

AGENDA

LICENSING COMMITTEE HEARING

MONDAY, 28 OCTOBER 2019

11.00 AM

**LADY ALICE LAMBTON ROOM,
BOATHOUSE, WISBECH**

Committee Officer: Linda Albon
Tel: 01354 622229
e-mail: memberservices@fenland.gov.uk


- 1 To receive apologies for absence.
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 DETERMINATION OF AN APPLICATION FOR A VARIATION TO A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 (Pages 3 - 74)

To consider an application for a variation to a premises licence in respect of The Sportsman, Main Road, Elm, Wisbech, PE14 0AG.

Wednesday, 16 October 2019

Members: Councillor M Humphrey (Chairman), Councillor D Connor, Councillor Miss S Hoy and Councillor Mrs K Mayor

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Agenda Item No:	3	
Committee:	LICENSING	
Date:	28 OCTOBER 2019	
Report Title:	DETERMINATION OF AN APPLICATION FOR A VARIATION TO A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – THE SPORTSMAN, ELM	

1 Purpose / Summary

- To consider an application for a variation to a premises licence in respect of The Sportsman, Main Road, Elm, Wisbech PE14 0AG.

2 Key issues

- There has been an application submitted for the variation of a Premises Licence.
- It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003.
- Relevant representations have been received regarding this application from 'Any other Persons' (Local Residents).
- There is a requirement to hold a hearing to determine the application for the variation of a premises licence.

3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report.

Wards Affected	Elm
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Sam Clark, Portfolio Holder with responsibilities for Licensing
Report Originator(s)	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk

Contact Officer(s)	<p>Dan Horn, Head of Housing & Community Support, Tel 01354 654321, Email: dhorn@fenland.gov.uk</p> <p>Carol Pilson, Corporate Director, Tel: 01354 622360, Email: cpilson@fenland.gov.uk</p>
Background Paper(s)	<p>Licensing Act 2003</p> <p>Section 182 Guidance to the Licensing Act 2003</p> <p>The Licensing Act (Hearings) Regulations 2005</p> <p>Fenland District Council's Statement of Licensing Policy 2016 - 2021</p>

4 Background / introduction

- 4.1 The Premises Licence Holder of The Sportsman, Main Road, Elm is held in the company name Elmsport Limited with a registered address of The Boathouse, Harbour Square, Wisbech.
- 4.2 The Designated Premises Supervisor responsible for alcohol sales is Mrs Jacqui Wadsley, her Personal Licence No. PERS0181 and has been issued by Fenland District Council.
- 4.3 The premises licence was transferred to the new owners Elmsport Limited during an application made in June 2017.
- 4.4 A copy of the current Premises Licence and plan can be seen at APPENDIX B
- 4.5 In September 2019 an application was received to vary the current licence, the below table highlights the original application received and the requested amendments:

Licensable Activity	Current Licence	Variation Application
Live Music Indoors/Outdoors	The plan does not reflect any outdoor area and therefore the music can only be played indoors.	The application includes an outdoor area (beer garden) at the front of the premises and an outdoor amenity area at the rear of the premises (currently being developed). There has been no increase in the timings from the existing licence.
Sale of Alcohol	Sunday - Wednesday 11:00 - 23:00 Thursday - Saturday 11:00 - 01:00	Sunday - Wednesday 08:00 - 23:00 Thursday - Saturday 08:00 - 01:00
Opening Hours (Please note this is not a licensable activity)	Monday - Wednesday 11:00 - 23:30 Thursday - Saturday 11:00 - 01:30 Sunday 10:00 - 23:30	Sunday - Thursday 08:00 - 23:30 Thursday - Saturday 08:00 - 01:30
Annex 2 Conditions	Removal of conditions: 1,2,3,4,5,6,7,9,10, 11,12,13 This was to ensure all old conditions	Additional conditions offered: a) Challenge 25 to be adopted b) All staff training to be fully documented and updated every 6 months

	removed and brought into line with existing legislation	<ul style="list-style-type: none"> c) Staff to be trained in conflict situations d) Fully recordable HD CCTV to be in operation 24 hours, 7 days a week e) CCTV to be made available to Police and Authorised Officers on request f) CCTV to be made available in a transportable media format g) Staff to carry out and record head count to ensure no overcrowding h) Notice to be displayed requesting patrons to leave quietly.
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A copy of the Variation application and amended plan can be seen at APPENDIX C and APPENDIX D

4.6 In accordance with the provisions of the Licensing Act 2003, the applicant has completed the statutory 28 day consultation period by displaying a copy of the notice on blue coloured paper and an advert in the local newspaper.

5 Considerations

5.1 The application was submitted electronically and therefore it was the responsibility of the Local Authority to serve this application to all the Responsible Authorities.

(a) Cambridgeshire Constabulary	No representation
(b) Cambridgeshire Fire & Rescue	No representation
(c) Public Health – CCC	No representation
(d) Environmental Health	No representation
(e) Health & Safety	No representation
(f) Safeguarding & Standards Unit – Children Services	No representation
(g) Development Services - Planning	No representation
(h) Licensing	No representation
(i) Trading Standards	No representation
(j) Any Other Persons	Representations

5.2 During the consultation period 35 objections were received from 'Any other Persons' (local residents), some of the points raised were not a relevant representation as they included:

- Parking outside the premises
- Concerns regarding the trees at the rear of the premises.

