both exits because they would be at opposite ends of the building. It would also reduce the average distance people needed to travel to evacuate the building. Both these factors would make emergency egress safer.

The operating schedule in the application quotes 40 covers now as a tearoom but it can be expected that the proposed functions would cater for many more people, a reasonable estimate would be 150 people, this increase will have an impact on the emergency escape measures. There is a kitchen at the west end and flammable materials present throughout in terms of soft furnishings, a wooden roof and floor, welsch dressers etc. Functions held upstairs would need an evacuation chair for disabled people, slowing down egress. The emergency exit leads into an enclosed area with a narrow gap in the corner, it is created from close-boarded fencing, and used to store waste bins and locate electrical equipment.

The above are worrying common sense comments. I would respectfully ask that the fire officer has been made aware of the proposed change of use.

3.2 Personal Safety

The car park was not designed to be used at night.

It was designed to serve the needs of a farm shop during daylight hours up to 6pm in line with the existing planning approval. If this licence application was successful the length and shape of the car park would make it impossible for the staff to monitor people from the main building. When dark, there will be indistinct areas which could be exploited maliciously.

External lighting is not permitted on the site after 6pm under a condition of the existing planning approval as it would be a statutory light nuisance imposed on the neighbouring residents. The buildings, landscape and the neighbouring properties have not changed so there no reason to change these times.

One of the licence conditions states that "cameras shall enable clear identification of persons on the premises." I doubt this can be the case for installed CCTV system especially at night.

The adjacent Green Belt land, the rear yard and behind buildings would provide areas that are not even covered by CCTV. During the proposed late night opening these areas would be dark, out of view and again, could be exploited maliciously by people on site against vulnerable others.

3.3 Pedestrian Safety

The access roads were not designed to be used by pedestrians in the dark.

During the proposed extended opening hours it is likely that people would want to enter or leave the site on foot by using one of the three access roads. All three access roads provide shared surface access simultaneously for vehicles and pedestrians. The west and centre access roads have an additional burden because they have no pavements leading to them.

The east access road has a pavement leading to it next to the main road but, like the others, this shared surface road is unlit. Even if vehicles were warned that pedestrians may be on the access road, at 3.8m wide there is no room for error and therefore pose a danger to pedestrians.

External lighting may help but it is not permitted on the site after 6pm under a condition of the existing planning approval as it would be a statutory light nuisance imposed on the neighbouring residents. There is no reason to change this condition as explained previously.

The situation is made worse if pedestrians with a disability were using the access road as may need more space, may be less aware of the dangers or unable to see oncoming cars.

As pedestrians are not separated from vehicles on the access roads they are unsafe especially in the dark during the extended opening hours proposed by this application.

4 Public nuisance

4.1 Noise

May I stress again that, in case the reader of this representation is unaware, after rush hour (say 7pm) the amount of traffic on the main road outside the Eden Tearoom site falls dramatically and, like the rest of this rural village, it is exceptionally quiet.

As an example of how quiet the village is, and demonstrate how noise carries in such an open environment, please note that I live on Woodrow Drive and can hear sheep bleating 200m away on the fields next to Tabbys Nook and can hear sports being played on the King George V playing fields 400m away - sounds that are in keeping with the character of the village. Once a year the Newburgh Fair is held at the school, and a jamboree is held at Tawd Vale, both can be heard clearly from Woodrow Drive but, as they are so infrequent and are for good causes, they are accepted.

The following subheadings discuss a number of the locations where noise would be generated when the rest of the village is quiet during late times proposed by the licence application.

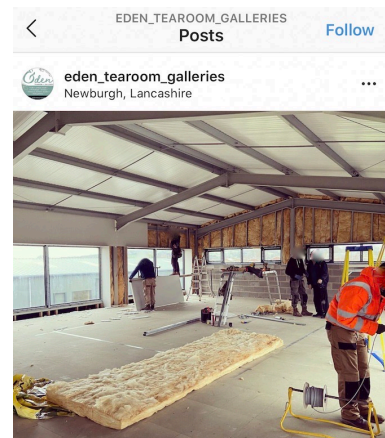
4.1.1 From the main building

One of the conditions states noise from the venue “shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 18:00hrs.” The combination of this unique cafe building and its location will make that impossible to achieve:

The cafe building was designed as a farm shop not a music venue:

- The walls and roof are metal clad offering very little sound attenuation
- The double glazing provided will be made from standard tempered glass not laminated acoustic glass
- The insulation used is thermal not acoustic as evidenced by photographs posted during the build.

