

# Application to vary a premises licence under the Licensing Act 2003

I James Charles Hanning.....

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b>	<b>LN/ 200508090</b>
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## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Brickyard; previously the Spotted Bull 43-45 Verulam road			
Post town	St Albans	Postcode	AL3 4DG

Telephone number at premises (if any)	01727 751638
Non-domestic rateable value of premises	£

## Part 2 – Applicant details

Daytime contact telephone number	079790858000		
E-mail address (optional)	James@brickyard.co.uk		
Current postal address if different from premises address	Montrose House, Cricketers' Close		
Post town	St Albans	Postcode	AL3 5AZ

## Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes

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No

**Please describe briefly the nature of the proposed variation**

The current plan associated with the premises license identifies that licensable activities are permitted anywhere on the site, indoors and outside with a red border around the whole of the site and this forms the premises as it is understood within the 2003 Licensing Act.

The new owner wishes to change the layout plan associated with the existing license to a plan showing changes of fixed structures and fittings, with the updated safety equipment, fire escapes and with 'changes in height' correctly shown.

There is no change to the size of the premises or increase in the provision for the sale of alcohol (see plan C). This is agreed by the local authority's solicitor and licensing officer.

An application for this change of plan was heard by the committee on the 18<sup>th</sup> September 2014. All the implications of the change were explored, but the application was refused for the sole reason:

*"The changes made to the building by adding the extensions mean that the building is closer to residential premises. One new area of the building is intended to be used as a place for customers to use, i.e. to sit, drink and talk. On the basis of the evidence we have heard from the objectors the proximity of that area to the residential properties is likely to increase the noise experienced by the residents. Therefore the applicant will not be able to promote the licensing objective of Prevention of Public Nuisance if he operates under the new plan."*

The building is detached and so shares no party walls through which sound can be conducted. Plan B shows clearly that the building works have reduced the number and proximity of noise sources to neighbours. The building now has no windows on the ground floor facing neighbours, all doors are now double glazed, all extractor fan openings have been sealed and walls and roofs have modern insulation (see Plan A). The operator now has greater control over noise generated during trading than ever in the property's history.

The 'new area of the building' is a side extension that has been built on a part of the premises previously used as an outdoor area for customers to sit, drink and talk. Thus it is not a new area for customers, but a building with significant sound insulating and absorbing properties. It can be entirely closed using double glazed doors allowing almost no sound to exit. A considerable improvement to an outdoor area.

As the area is not new its proximity cannot alter. The space occupied by the extension is already licensed and so the proximity of the drinking area is identical. However as the area is now enclosed the operator has considerable physical resources with which to control sound egress.

Thus the 'new area of the building' allows the operator greater ability to promote the licensing objective of Prevention of Public Nuisance if he operates under the new plan.

The applicant has instructed an independent chartered environmental consultant, an expert in noise nuisance and environmental impact, to carry out a survey of the site and the report will be submitted as an independent representation.

No other variations are requested.

The applicant has been engaged in the hospitality business for 22 years and has owned and operated successful sites since 2002. He has lived in St Albans for 18 years. He has a Master of Business Administration (MBA) from Cranfield University, a BSc in Decision Sciences and is a member of the