5.3 The Licensing Act 2003 encourages discussion between persons making the applications and those serving objections with the aim of resolving issues of concern, to strike the balance between enabling the applicant to operate his/her premises in a manner that meets his/her business needs/aspirations and the necessary protection of the community.

5.4 On receiving these objections, contact was made with the applicant to advise them of the community concerns and if there was any chance of mediation.

The applicant was happy for the Council to mediate and during this time the applicant offered the below amendments and additional condition:

- 1- We will remove from our premises plan the rear amenity garden area.
- 2- Front beer garden 'live' music events to be limited to 6 per year with a cut off time of 7.30 pm
- We wish to express that although the premises has applied for the sales of alcohol to be earlier, this is not planned to be a regular occurrence, it is merely to accommodate sporting events or special occasions.
- We have no desire to regularise early opening or indeed extend our trading hours in the evening, as you know we already trade fewer hours than our existing license allows. All we want is to be able to respond to the needs of our customers whilst respecting the harmony of our nearest neighbours.'

5.5 As part of the mediation process, the Licensing Authority made contact with the interested persons logging an objection updating them of the revised application and additional condition.

5.6 Subsequently this has reduced the number of persons wishing to object and 13 persons have formally withdrawn their objection.

5.7 There are still 22 objections received with regards to this application. A copy of the objections can be seen at APPENDIX E.

5.8 The objections received fall mainly with the licensing objective of Public Nuisance but also makes reference to the Protection of Children from Harm.

5.9 Any objections received that mention parking or other concerns not relevant to the licensing objectives, the interested party has been made aware these comments will not be taken into account within their representation.

6 Community impact

6.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.

6.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

7 Conclusions

7.1 In undertaking its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

7.2 When determining an application for a variation to a premises licence, due regard should be given to the Council's Licensing Policy including the Cumulative Impact Policy (if applicable) and the Secretary of State's Guidance section 182.

7.3 The committee in its determination can take one or more of the following steps as it considers appropriate for the promotion of the licensing objectives:

i) to grant the variation subject to:

such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the four licensing objectives, and any mandatory condition which must be included in the licence;

j) reject the variation application.

7.4 The hearing will be conducted in accordance with the approved procedures and can be seen at APPENDIX A to this report.

APPENDIX A - Hearing Procedures

APPENDIX B - Current Licence

APPENDIX C - Variation Application

APPENDIX D - Amended Plan

APPENDIX E - Objections Received

PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE VARIATION OF A PREMISES LICENCE

INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 12 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel known as the Sub-Committee (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 12. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended the site visit.
 - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

NOTE: All questions and statements will be directed through the Chairman.

APPENDIX A – LICENSING PROCEDURES

INTRODUCTION

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. They will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. The Chairman will also seek confirmation that everyone present has received this procedure and the “what you need to know” document.
- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
 - (i) the Legal Adviser to the committee
 - (ii) the Clerk to the committee
 - (iii) the officer representing the Licensing Authority (“the Licensing Manager”).
- (4) The Chairman will invite those present to introduce themselves.

BODY

- (5) The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the variation application of the premises licence and the licensable activities, days and hours of operation, specified on the application.
- (6) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (7) The Chairman invites the applicant (or his/her representative) to put the case in support of the application for a variation to a premises licence.
- (8) If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- (9) Once the applicant has presented his/her case, the Chairman invites questions to the applicant, his/her representative and/or witnesses from:
 - responsible authorities (or their representatives);
 - interested persons (or their representatives);
 - members of the committee.
- (10) The Chairman will then invite any interested persons to put forward their case, based on the representation submitted.

CONCLUSION

- (11) The Chairman then invites the applicant of the premises licence, responsible authorities and interested persons (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. (This may not be required)
- (12) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (13) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case

APPENDIX A – LICENSING PROCEDURES

presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

DETERMINATION

- (14) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (15) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be given to all interested parties.
- (16) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.
- (17) If the applicant is not happy with the determination they can appeal to the magistrates court within 21 days.

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Premises Licence

**THE LICENSING AUTHORITY
FENLAND DISTRICT COUNCIL
FENLAND HALL
COUNTY ROAD
MARCH
CAMBS PE15 8NQ**

Premises licence number: PREM 0279

PART 1 – PREMISES DETAILS

Postal address of premises, or if none, ordnance survey map reference or description:			
The Sportsman Main Road Elm Wisbech PE14 0AG			
Post town:	Wisbech	Post code:	PE14 0AG
Telephone number:	01945 860026		

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:		
Live Music (indoors)		
Recorded Music (indoors)		
Entertainment of a Similar Description (indoors)		
Late Night Refreshment (indoors)		
Sale by Retail of Alcohol		
The times the licence authorises the carrying out of licensable activities:		
Live Music (indoors)		
	Monday to Wednesday	11:00 – 23:00
	Thursday to Saturday	11:00 – 24:00
	Sunday	11:00 – 23:00
	New Year's Eve	11:00 – 01:00
Recorded Music (indoors)		
	Monday to Wednesday	11:00 – 23:00
	Thursday	11:00 – 24:00
	Friday, Saturday	11:00 – 01:00
	Sunday	10:00 – 23:00
The times the licence authorises the carrying out of licensable activities:		
Entertainment of a Similar Description (indoors)		

