

Grounds for Opposition:

1. The application contains material inaccuracies and omissions:
 - a. The building layout set out in the plan is inaccurate and is not a true representation of the situation "on the ground".
 - b. The application does not define the location nor proximity of the outdoor area referred to on the application form.
 - c. The change of operational use from cafe/restaurant to wedding/function/private venue has not been mentioned in the application. In the alternative, the applicant has failed to explain why a cafe/restaurant requires (i) a very late operating schedule; (ii) the provision of very loud music; (iii) outdoor music/speech; (iv) a large "standing only" area (over 50% of the customer floor space)
 - d. The applicant does not appear to be in occupation of the whole premises. The occupier of the "function room" has been stated to be a separate legal entity under different beneficial ownership however the application does not address this matter.
 - e. The applicant has not provided sufficient justification as to why it is necessary to remove the conditions and what benefits would be gained (and for whom) by removing those conditions.
 - f. The applicant has not fully explained what measures would be put in place to mitigate the inevitable noise escape to surrounding areas. The application makes no reference to the advice/requirements provided by the police licensing in September 2021 (which the application seeks to override in part).
 - g. The applicant has not provided a noise survey/noise impact assessment/noise management plan. Nor has the applicant acknowledged the low ambient noise levels.
 - h. The applicant has not provided an estimate of the proposed capacity.
 - i. The applicant has not provided an operating schedule for the extended parts of the premises.
 - j. The conditions the applicant proposes to retain are not the same as the conditions in the current premises licence.
 - k. The proposed conditions are incompatible with the removal of other conditions. Furthermore the proposed conditions are not clear or precise.

1. It is unclear if the application is to extend the boundary of the premises into the outdoor area, or if the outdoor area is to be subject to a separate premises licence for the provision of regulated entertainment.

2. The nature of the premises and operation has been substantially altered since the variation of the licence in 2016 and therefore it would be more appropriate to deal with this matter by way of new premises application under s.17 rather than a s.34 variation.

3. The proposed variations do not promote some (or all) of the four licensing objectives.

(a) Permitting music/speech to be played outside, or inside with doors/windows open, will inevitably cause noise to escape, creating a nuisance for occupiers of residential properties in the locality. This is likely to also affect members of the public who may be in the area (for example, walkers) and destroys the peacefulness of the countryside surroundings. The existing low level of background noise is incongruous to the noise likely to be generated by the proposed variations and activities.

(b) The extant conditions the applicant seeks to remove and/or vary are included on the premises licence to promote the licensing objectives (particularly public nuisance). Removing those conditions (and/or varying others) would undermine the licensing objectives. The applicant has not demonstrated (i) good reason to remove/vary the conditions or (ii) steps to promote the licensing objectives in the absence of those extant conditions (nuisance in particular).

(c) Exposure to 95db sound for up to 17 hours a day is likely harmful to health of staff and customers at the premises.

(d) A late night "party venue" in a relatively isolated area with (i) virtually no public transport links and (ii) poor pedestrian access does not promote public safety.