

Appendix C - Email Representation & notice attachment

Sent: 26 July 2019 00:00

To: Licensing <licensing@northampton.gov.uk>

Subject: Re: VARIATION APPLICATION - JIMMYS SPORTS BAR 6-10 HARLESTONE RD
REF EDRMS: 78578

Louise,

Thank you for the updated application details which differ from both the public notices on display at the premises and from the on-line register as it appeared when I first viewed it on 21/07/2019. I note that the times applied for are the same for the four classes of activity, i.e. opening hours, live music, recorded music and alcohol sales. I would like to revise my representation as below in light of what I now assume to be an accurate reflection of the variation application. I will repeat any comments that still apply, with modifications where necessary, so you have everything in a single email and can discard the first version which was based on the limited and contradictory information available to me at the time.

Regarding the accuracy of the public notices posted at the premises I note that these make no mention of music, recorded or live, but instead refer to "Provision of regulated entertainment" so anyone reading the notices would likely be unaware that this covered live music, and if they checked the on-line register before 22/07/2019 they would have seen no reference to live music there either. Although your register suggests the premises may have had permission for live music in the past I believe this constitutes a new permission, especially as they want it to extend until 01:30am on two nights, and it should have been specifically mentioned in the public notices if the advertising process required by law is to perform its intended function of notifying the public of the nature of the variation being applied for. In short, if the application refers to live and recorded music the public notice should refer to live and recorded music. It's not as if there isn't room to mention it.

The public notice also fails to mention that the proposed variation involves a change to opening hours, giving the misleading impression that these were not changing.

Regarding the form of the public notices I believe they do not meet the requirements of the Licensing Act 2003 which stipulates that the notices be the following.

- (a) of a size equal or larger than A4,
- (b) of a pale blue colour,
- (c) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

I believe the variation applied for counts as a full variation and not a minor variation.

The notices displayed at the front and rear entrances are not A4, are not printed on light blue paper (although my original photographs had a blue cast, the paper is white) and if a font size equal or larger than 16 means at least 16 points (5.8mm tall) it appears the font used is less than half this height. I include two photographs in support. In short they meet none of the three requirements and are not sufficiently prominent as a result.

I submit that the advertising requirements will not have been met on the proposed closing date of 30 July 2019, in that the applicant has failed to display public notices meeting the requirements of the Licensing Act and the publicly accessible on-line register showed inaccurate information for most of the 28 day period, being corrected just over a week before

the closing date. For the process to be valid all the advertising requirements must be met and that would involve repeating the 28 day period with accurate information given due prominence according to the law.

I submit that granting any changes on the basis of the 28 day period ending 30 July 2019 would be an abuse of process and ask that if the application is to proceed to a decision on its merits then the advertising process must be repeated with all requirements met for the full 28 days. To do otherwise would be to fail to properly notify and consult the public.

I would also like to make the following representations on the content of the application.

My main concerns are with the proposal to extend any of the licensed activities beyond 23:30 and certainly not to 01:30 on two days a week.

I have strong objections to the proposed hours on the grounds of increased late night public nuisance, especially noise from the open smoking area which is within about 20m of my house, and noise from live and recorded music. Although they are supposed to keep their windows closed the sound still carries along with the thump-thump of heavy bass. Both the noise from the smoking area and the music would be unbearable if it was to continue into the early hours on two nights a week and I would also object to the nuisance of people and cars arriving and departing in the early hours of Saturday and Sunday in a residential area.

I also believe the proposed times would allow them to remain open significantly later than most venues in the area, with a possible influx of drinkers late at night when other places close.

I would also like to mention the frequent use of the rear door, very near my house, as a drop off, pick up and rendezvous point for revellers using the fire exit staircase to enter or leave the premises. This activity could be extended into the early hours by the proposed changes, creating further nuisance. Permission to play live music until 01:30am would mean the additional noise nuisance of musicians and equipment leaving by the back door and being loaded into cars or vans very near my house between 01:30am and 2am.

Regardless of opening hours I suggest they need notices in the smoking area asking customers to keep the noise down. There is a notice at the entrance directed at departing customers but I couldn't see any in the smoking area, which they might regard as an integral part of the venue but is clearly a different case, being out of doors with no walls or double glazing to muffle the noise and so close to neighbours like myself who might have our windows open on summer evenings. A group leaving the premises at 11pm would pass a notice asking them to keep the noise down, but if they remain in the smoking area, effectively outside the building, it seems they are not reminded not to disturb the neighbours.

If opening hours are extended I request a condition be imposed that the smoking area be closed at a specified time such as 11pm to reduce noise nuisance late at night.

Photographs follow.

Photo 1 shows the public notice displayed by the front door of the premises below an unrelated notice which is A4, while the public notice has been cut down to about half the required size.

Photo 2 shows an identical notice, displayed on the back door of the premises, similarly cut down in size, with a ruler, showing the notice is printed in a font less than half the required

size. It also shows that the notice is white and not blue as required for this type of public notice.



NORTHAMPTON LICENSING AUTHORITY

LICENSING ACT 2003

Public Notice

This notice being dated 3rd July 2019

Jimmy's Sports Bar (Sandra Andrews) has applied for the variation of a premises license for **Jimmy's Sports Bar, 6 Harlestone Road, St. James, Northampton, NN5 6AE.**

If granted the application will allow the following licensable activities to take place:

- Sale of alcohol on the premises
- Provision of regulated entertainment

At the following times:

- Monday – Thursday, 11.00am – 23.00pm
- Friday and Saturday, 10.00am – 01.30am
- Sunday, 10am – 22.30pm

A copy of the application is kept by the licensing authority at the address below and can be viewed Monday – Friday 9.00am – 5.00pm, except Bank Holidays, or online at: www.northampton.gov.uk

Licensing Department, Northampton Borough Council, The Guildhall, St. Giles Square, Northampton, NN1 1DE

Representations may be made for 28 consecutive working days from the date of this notice. The last date for representations being 30th JULY 2019.

It is an offence knowingly or recklessly to make a false statement in connection with an application the maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the standard scale.

NORTHAMPTON LICENSING AUTHORITY

LICENSING ACT 2003

Public Notice

This notice being dated

3 July 2017

(Mrs Andrews) has applied for the variation of a premises licence for the premises known as **Bar, 6 Harlestone Road, St. James, Northampton, NN5 6AE.**

The application will allow the following licensable activities to take place:

- Sale of alcohol on the premises
- Provision of regulated entertainment

At the following times:

Monday – Thursday, 11.00am – 23.00pm

Friday and Saturday, 10.00am – 01.30am

- Sunday, 10am – 22.30pm