

Helen Farman-McKenna

From: Guillaume Chipchase <Guillaume.Chipchase@flintbishop.co.uk>
Sent: 01 August 2018 17:16
To: Licensing
Subject: (C002319) - New Inn, Tutbury
Attachments: New Inn Representaion.pdf

Importance: High

Dear All,

Please find attached a representation in support of the New Inn, Tutbury submitted on behalf of Mr Graham Rai, Ms Hayley McEvoy and Ms Kay Lewis in relation to the premises licence review hearing.

Many Thanks
Gui

Guillaume Chipchase
Licensing Manager

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Dear Sirs,

We write in support of the New Inn, Ludgate Street, Tutbury in respect of the review hearing called for by a local resident.

Our names are Graham Rai (Current Tenant) and Haley McEvoy (current manager for the premises working under Kay Lewis the current DPS), and Kay Lewis. Haley intends to undertake her APLH training and become the DPS of the premises in due course.

The New Inn has been a licensed premises for substantial period of time, during which it has seen many changes to its locality.

Of recent years with local businesses closing, the properties these businesses used to house have been re-used as residential dwellings, this has in turn created a situation whereby the premises through no fault of its own has become more and more hemmed into a residential area, let alone the fact that there are residents adjoining the building.

Whilst Graham as tenant has been associated with the premises since December 2014, Kay Lewis previously acting as manager from October 2015 became DPS on May 3rd 2018 and Hayley McEvoy became manager of the premises on 11th May of this year, and met with the licensing officer at this point. We have had one further visit and our CCTV requested on 9th July.

We understand that to make too much noise could cause an issue as we have been made aware of complaints received in the past by the licensing authority, however as a business have always wanted to mitigate any issues we have been presented with.

The premises have previously been visited by the authorities in September 2017 following receipt of a letter outlining that a complaint had been made. Officer Sarah Bradley spoke with Kay Lewis (current DPS) with regards to a complaint received about noise from customers at the front of the premises. When Kay spoke with the officer the only concern was some customers occasionally taking their drinks on the doorstep when they are smoking or on their phones so staff were briefed to mitigate it happening. Equally we believe the officer also spoke with the resident who had made the complaint and informed them that they should expect some noise as they were next to a working pub.

Despite this, we do understand that the front area of the premises is quite narrow and that if too many people were to be out in that area then there is potential that it could cause an issue for passers-by and our neighbours, however with recent weather being so hot we can understand why this may be felt to be exacerbated. Whilst we would prefer to continue to allow customers to front of the premises to smoke we are not averse to stopping this if it was going to cause continued problems or friction between our neighbours.

We are also aware of a further complaint made to the licensing authority in December 2017 concerning litter and noise from the rear beer garden, once informed of this, better arrangements were made for the disposal of waste and the speaker removed from the outside area.

It is clear from the complaints raised by Mrs Raybould who has been a neighbour for some 7 years that the use of her decked area has allegedly suffered, however this has apparently only just become an issue despite it being in situ for approximately 5 years after its planning permission was approved in 2013.

The decked area at Mrs Raybould's property is both elevated at first floor level and set well back from our beer garden and the road to the rear of our premises. Equally our rear beer

garden cannot be seen from that position due to the rear aspect of our building and the high adjoining wall between our properties. This can be seen in the attached pictures and land registry documents.

Our beer garden is not large by any means with room for approximately 10 - 15 people at maximum, it is however an important part of the premises. Our customers are glad to be able to take their drinks into that area as leaving drinks inside unattended whilst people leave to smoke is both putting customers at potential risk and highly impractical to manage in reality.

Given our licence is currently until 1am we feel that it would be disproportionate and overly restrictive to trade without use of the outside area until a reasonable time before closing.

We have been in discussions with Nicola Bills from the Police in relation to placing conditions on the licence and these were continuing in relation to the outside areas for the reasons set out above when this review was called for by Mrs Raybould.

Mrs Raybould states in her correspondence to Helen Farman-McKenna that she is acting on behalf of other residents who live opposite our pub who are purportedly 'too scared' to complain, however we have spoken with some of these residents who have informed us that they simply weren't minded to complain with one stating 'that she didn't want to spoil the enjoyment of others'. We have always tried to be approachable to our neighbours as we understand that we are on the main routes between premises, such as The Vine, The Leopard and The Dog & Partridge.

Further to this, from correspondence we have received regarding the review hearing it is apparent that we are being blamed entirely for the medical condition suffered by Mr Rogers of 5 Duke Street (property shown on attached land registry plan) however we have never been approached by Mr Rogers about any nuisance or made aware that he was suffering from a medical condition.

It is also stated that Mrs Raybould's Daughter has been subject to verbal abuse from customers at the premises, however we do not believe this to be directly connected to our premises, but rather as a result of an earlier dispute at The Dog & Partridge.

Equally we have not been approached by Mrs Raybould in relation to any of the complaints raised, only ever finding out via the licensing authority once a formal complaint has been made, making it very difficult for us to address anything of concern at the time.

The only time that we have had any contact with Mrs Raybould was regarding a query with CCTV from her property which seemed to be solely monitoring our premises.

As a business we do have entertainment such as live music once per month and an 'open mic' night held every other Thursday, events which to my knowledge have not caused our neighbours an issue.

We are aware that music entertainment can cause issues if it is too loud or too late. Mindful of this the live music we have done has been stopped at midnight despite our licence allowing for this to continue until 1am, equally our entertainment is advertised via our Facebook page well in advance of it occurring allowing ample opportunity for anyone to approach us if they have a concern.

I have recently contacted the licensing authority in relation to the premises and I have been told that they had not received any further complaints.

Lastly, we are aware that there are other licensed premises and residential properties in close proximity to ourselves that play loud music and feel that this may also be a factor for the Rayboulds.

Image of rear of New Inn adjoining wall to 32 Ludgate Street



Dated: 01 / 08 / 2018

Signed:

Graham Rai
Graham Rai

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Haley McEvoy

.....
Kay Lewis