APPENDIX B – CURRENT LICENCE

	Monday to Wednesday	11:00 – 23:00
	Thursday	10:00 – 24:00
	Friday, Saturday	10:00 – 01:00
	Sunday	10:00 – 23:00
Late Night Refreshment (indoors)		
	Thursday to Saturday	23:00 – 01:00
	New Year's Eve	23:00 – 01:00
Sale by Retail of Alcohol		
	Monday to Wednesday	11:00 – 23:00
	Thursday to Saturday	11:00 – 01:00
	Sunday	11:00 – 23:00
	New Year's Eve	11:00 – 01:00

The opening hours of the premises:		
	Monday to Wednesday	11:00 – 23:30
	Thursday to Saturday	11:00 – 01:30
	Sunday	10:00 – 23:30
	New Year's Eve	11:00 – 01:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:	
ON/OFF	

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:
Elmsport Limited The Boat House Harbour Square Wisbech Cambridgeshire PE13 3BH 07710702062 davster@gmail.com

Registered number of holder; for example, company number, charity number (where applicable):
10769209

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Jacqui Maria Owens 11A Barton Road Wisbech Cambridgeshire PE13 1LB

APPENDIX B – CURRENT LICENCE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

PERS0181
Fenland District Council

Licence valid from: 20 June 2017

Date of Issue: 06 July 2017

.....Adrian Day
ON BEHALF OF FENLAND DISTRICT COUNCIL

Issue 08

Annex 1 – Mandatory Conditions

Premises Licence (On & Off Sales of alcohol)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective [words added];
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective [words added];
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (d) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
6. The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (a) beer or cider: ½ pint;
 - (b) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition:
 - “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - “permitted price” is the price found by applying the formula - $P = D + (D \times V)$ where:
 - P is the permitted price;
 - D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
 - V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

APPENDIX B – CURRENT LICENCE

- “relevant person” means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 – Conditions Consistent with the Operating Schedule

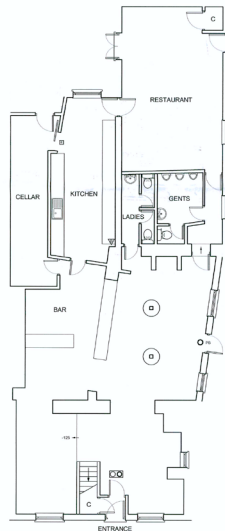
1. No glass, open bottles or glass drinking vessels to be allowed to leave the premises.
2. No controlled drugs to be allowed on the premises.
3. No drunken person to be sold or supplied alcohol.
4. An appropriate number of experienced and trained staff to always be on duty.
5. Doors and other exits to be kept clear at all times.
6. Appropriate measures to be adopted to prevent the premises from becoming overcrowded.
7. Any stipulations of the Responsible Authorities to be observed.
8. Clear notices to be displayed to request customers to leave the premises quietly and with regard to local residents.
9. No person appearing to be under the age of 18 to be sold or supplied with any alcoholic drink.
10. Proof of age policy agreed by the Police and the Council to be implemented.
11. No unaccompanied children to be allowed on the premises at any time whilst the premises is open for business.
12. Recorded music to be confined to background music only.
13. Alcohol shall only be sold at the premises after midnight to persons who have partaken of a table at the premises during the course of the same evening as the sale.

APPENDIX B – CURRENT LICENCE

Annex 3 – Conditions Attached after a Hearing by the Licensing Authority

Not applicable

Annex 4 – Plans



Ground floor Layout Plan 1:100

Key to plan symbols and abbreviations

- | | | | | |
|---|---|--|--|-------------------------------------|
| ▽ Fire extinguishers
Show type. Capacity is shown in litres. | ▽ Water bucket. | ◊ Beam detector
transmitter. Arrow indicates direction. | —FR— Roller shutter doors. | ☐ Exit directional signs. |
| ▽ Fire extinguishers
water type. Capacity is shown in litres. | ▽ Sand bucket. | ▽ Infrasonic. | ☐ Fire alarm indicator panel. | ☐ Covered fire notices. |
| ▽ Fire extinguishers
dry powder type. Capacity is shown in litres. | ⊙ Fire alarm call points. | ▽ Sprinkler main valve. | △ Manual fire alarm sounder. | ☐ Staff fire notices. |
| ▽ Fire extinguishers
carbon dioxide type. Capacity is shown in litres. | ⊙ Audible warning device. | VL Vertical metal ladder for means of fire escape. | ○ Emergency lighting points. | ☐ Notice on doors. |
| ▽ Fire extinguishers
dry powder type. Capacity is shown in litres. | ⊙ Visual warning device. | RL Railing ladder for means of fire escape. | ○ Emergency lighting handstrips. | ☐ "Slide to open" notice. |
| ▽ Fire extinguishers
carbon dioxide type. Capacity is shown in litres. | ⊙ Internal telephone fire alarm system. | SC Self-closing shutters. | ○ Illuminated exit bases. | ☐ "Fire exit - keep clear" notices. |
| ▽ Fire blanket. | ▲ Automatic fire detector heat/smoke. | SCA Automatic release. | ○ Illuminated exit directional signs. | ☐ "Fire door - keep shut" notices. |
| | ⊙ Beam detector receiver. | ★ Does not forming part of means of escape. | ☐ Fire exit signs showing words "FIRE EXIT". | ☐ "Fire door - keep shut" notices. |
| | ⊙ Home next length shown in metres. | | | ☐ Doors fitted with push bars. |
| | | | | ☐ Handrails. |
| | | | | ☐ Guardrail. |
| | | | | 1:12 Ramp. |