(Acoustic insulation is more dense than that shown in the photograph or it is a completely different form altogether.)



- Regardless of a condition that states “all external doors and windows shall be kept closed when regulated entertainment is being provided” it can be expected that windows will be opened during events simply because the room would get hot. This statement is made on the basis that the windows are opened during the day now when there are much less people in the building

- The front door opens directly into the building. There is no acoustic lobby so the noise level outside would therefore rise every time the building is entered or vacated.

The above shortcomings add up to a building that is not fit for night time functions in the quiet Green Belt location. Music and amplified voices will travel and be disruptive to the whole village, especially to those in the neighbouring vicinity, at times when people are trying to sleep or get their children to sleep. It is unreasonable if people had to keep their windows closed to reduce the noise nuisance.

Setting the volume inside the building, so that the condition to “not clearly distinguishable at the boundary of any neighbouring premises,” would make the proposed functions so quiet they would be unfeasible. The same constraint has to be achieved when the front door (and or windows) are opened, this would make the proposed functions even more unfeasible.

Another condition states that “ the volume shall be under the control of the management.” I can imagine the management would want to keep the people, who have paid for the event, happy and play the volume at levels they would expect.

It can be expected that neighbouring residents will hear voices, music and amplified voices from the cafe building at their boundaries. In fact I would be surprised if I didn't hear music, or at least the bass sounds, at my boundary on Woodrow Drive 200m away.

4.1.2 From outdoor areas

Section 5 of the application states that the applicant intends to “provide a place for consumption of off-supplies within close proximity of the building” and one of the conditions states “The outdoor seating area to be ..” these two statements prematurely suggest that outside seating will be provided. The provision of an outdoor seating should not be assumed just because temporary seating has been provided under provisions for COVID-19.

The cafe building was designed as a farm shop without thought for permanent outdoor seating.

The front of the building is taken up with disabled and cycle parking, the area to the west needs to be returned to greenbelt, the area to the east is a route for vehicles and the back of the building is not “within close proximity.” There is no space available for it.

It is noted that another condition talks about “any outside area used for smoking” - the application does not mention a smoking shelter but it has to be assumed if one was proposed it would be separate to the outdoor seating area because another condition states the outdoor seating area “to be closed between 21:00 and 08:00hrs.” Again, for the same reasons, there is no place available for a smoking shelter in close proximity to the building. Smokers, or indeed anyone who want to get a breath of fresh air, could of course stand outside.

Should a seating area/smoking shelter be proposed in the future there would be objections from residents, regardless of its location, relating to noise from voices and glasses etc, drifting smell from smoke and loss of visual amenity. Another planning objection would be the increased footprint and its effect on the Green Belt location. It is worth remembering that the existing planning approval was granted in the knowledge that the build would be within the footprint of the demolished buildings.

A licence application should therefore only be made for a permanent outdoor seating area should one ever be proposed and accepted.

Other comments relating to noise nuisance are:

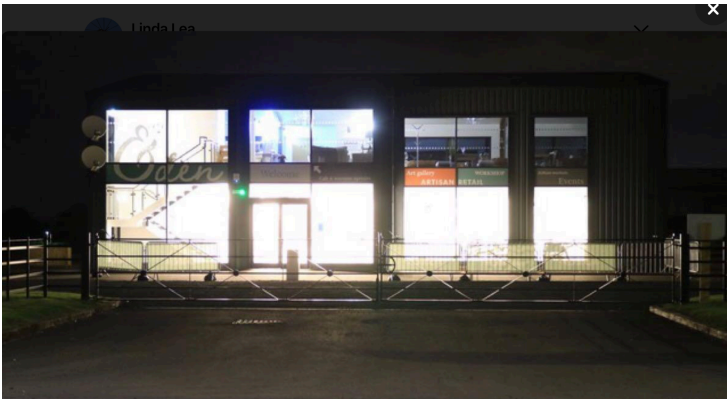
- Even though a condition states “that staff will “request customers to leave quietly” and another says “Notices displayed at public exits requesting people to respect the needs of local residents” it is highly likely that here will be raised voices from those who have had a drink as they say goodbye
- It is inevitable that there will be noise generated by visitors as they close car doors and boots and drive in and out of the car park

- The proposed licence boundary (see 1.3) would allow people to drink alcohol anywhere on the site and therefore make noise close to the neighbouring properties. This proposed licence boundary is therefore undesirable and not necessary.

4.2 Light Nuisance

The cafe building was designed as a farm shop that closed at 6pm.

