

REPRESENTATIONS ON A CURRENT APPLICATION FOR A GRANT/VARIATION OF A PREMISE LICENCE/CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

It is essential that you provide your full residential address (or business address if you are objecting from a business). Without this information your representation may not be accepted.

Please note that a full copy of your representation (including your personal details) will be shared with the applicant and summaries of the comments received will also be displayed on our website. You may wish to keep a copy of the completed form for your records.

Section 1 – Licence Application Details

Applicant Name (If known)	Spirit Pub Company (Services) Limited
Premises Name and Address	Premise Licence Number 050564 Union Arms, 68 High Street, Yarm, TS15 9BH
I wish to (delete not applicable)	Object to the application

Section 2 – Your Details

Name	Mauro Augusto Carneiro
Address (including postcode)	1 Brewery Cottage, Brewery Yard, Yarm, TS15 9AL
Email Address	mauro.carneiro@hotmail.co.uk
Telephone Number Mobile	077 96 44 26 32

Section 3 – If you represent residents/businesses in the vicinity please complete details below:

Representative or Organisation	Not applicable
Address (including postcode)	Not applicable
Details of those you represent	Not applicable

Other (Neighbour of the Pub)

Section 4 – Representation Grounds

The representation is relevant to one or more of the following licensing objectives	<ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Prevention of Public Nuisance 3. Protection of Children from Harm 4. Public Safety
Please delete not applicable	
Please delete not applicable:	
I object to the application being granted in its current form and tell us what changes you would prefer to see	
Please type the grounds of the representation in the box below, (Try to be as specific as possible and give examples of any evidence you may have e.g. on 1 June I could hear loud music from the premises between 10pm and 1.am. I am concerned that if the premises open until after 2am this will cause a nuisance to me and other residents of the street)	

Objection to Variation Application (dated 3 August 2021) from current License (just recently dated 7 June 2021 Margaret Waggott):

- 1) Object to extend the supply of alcohol and recorded music on Friday and Saturday until 00.30 hours the following morning (currently permitted until 00.00 hours).

Reason of objection: there is no substantive commercial reason, nor benefit to the community spirit and enjoyment, nor plausible creation of jobs and economic welfare that justifies to extend the hours. This extension actually causes late night drinking and further disruption to residents who wish to sleep at night and wake up in the morning to go to work, several bedrooms in several homes are no more than 30-50 feet away from noise sources, my bedrooms included. It puts more stress on public services, including police and ambulance services during a pandemic. This is counter intuitive to responsible entertainment.

- 2) Object to extend late night refreshment on Friday and Saturday until 00.30 hours the following morning (currently permitted until 00.00 hours).

Reason of objection: there is no substantive commercial reason, nor benefit to the community spirit and enjoyment, nor plausible creation of jobs and economic welfare that justifies to extend the hours. This extension actually causes late night drinking and further disruption to residents who wish to sleep at night and wake up in the morning to go to work, several bedrooms in several homes are no more than 30-50 feet away from noise sources, my bedrooms included. It puts more stress on public services, including police and ambulance services during a pandemic. This is counter intuitive to responsible entertainment.

- 3) Object to extend the opening hours of the premises on Friday and Saturday until 01.00 hours the following morning (currently permitted until 00.30 hours).

Reason of objection: there is no substantive commercial reason, nor benefit to the community spirit and enjoyment, nor plausible creation of jobs and economic welfare that justifies to extend the hours. This extension actually causes late night drinking and further disruption to residents who wish to sleep at night and wake up in the morning to go to work, several bedrooms in several homes are no more than 30-50 feet away from noise sources, my bedrooms included. It puts more stress on public services, including police and ambulance services during a pandemic. This is counter intuitive to responsible entertainment.

- 4) Object to licence the external area for the sale of alcohol (see plan).

Reason of objection: this is a pub and beer garden pub where the distance required to get a drink is negligible, and it makes no sense to sell alcohol outside where it is clear that outside service cannot be done during inclement weather – so it is really commercially naïve to do this. If the pub wants to increase points of sale, perhaps they should open a second bar inside the pub. In addition, this will bring extra noise to the outside area, it will increase health and safety issues, from plumbing, to electricity, to maintenance of fridges and waste bins, and pest control, including vermin.

- 5) Object to licence by an extended 1 hour (60 minutes) on St David's, St Patrick's, St George's, and St Andrew's days, as well as statutory bank holidays weekend periods (Friday, Saturday, Sunday and Monday) and for Christmas Eve.