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
DRINKS LICENSING
MAIN ROAD
ELM
WISBECH

DRAWING TITLE
FLOOR LAYOUT

CLIENT
THE SPORTSMAN

DATE: Aug 2005 SCALE: As Shown JOB No. 3722

DO NOT SCALE FROM THIS DRAWING

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Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
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E-MAIL: phs_10@btconnect.com
20 OLD MARKET WISBECH CAMBS PE15 7HS
A member of the
Institution of
Architectural Technicians

Premises Licence Summary

THE LICENSING AUTHORITY
 FENLAND DISTRICT COUNCIL
 FENLAND HALL
 COUNTY ROAD
 MARCH
 CAMBS PE15 8NQ

Premises licence number:

PREM 0279

PREMISES DETAILS

Postal address of premises, or if none, ordnance survey map reference or description:

The Sportsman Main Road Elm Wisbech PE14 0AG

Post town: Wisbech **Post code:** PE14 0AG

Telephone number: 01945 860026

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Live Music (indoors)
 Recorded Music (indoors)
 Entertainment of a Similar Description (indoors)
 Late Night Refreshment (indoors)
 Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Live Music (indoors)

Monday to Wednesday	11:00 – 23:00
Thursday to Saturday	11:00 – 24:00
Sunday	11:00 – 23:00
New Year's Eve	11:00 – 01:00

Recorded Music (indoors)

Monday to Wednesday	11:00 – 23:00
Thursday	11:00 – 24:00
Friday, Saturday	11:00 – 01:00
Sunday	10:00 – 23:00

APPENDIX B – CURRENT LICENCE

The times the licence authorises the carrying out of licensable activities:

Entertainment of a Similar Description (indoors)

Monday to Wednesday	11:00 – 23:00
Thursday	10:00 – 24:00
Friday, Saturday	10:00 – 01:00
Sunday	10:00 – 23:00

Late Night Refreshment (indoors)

Thursday to Saturday	23:00 – 01:00
New Year's Eve	23:00 – 01:00

Sale by Retail of Alcohol

Monday to Wednesday	11:00 – 23:00
Thursday to Saturday	11:00 – 01:00
Sunday	11:00 – 23:00
New Year's Eve	11:00 – 01:00

The opening hours of the premises:

Monday to Wednesday	11:00 – 23:30
Thursday to Saturday	11:00 – 01:30
Sunday	10:00 – 23:30
New Year's Eve	11:00 – 01:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

ON/OFF

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Elmsport Limited
The Boat House
Harbour Square
Wisbech
Cambridgeshire
PE13 3BH

07710702062
davster@gmail.com

Registered number of holder; for example, company number, charity number (where applicable):

10769209

APPENDIX B – CURRENT LICENCE

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Jacqui Maria Owens

State whether access to the premises by children is restricted or prohibited:

Not applicable

Issue 08

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APPENDIX C - VARIATION APPLICATION



Fenland
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@fenland.gov.uk
Telephone: 01354 654 321

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

SPO4001

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

PETER

* Family name

GOLDING

* E-mail

elmsportsman@gmail.com

Main telephone number

+44 (0)1945 861750

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

10769209

Business name

ELMSPORT LTD

If your business is registered, use its registered name.

VAT number

GB

298763139

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Update license as advised by licensing officers to enable us to reflect current customer demands and modern day pub requirements.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Acoustic amplified music for one-off events. This will not be a daily or weekly occurrence.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
 No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes
 No

Section 11 of 18

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

New Years Eve (which ever day it falls) 08:00-01:30.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Conditions 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Challenge 25 to be fully implemented, including the display of appropriate notices and endorsed vis regular and updated staff training on an ongoing basis. Any such challenges to be recorded.
Staff protocols to be put in place in the event of any serious threat to staff or customer welfare.

b) The prevention of crime and disorder

Full recordable HD CCTV to be in operation on a 24/7 basis affording interested parties, (including the Police) transportable images in both still and video formats thereby assisting customer and staff security alike.
Police and other internal and external training to be actioned to all members of staff focusing on appropriate legislation and to include confrontation and anger management techniques.

c) Public safety

Periodic recorded customer head-counts to be actioned by management ensuring health and safety compliance, coupled with exterior building walks and including regular toilet checks deterring any premise drug abuse.
Full compliance with all current building, and Health & Safety legislation.

d) The prevention of public nuisance

Compliance with license and appropriate display of notices pertaining to noise and respect of neighbours.

e) The protection of children from harm

Family friendly policies in place including the exclusion of small children from the premises at times reflecting the activities

Continued from previous page...

of the pub.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

APPENDIX C - VARIATION APPLICATION

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee will depend on the NDR (Non Domestic Rateable) value of the premises. Band A = £100 Band B = £190 Band C = £315 Band D = £450 Band E = £635

* Fee amount (£)

100.00

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Mr Peter Golding

* Capacity

Director

* Date

27 / 08 / 2019
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/fenland/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