As stated in the introduction, the cafe building has large ground floor and first floor windows over the full width of the building. Internal lighting during the day does not cause an issue but during the extended opening hours proposed by this application the neighbouring properties would be subjected to statutory light nuisance. This would be exacerbated should strobe and flashing lights be used at the proposed functions.



There is already evidence of how the internal lighting lights up the outside and affects the residents from photographs posted on social media. Such a photograph of the south elevation when the lights were left on overnight shows how bad the situation is after dark.

Another light nuisance would be when vehicle headlights shine directly into the front rooms of Course Lane residents when leaving the car park. This would be compounded should the application be successful and many cars leave the car park together at the end of event time.

There is currently a condition that was part of application 2017/0950/CON that requires external lights to be operated within the times from 8am ON to 6pm OFF. These hours have been set under a condition of the existing planning approval as it would be a statutory light nuisance imposed on the neighbouring residents. There is no reason to change this condition as explained previously.

4.3 Lose of privacy

As stated above, the cafe building has large ground floor and first floor windows over the full width of the building.

The windows overlook the neighbouring properties on Course Lane and provide the opportunity for visitors to look directly into these properties. This is possible during daylight hours and the view would be clearer when the lights were on in their front rooms during the extended hours proposed by this licence application.

Also, in the same vein, visitors could look directly into the lit front rooms of the neighbouring properties from the car park, whilst having a drink, because it is part of the proposed licence boundary (see 1.3.) This proposed boundary is therefore undesirable and not necessary.

This invasion of privacy would not be unacceptable.

5 Protection of children from harm

The site includes significant areas distant from the cafe building, including the car park, the adjacent Green Belt land, the rear yard and behind the agricultural building.

Should the car park/ access roads be used by children as a play ground, supervised or not by adults drinking, they would be in danger of accident from vehicle movements and from running onto the main road.

Most of the other areas are not covered by CCTV and during the extended opening hours proposed by this application would be dark and out of view. These areas could be exploited maliciously by people intent on causing children harm.

External lighting would have to be extensive to make a difference but, regardless, it is not permitted on the site after 6pm under a condition of the existing planning approval as it would be a statutory light nuisance imposed on the neighbouring residents. There is no reason to change this condition as explained previously.

6 Conclusion

I have no objection to alcohol being served in the building (and only in the building) under the currently approved daytime hours up to 6pm determined by condition 7 of Application 2016/1151/FUL.

This licence application for extended hours should be refused on the basis that residents, the public and children would not be adequately protected against crime, disorder, safety and public nuisance during the extended hours to 11pm during the week and 1am during the weekend.

The licence boundary should be refused and amended to only include the building for alcohol served during the approved times up to 6pm. The temporary arrangements for COVID-19 allow alcohol to be served outside now until central government guidance changes. If a future application is made for outside seating area, and it is accepted, a separate licence for that should be made at the time.

If the enterprise is so easily breaching the rules now, what can be expected if this application granted.

A refusal would still allow the serving/selling of alcohol as part of the tea room business under the currently approved hours up to 6pm.

Regards



Resident

Woodrow Drive
Newburgh

**LICENSING ACT 2003
NOTICE OF APPLICATION FOR THE GRANT
OF A PREMISES LICENCE**

NOTICE IS HERBY GIVEN that an application has been made to the Licensing Authority of West Lancashire Borough Council for the grant of a Premises Licence under Section 17 Licensing Act 2003.

Name of Applicant
Matthew Lee Parsons
Postal Address of the Premises
Eden Tearoom and Galleries, Course Lane, Newburgh, Wigan,
WN8 7UB

Details of the application are as follows;

- Alcohol to be served for consumption on and off the premises Sunday to Thursday 8am-11pm, Friday & Saturday 8am to 1am
- Provision of late night refreshment, live and recorded music indoors only 11pm-1am Friday & Saturday for pre-booked events only.
- Proposed opening hours Sunday to Thursday 8am-11pm; Friday & Saturday 8am-1am.

The application may be inspected at the West Lancashire Borough Council Licensing office, between the hours of 9.00am and 4.30pm Monday to Friday at the address shown below or brief details can also be obtained from the Council's website at <http://www.westlincs.gov.uk/licensing>

Any "Interested Party" who wishes to make representations must submit them in writing to the Licensing Officer, West Lancashire Borough Council Licensing Section, Robert Hodge Centre, Stanley Way, Skelmersdale, WN8 8EE or via e-mail to licensing.enquiries@westlincs.gov.uk by no later than August 24 2020.

IT IS AN OFFENCE knowingly or recklessly to make a false statement in connection with an application, and on summary conviction a person is liable to a fine of up to £5,000.