- a. recorded music indoors or outdoors or both,
- b. late night refreshments indoors or outdoors or both, and
- c. supply of alcohol indoors or outdoors or both.

Reason of objections: there is no substantive commercial reason, nor benefit to the community spirit and enjoyment, nor plausible creation of jobs and economic welfare that justifies to extend the hours even further, and especially during the special days that people want some rest. This extension actually causes late night drinking and further disruption to residents who wish to sleep at night and wake up in the morning to go to work, several bedrooms in several homes are no more than 30-50 feet away from noise sources, my bedrooms included. It puts more stress on public services, including police and ambulance services during a pandemic. This is counter intuitive to responsible entertainment. It is counter intuitive to a society that is trying to become more responsible towards the environment and the use of resources. It is counter intuitive to responsible economic regeneration in the area. It is counter intuitive to the economic development of Yarm High street in a sympathetic, sustainable and safe manner.

- 6) Object to remove all the current conditions from the premises licence and replace with the listed ones in the application.

Individual reasons of objection, especially the EMBEDDED RESTRICTIONS. Before going into the detail here, it is extremely important to understand the very reasons for the EMBEDDED RESTRICTIONS 7 JUNE 2021 Margaret Waggott. Most of them assure the surrounding residents of the beer garden that the Pub retailer is serious about running a business that respects neighbours who are actually residents in the area. They also ensure that unsupervised patrons do not take the liberty to come into contact with neighbours, talk to neighbours without being introduced to, urinate on walls, spit on the ground and throw cigarette ends in the Brewery Yard area that belongs to 1 and 2 Brewery Cottages. It is crucial that the council reviews the long lasting disputes on this topic.

This was extensively covered by the council in 1999 to 2003 by Cirous Asadi, the Licensing Office and the Environmental Health Office. There have been incidents here that led to suing the pub.

Below is general commentary on the proposed Variationremoval of EMBEDDED RESTRICTIONS:

- a. General, Prevention of crime and disorder, Public safety, Prevention of Public Nuisance, Protection of children from harm. It is understood from me here that the council will add to the current embedded restrictions what is extra and needed to keep the Pub safe and in line with current legislation, requirements, etc.

Below is a line by line commentary on the EMBEDDED RESTRICTIONS 7 JUNE 2021 Margaret Waggot.

(1) • On Licences –

I object to any changes from the text below dated 7 June 2021.

Reason of objection: There is no reason to bring a new set of Restrictions which simplifies the one below.

Permitted Hours

The restriction on the permitted hours for the supply of alcohol shall not prohibit:

- (a) during the first twenty minutes after these hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after these hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of member of Her Majesty's Naval, Military or Air Forces;
- (g) the taking of alcohol from the premises by a person residing there; or
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

(2) • Any live entertainment is to be confined to the area shown hatched on the deposited plan. There shall be no reproduction of live music in other parts of the premises or the site.

I object to any changes from the text above dated 7 June 2021. In fact, the Pub retailer is already in breach of the current regulations. I complained on this topic on a separate email. The Pub retailer ignored this condition, installed a speaker outside and played music.

Reason of objection: It increases noise coming from the pub to the residential area.

(3) • The speakers in the rear part of the premises shall not exceed a background level of sound and no external speakers shall be installed.

I object to any changes from the text above dated 7 June 2021. Same as above.

Reason of objection: Same as above.

(4) • No external play equipment shall be installed.

I object to any changes from the text above dated 7 June 2021.

Reason of objection: Same as above. Also increased potential of larger crowds of people being left unsupervised either through lack of staff or unintentionally. The Pub beer garden was designed as a space for plain enjoyment of fresh air, not agitated entertainment and play area. There is simply not enough space for play area without generating excessive noise very close to neighbours that actually have young children sleeping in the house next door.

(5) • The wall separating the "patio area" from the "grassed area" shown on the deposited plan (2881-60) shall be maintained in its current position and at not less than its existing height.

I object to any changes from the text above dated 7 June 2021.

Reason of objection: The wall was built critically to reduce noise coming from the pub and create a safe environment to Brewery Yard as it extends to the front doors of 1 Brewery Cottage and 2 Brewery Cottage, without this locked and safe area, it is highly likely that patrons will trespass into the cottage private areas, knock on the door, speak to residents without reason, etc. Those things are unfortunately associated with people under the influence of alcohol and cannot be simply stopped with signs or supervisions.