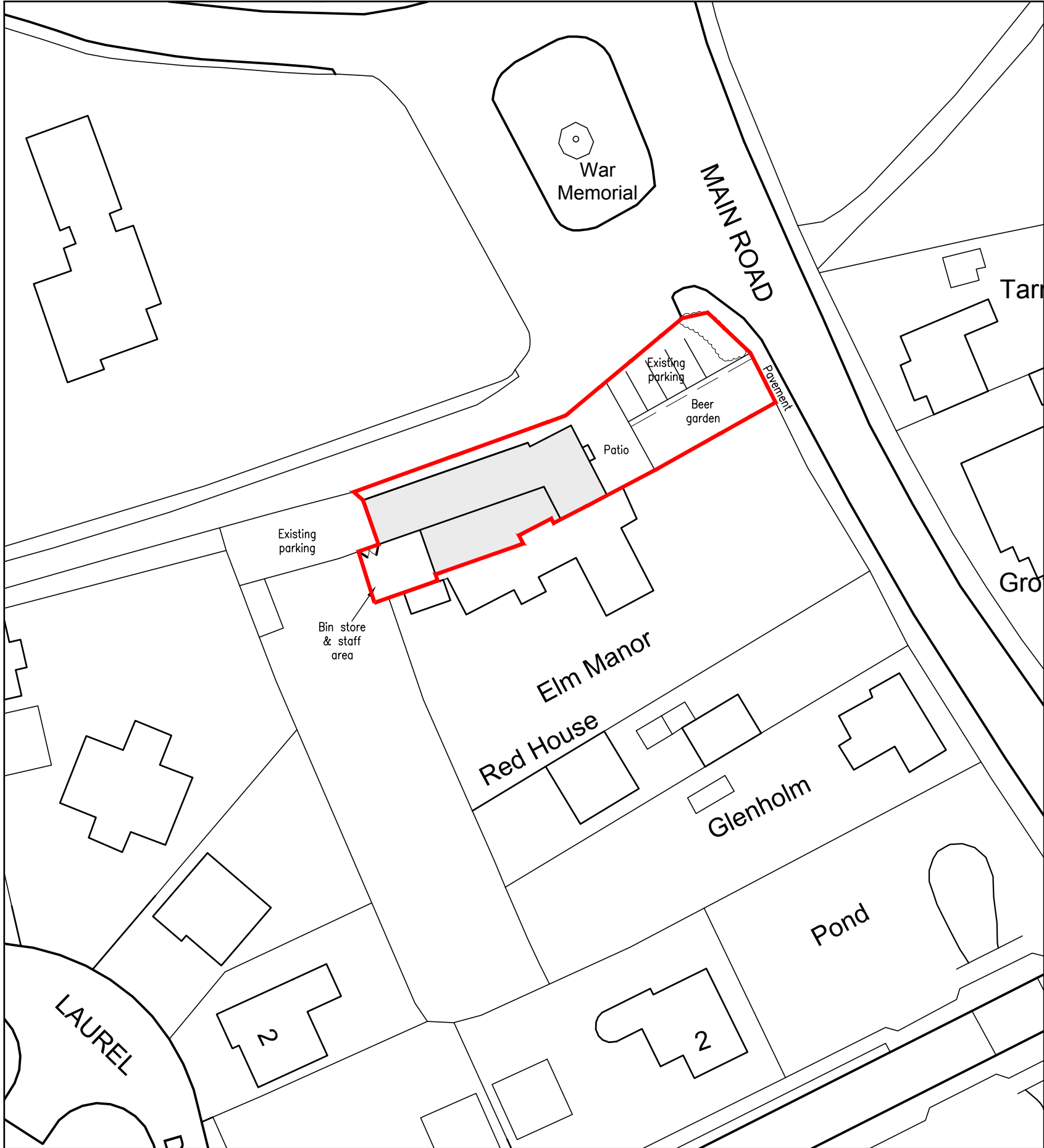
APPENDIX C - VARIATION APPLICATION

OFFICE USE ONLY

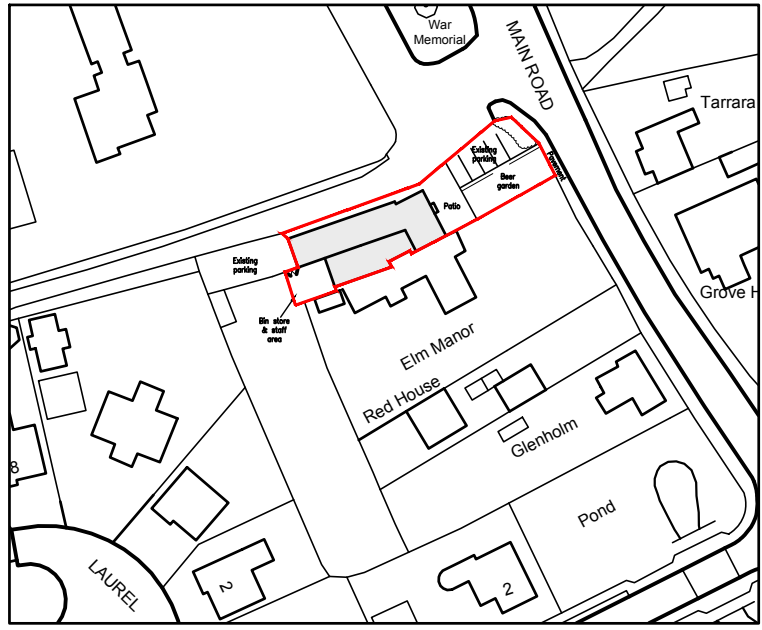
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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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APPENDIX D - PROPOSED PLAN



