FREEDOM OF INFORMATION REQUEST – 135/18

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request:

Thank you for your letter of 29th January on the complaint of Disturbance from Loud Music Played during the summer at The Veranda Café, Wing Hall, Wing Hall Drive, Wing Oakham, LE15 8RQ. I (and fellow copy addressees) would like to have sight of the mentioned "joint letter from Licensing and Public Protection which was sent to Wing Hall Estates"; only by this means will we know what you, as a council, have done to mitigate this annual noise burden on us (with which, by the way, we will not put up this coming summer).

Response:

Letter to Wing Hall Estates attached as requested (135/18 - 2018-01-29 Wing Hall Estates Noise JDR 1.25”.

You are free to use any documents supplied for your own use, including for non-commercial research purposes. The documents may also be used for news reporting. However, any other type of re-use, for example by publishing the documents or issuing copies to the public will require the permission of the copyright owner, where copyright exists. Such a request would be considered separately in accordance with the relevant Re-use of Public Sector Information Regulations 2005 and is not automatic. Therefore, no permission is implied in the re-use of this information, until such a request to re-use it has been made and agreed, subject to any appropriate conditions. Any request to re-use the information should be made to me at the address below.

If you are dissatisfied with the handling of your request please contact the Head of Corporate Governance, Rutland County Council, Catmose, Oakham, Rutland LE15 6HP

You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House, Water lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700

Yours faithfully
FOI Administrator
Corporate Support Team, Rutland County Council
Wing Hall Estates
Wing Hall
Wing Hall Drive
Wing
Oakham
LE15 8RQ

Re: Complaint of Disturbance from Loud Music Played during the summer at The
Veranda Café, Wing Hall, Wing Hall Drive, Wing Oakham, LE15 8RQ

Environmental Protection Act 1990
Licensing Act 2003

Dear Sir/Madam

I refer to the premises licence for the Veranda Café, now known as the Button Hole Café. The complaint is regarding the disturbance from noise from musical events held over the summer at the aforementioned address.

The café building is licensed for the sale of alcohol for consumption ‘on’ the premises only. The licence application submitted in June 2009 included a plan of the café. The plan did not include any outdoor areas such as the veranda or the lawns to the south of the hall. I trust your patrons are not purchasing alcohol inside the café and then taking it outside for consumption, such as onto the veranda or lawns, or taking it back to their tents or caravans.

If you wish to allow this, then you have the ability to submit a variation application to allow it.

The café building is also licensed for the performance of live music and recorded music indoors and outdoors of the building. The term ‘outdoors’ does not give you carte blanche permission to play music anywhere you choose.

I must also remind you that one of the four Licensing Objectives is ‘the prevention of public nuisance’. I would urge you to consider how the playing of live music through loud speakers may have an impact on your neighbours, and could lead to a review of your licence should it be found that a public nuisance is actually being caused.

I also note that the DPS for the premises is Zia Curley, but I understand that she is perhaps not involved in the day-to-day running of the Button Hole café any more. I was led to believe one of her sisters was going to run the café, and I am aware that Bianca now holds a personal licence and that she may be more appropriate.
You may wish to consider varying the licence to change the DPS to someone other than Zia.

In addition to the licensing issues outlined above, The Authority is also investigating whether such events may be causing a statutory nuisance.

The purpose of this letter is to bring to your attention the allegations made to the Public Protection Section in the hope that the situation may be resolved informally and at this early stage. At the time of writing, I am not in a position to be able to confirm or refute the allegation, but I would ask that you take this opportunity to consider, in a constructive sense the way in which noise could be considered as an unwelcome intrusion into your neighbour’s lives.

A statutory nuisance with respect to noise is where the noise from premises is caused by unreasonable behaviour that substantially interferes with the use or comfort of the neighbour’s property. If a statutory nuisance is established then the Council will require you to abate it. Failure to do so is a criminal offence.

The Authority does have a legal duty to investigate these matters and as part of this investigation monitoring will be undertaken. This monitoring may include the installation of noise monitoring equipment to record any future incidents of intrusive noise and visits to the area.

Yours sincerely

John Dwyer
Licensing Officer
In your reply please refer to Mr J Dwyer Tel 01572 758366 - licensing@rutland.gov.uk

Mr C Howat
Senior Environmental Health Officer BSc (Hons) AMIOA
In your reply please refer to Mr C Howat – tel:07917-175406
e-mail: chowat@rutland.gov.uk