I further strongly recommend that the door separating the patio area and grassed area is permanently locked from both sides, to prevent problems between patrons and residents, as well as problems with staff and neighbours. Already in past, misconduct from patrons and staff at late hours led to police reporting, legal charges and disputes between the pub and neighbours. Thanks to the agreement of the Pub retailer (Scottish and Newcastle at the time back in 2003), the door has been kept shut. So, there has been no trouble. Opening this door again would only create nuisance for the residents, trouble to the current retailer, and wasted time to Council and to the Police.

(6) • There shall be no sale, supply or consumption of intoxicating liquor nor admissions of patrons of the licensed premises in the area to the east of the said wall.

I object to any changes from the text above dated 7 June 2021.

Reason of objection: The wall was built critically to reduce noise coming from the pub

and create a safe environment to Brewery Yard as it extends to the front doors of 1 Brewery Cottage and 2 Brewery Cottage, without this locked and safe area, it is highly likely that patrons will trespass into the cottage private areas, knock on the door, speak to residents without reason, etc. Those things are unfortunately associated with people under the influence of alcohol and cannot be simply stopped with signs or supervisions.

It is further clear here that the east side of the wall (the grassed area) acts as a buffer between Pub and Residents. I can only stress again that keeping the present situation unchanged is only to the interest of the Pub Retailer, the Residents, and the Community in general including the Wesleyan Methodist Church parishioners, but most importantly the preservation of wildlife.

The Pub retailer is effectively proposing that it can operate right up to /against the wall of 1 Brewery Yard, and this poses the threat of substantial anti-social behaviour, noise pollution, and unsolicited invasion of privacy in 1 Brewery Cottage and 2 Brewery Cottage private yards. So, the beer garden would look directly into the properties and the properties would look directly into the garden, including the entrance and exit, front doors of the cottages, straight into their living rooms and kitchens. Also, because of sewerage and drain set up the cottages have outside washing machines/laundry facilities - again these would be clearly visible from the beer garden. This would not only devalue the character of Brewery Yard but also the market value of property for sure, leading to loss of earnings and unattractive residential properties for personal use or rental.

1 Brewery Cottage and 2 Brewery Cottage may have an increased risk of fire due to patrons potentially flicking cigarettes. Also, there is increased passive smoking from the neighbours.

The grassed area is currently well kept by 1 Brewery Cottage, where residents respect the nature. There are established plants which host a variety of wild life including frogs, insects, butterflies, birds, nesting ducks, and bats. Any changes here would be devastating to the already fragile ecosystem we live in.

(7) • Notices shall be maintained in the passageway and patio area to read "please respect our neighbours by keeping noise to a minimum".

I object to any changes from the text above dated 7 June 2021.

Reason of objection: This is a crucial reminder to patrons that they must respect the neighbours of the pub. It is common practice around the country to do so. The pub is already in breach of this, see my separate complaint on this topic. The pub retailer should embrace this, as it helps the pub remind people how to behave without being confrontational.

(8) • The use of the passageway and patio area shall be subject to the maintenance of the above conditions.

I object to any changes from the text above dated 7 June 2021.

Reason of objection: Without all above, it makes no sense for the pub to use the

passageway and patio. It must be understood here that Brewery Yard is actually a "Passage Way" with covenants associated within. The very reason why it can operate as a beer garden where tables are actually obstructing the passageway and tranquil passage rights is the erection of the wall and all the conditions agreed in the past, basically leaving the grassed area (east of wall) free from any pub interference. This has resulted in peaceful living between Pub and Residents. The proposed changes will stop this peaceful living.

(9) • The fire doors shall be self-closing and not fixed in an open position. The fire escape at first floor level from the toilets shall not be used except for emergency purposes.

I object to any changes from the text above dated 7 June 2021.

Reason of objection: This is primarily for fire safety issues but also a crucial reminder to patrons that they must respect the neighbours of the pub. The pub is already in breach of this, see my separate complaint on this topic.

Finally, I truly urge the Pub Retailer to reconsider their request for Variation, as it is in the interest of all to have good relations with neighbours.

Name	Mauro Carneiro	Dated	19/08/2021
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When complete this form should be returned to the address above or emailed to licensing.administration@stockton.gov.uk

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