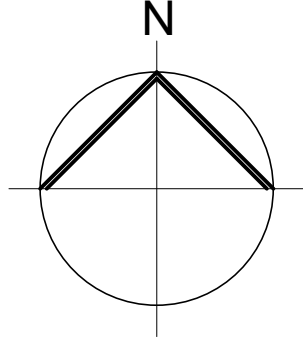
Site Plan 1:500 @ A3



Site Plan 1:1250 @ A3

Peter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 DRINKS LICENSE PLAN
 THE SPORTSMAN PH
 MAIN ROAD
 ELM
 WISBECH



DRAWING TITLE
 SITE PLANS

CLIENT
 THE SPORTSMAN PH

DATE August 2019 SCALE As Shown JOB No. 5718/DLP01

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 ARCHITECTURAL DESIGN AND BUILDING

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 31 OLD MARKET WISBECH CAMBS PE13 1NB



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Objection 1

I wish to object to the variation of the licence application that has been made to you by

Elmsport Ltd, for changing of times alcohol is served, live music indoors and outdoors and opening times.

I also object to the new beer garden, the newly cleared land at the rear of the Sportsman.

I object to the use of Elmsport Ltd's land being used as a place for events of any sort.

I object to the use of Elmsport Ltd's land being used as a venue for outside music.

This will most definitely be a Statutory nuisance and a Common Law nuisance.

I object to Elmsport Ltd using the beer garden at the front of the Sportsman Pub after 10pm, as the noise is very disruptive with shouting, singing and swearing. I am kept awake and it is disturbing my peace and quiet particularly on a Sunday. I cannot have a window open and I have to turn the TV up so that I cannot hear the noise. I almost need earplugs to get to sleep.

I wish to object to the application as on the present licence when live amplified music is indoors at The Sportsman, the music echoes around the farm and I can hear every word and note of the amplified music. It is very loud and the noise means I have to close my windows and turn my TV up loudly so not to hear the amplified music. Relaxing in the garden is not possible.

The noise of the people leaving the premises is very loud and disruptive, we have had people urinating in our front garden, arguing outside our bedroom window and have had our dustbins and flowers thrown in the pond opposite our house.

This is disturbing our peace and quiet and is very concerning so we now don't go to bed until the last person has left the area.

I also think there is Public Safety issues. Parking is limited and the lane at the side of The Sportsman is not a public highway only an access to the farm. Children and walkers use this lane and therefore it is only a matter of time before a member of the public is injured by a vehicle.

Elmsport Ltd has recently cleared land at the rear of The Sportsman. This piece of land is surrounded by residential family homes. Use of this land whether car park, beer garden or for events of any kind, would severely affect the peace and wellbeing of the immediate families and of those beyond.

The application for extended opening hours, sale of alcohol and Live music, extended hours and indoors and outdoors is not what a small rural village can cope with.

Further Comments made following Variation Application amendment

I am writing to confirm to you that I still wish to object to the licence application from Elmsport Ltd, Sportsman Pub,

Ref 19/0677/LAPRE2, that I sent to you on 23rd September 2019, and wish you to lodge my original objections, copy below.

Also I wish to strongly object in particular too option 2 “Front beer garden ‘live’ music events to be limited to 6 per year with a cut off time of 7.30 pm” as any music especially amplified sound is a common nuisance. We can hear music and sound from inside the pub therefore live music outside would be even more detrimental.

As stated before, it would be very loud and the noise means I have to close my windows and turn my TV up loudly so not to hear the amplified music.

Objection 2

I wish to object to the variation of the licence application that has been made to you by

Elmsport Ltd, for changing of times alcohol is served, live music indoors and outdoors and opening times.

I also object to the new beer garden, the newly cleared land at the rear of the Sportsman.

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I object to the use of Elmsport Ltd's land being used as a venue for outside music.

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I also think there is Public Safety issues. Parking is limited and the lane at the side of The Sportsman is not a public highway only an access to the farm. Children and walkers use this lane and therefore it is only a matter of time before a member of the public is injured by a vehicle.

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is a common nuisance. We can hear music and sound from inside the pub therefore live music outside would be even more detrimental.

As stated before, it would be very loud and the noise means I have to close my windows and turn my tv up loudly so not to hear the amplified music.

Objection 3

With reference to a Sportsman application for a more extended opening hours, reference number 19/0 677/LAPRE2.

I am currently converting the former Village Hall and Fire Engine house into 3 houses. This is, of course, in a Conservation Area; and Fire Engine house is a Listed Building. (The oldest Fire Engine House in the region, I understand).

These buildings, together with the Church and the surrounding dwellings, form the historic centre of the village of Elm. I would hate to see this damaged.

I have been concerned in the recent past with noise levels emanating from the Sportsman. Sitting in my garden on a Saturday or Sunday afternoon there have been occasions when there has been a constant distant noise. On one occasion this noise having continued for most of the afternoon. I decided to investigate which one of my neighbours was being so inconsiderate. Walking up Halfpenny Lane and speaking to one or two neighbours to find that they also did not know the source of the noise either. It soon became clear on reaching Main Road that all the noise was in fact from music and singing from The Sportsman.

There was an external event taking place at the Sportsman. Loudspeakers were on at maximum levels. One could hear every word spoken 100 yards away.

As the event was clearly coming to an end, and as I was heard (on the loudspeakers), that there was only one further event booked for a month later I took no action in the matter.

