

DSW Group

Consultants to the licensed

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July 11th 2016

Dear ██████████

Blue Fin Property Management (UK) Limited - premises licence application

To begin with, I would like to reiterate my thanks for taking the time to discuss this application with me. In my opinion it was an open and frank discussion with a positive outcome.

It is clear you, the students and other residents have suffered local noise nuisance but as I explained, I can only comment on issues directly related to Blue Fin building and not other premises. When I originally received your objection I was surprised that earlier complaints to the noise team appear to have had little effect and hope, from our part, we can now properly address those issues as they relate to our clients.

I had discussions with the relevant client representatives. A number of matters which you raised have now been addressed and will become standard operating procedure. Let me address these first before we turn to conditions which we will voluntarily ask to be applied to the licence.

Music

- Although the Live Music Act amended the Licensing Act to permit live amplified and unamplified music between 08.00 and 23.00 without the need for a licence, it has been agreed that there will be no music on the terrace after 22.30.

Deliveries

- The caterers are writing to all suppliers to advise them that deliveries will only be accepted from 7am and they must be made to the loading bay. If they arrive before that time and are able to park legally and safely, they may do so with engines turned off and any entertainment equipment on a very low setting so that it cannot be heard from outside the vehicle. Security staff will assist in monitoring this.

You will have seen in our application in section 'M', various steps we intend to take to promote licensing objectives. If the licence is granted, these steps will be transposed into conditions. For the avoidance of doubt, I state here an extract from the Home Office Guidance which is produced under section 182 of the Licensing Act.

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At paragraph 10.2, the guidance says this:

“Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months’ imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided”.

You see it is quite clear; if any conditions are breached, the penalty can be extremely severe.

With that in mind, I would like to propose three further steps which I will also ask the licensing authority to note. These will then be transposed into conditions along with our other steps:

1. There shall be no licensable activities on the terrace after 23.00.
2. The terrace shall be cleared of customers at 23.30 and closed save for those wishing use this area for smoking.
3. Security staff will regularly patrol the terrace when it is being used for licensable activities to ensure the safety of users and monitor noise levels for the prevention of nuisance taking appropriate action where necessary.

We do accept that even with the best intentions and training, there are times when issues may arise. So in addition to the above, we will provide a contact number for you should you have any issues during times when the licence is being used.

I hope these added steps and conditions are acceptable to you and properly address your concerns. If so I would politely ask you to confirm this with the licensing office and withdraw your objection.

If I can help in any way or clarify any point then please get back in touch with me.

Yours sincerely,



David Whitehead