I certainly do not want to hear this level of noise at any time of the day or the night. If I can hear the noise from of my house, then a very large proportion of the population of Elm can also hear it!

I thus wish to oppose any licensing hours relaxation. I would go further and hope that some control can be exercised of the amount of external noise that these events generate.

I would also mention that when an event is taking place that parking becomes a very severe problem all around the War Memorial. This could lead to an accident occurring on what is already a dangerous corner.

I object to the new beer garden and to the use of Elm Sports land for events of any sort, including music.

I should also have said that it is good to see The Sportsman trading again. I wish them every success, so long as it does not reduce the standard of enjoyment of its neighbours.

Further Comments made following Variation Application amendment

Yes, our objection still remains. The changes made do not give the necessary protection against noise issues.

Objection 4

With regards to the above premise application for a Change of Licence.

I have no objection to the Sportman in its present form, it is good to have the pub in the village.

Having stated that, it is a village pub on a very busy Road with very limited parking!

I do object to Total Licence to do what they like when they like without consideration to Local Residents Re: Noise and Traffic issues.

Also a licence to open and sell alcohol at 08.30am to 1 am Thursday to Saturday will attract the many drunks from Wisbech to Elm.

This is not good for children going to school and walking past inebriated people.

In my opinion the Tens licence is adequate and keeps things under control.

Grove Gardens has an area of Public Ground that could be used for an annual event to raise funds for the school.

The rear parcel of land should be used for parking and not a Beer garden!

So many residents in Grove Gardens will be adversely affected if this happens and will be looking for a huge rate reduction!

In my opinion, the present operating rules that Pub go by are the best, in the interest of the Local residents except for the abominable Parking situation which as I have stated should be at the rear as many small pubs facilitate.

Further Comments made following Variation Application amendment

Thank you for your reply to my concerns over the application for the change of licence conditions at the Sportsman.

I am satisfied that the rear garden will no longer be considered as a beer garden and hopefully may be used as a car park instead.

I still have an issue with granting license for early opening. Even though the management says it is not regular if license is granted it may easily become regular.

Also and this is a major issue, the problem of noise pollution. When they have outdoor music which is amplified half the village can hear it depending on wind direction. If the music was just acoustic it would be more acceptable.

I believe that there are noise guide lines. I refer to the Noise Council Code of Practice 1995 The Purple Guide to Health, Safety and Welfare at Music and Other Events.

1 to 3 events per year urban and rural venues the Music Noise Level should not exceed 65 db at 1 meters from the facade of any noise sensitive premises for events held between the hours of 09:00 to 23:00.

APPENDIX E

Six events per year under the Tens license does not on the face of things seem too bad but in reality those outdoor events will be compressed into the summer months.

In my opinion i strongly feel that the arrangements should not be changed for this country pub.

Objection 5

I object to the request made to you by Elmsport Ltd to vary the times by which alcohol may be served.

I also object to the rear garden being used as a beer garden

I further object to the use of any land of Elmsport Ltd being used as a place for any type of any event whatsoever

I also object to any outside music event being held by Elmsport Ltd at this venue.

If approved this will certainly become a Statutory nuisance and also a Common Law nuisance.

My concern regarding this specific application concerns the common nuisance of Noise, Little car parking facilities, reducing Begale Road at the church end to single alternate passing of vehicle and the obvious danger to any pedestrians, as there is only a single footpath .additional noise in early hours of people leaving the premises. I have personally been disturbed earlier this year when I understand an outside barbeque with loud music was held at the above premises, keeping me awake even though I live some 100/150 metres from the venue. I believe that Elm is shown as a Conversation area which should be protected by law against undesirable changes. I consider this application does represent undesirable changes to the fabric of Elm Village.

Objection 6

We strongly object to the licence application made by Elmsport Ltd to change the times which alcohol will be served. This is not acceptable to allow alcohol to be served at 8am in the morning when children and families will be travelling to school etc. Early opening and longer hours could also attract anti social behaviour in this peaceful village.

It could make it more dangerous for families with young children walking to school with the extra traffic.

Parking would be affected for any services at Elm church situated opposite.

The area around the Sportsman public house is not suitable for outside music as this could easily be heard in the village which would have a detrimental effect on its neighbours. There is very little parking near so vehicles would be parked on the lanes around the area causing traffic congestion.

Further Comments made following Variation Application amendment

We don't see the need for a public house in a small village to be open at before ten o'clock in the morning. Especially as children are waiting for school buses right outside and even smaller children going past to the junior school at 0800 to 0900 in the morning. Another thing is what has a public house got to do with rugby.

From what we have see so far the sportsman has a very good trade and is a very nice village pub which we living close by use from time to time. To be open for longer hours is just greed on the owners part and nothing to do with a need to be open or a requirement from the village it is in.

Objection 7

I write to object to aspects of the application by the Sportsman Pub in Elm and in particular the use of the public house as a venue for outside music.

In this residential and conservation area it is wholly inappropriate to have music performed outside of the pub (in any location front or rear) to the disturbance of those residents both immediately around the pub and in the wider catchment area.

I believe this will be both a Statutory nuisance and a Common Law nuisance. We have experienced this nuisance already when music has been performed on Sunday afternoons when, as a resident, I wish to be able to enjoy the peace and quiet of my own garden. I note and welcome the fact that in most recent times, the music has not been performed outside following complaints - however, the application, as made, would allow for music to be played outside until 23.00 & 24.00 - but the location and timing would be neither appropriate or acceptable.

I understand the application as drafted would also allow the land to the rear of the Sportsman (which runs on and is between a number of residential properties) could be used as a venue (as above) or beer garden, and could hold some hundreds of people. As there is already very limited parking in the areas around the pub, this already potentially dangerous situation with traffic problems would be exacerbated and as a result I object to the application as drafted on the grounds of public safety.

I also understand the application allows alcohol to be served every day from 8am. I further understand this is to allow the pub to serve alcohol on the rare occasions that major sporting or other events are to be played early in the morning. This should be provided for via an application at the appropriate time for the specific events rather than a general licence, which the applicant has said in public statements they do not intend to use, and as such I object to the application on the basis that the application is not reflective of the applicants stated needs.

Having said all of the above, I welcome the reopening of the pub and wish it success but the application as drafted will allow unrestricted and unacceptable intrusion into the home life of a significant number of villagers, which I do not believe is the intention of the applicant.

Further Comments made following Variation Application amendment

Many thanks for your e-mail and indeed, thanks to the applicant for their flexibility and understanding - this is appreciated.

I am pleased that they have removed the application in respect of the land at the rear of the premises and on that basis, our objection to that aspect is withdrawn.

However, whilst the reduction in the potential use of the front garden for outside music is appreciated, our objection remains that no music should be played outside the premises. Clearly if they only wish to have music inside on the proposed basis, I did not object to music or other entertainment within the premises.

I welcome the assurance that there is no intention to regularly sell alcohol at the extremes of the day, however, their application, as drafted does not restrict the ability to do so and so my objection would remain. However, if they were to confirm within their licence application that the serving of alcohol at the extremes of the day would only be undertaken "n" times per year to cater for the one off events, which I appreciate cannot be explicitly confirmed at this stage for the future (Rugby etc), then this would be a potential compromise (provided of course that "n" was a low number of occasions).

I note the position on parking and as a result assume this will be ignored in your considerations.

I do appreciate the movement expressed by the applicant which is welcomed and truly wish them well in their endeavours, however, the other objections remain but hope, for all, an amicable settlement position can be found.

Objection 8

My home is almost directly opposite the pub and I am severely affected by this application. The proposed new opening hours will increase the parking at the pub – the area by the War Memorial is a thoroughfare and often blocked by users of the pub; this inconsiderate parking will increase presenting a hazard to other road users – in particular, children since the local school suggests that parents park in areas such as these and walk their children through the village to school; there is insufficient parking for the users of the school as it is.

The sale of alcohol in the early morning would mean that small children will be exposed to people standing outside the pub to smoke (and drink) on their way to school in the mornings and on their way home in the evenings (currently, the pub is not open during those hours); people standing at the bus stops on either side of the road will similarly be affected.

Late night drinking leads to increased fighting & drunkenness and while the pub itself might close or the event might end, there is disruption beyond these times as the customers disperse – not always quietly. In addition, I expect the littering to increase if the number of customers using the pub increases. As customers disperse the noise levels increase dramatically and we also have the slamming of car-doors and the revving of car engines to contend with. We have had people fighting in the street outside the pub – but essentially under my bedroom window.

There is already a lot of noise pollution from the events held at the pub, this is much greater when these events are held outside. I do not believe this is a suitable venue for any outdoor events; especially those that go on into the evening. Currently, when events are held, I can hear the music over my TV (quite often word for word) and I don't feel I should be deprived of a quiet family life when there are events being held at the pub. In warm weather, I cannot sleep with my windows open because of the noise. While I may be expected to put up with this until 11pm; I believe extending this to 1am is wholly unacceptable – the proposal has no limit on the number of times events can be held, potentially suggesting they could be several times each week.

My bedroom is at the front of the property – the photo here shows the distance between my bedroom and the pub – at events, there are pub customers as close as this to my bedroom window. We have had double glazed units fitted to the windows but we still hear all of the sound. Even wearing earplugs doesn't eliminate it completely.



The pub a very old building and although it has been in some respect modernised, it is not suitable to contain the sound of music being played within the pub – much less outside it. Although the owners will attempt to adhere to the law in terms of closing doors & windows; the small space means that customers get hot and open doors & windows at which point the sound is carried way beyond the confines of the building itself.

Further to the noise that is created, there is additional artificial lighting being used which adds to the disruption. The proposal that this could extend to 1am (and more once the customers actually leave the premises) is completely unacceptable in a conservation area of a small village.

The removal of trees at the rear of the pub to create a larger beer garden means that there is even less “cushioning” of noise. The pub does not have extensive toilet facilities so we can only presume that holding more large events would require them to add portable toilets for example... The pub does not currently serve hot food on the premises – at the last event they had a BBQ which was at the front of the building; this created a smell for us, but also restricted the amount of space available meaning customers overspilled into the area alongside the parking spaces at the pub.

Further Comments made following Variation Application amendment

I'm afraid, my objections remain. I don't believe the pub has any intention of “mediating” with its neighbours – I find out about the indoor events from Facebook (there is one this weekend and another next weekend); and they chose to inform us about the amendment to their Licence by notice on the pub door – if they really gave a damn about their neighbours they could have done a leaflet drop to at least the houses in the immediate vicinity.

I object to any amplified music indoors or outdoors. Live music (even finishing at 7.30pm impacts us being able to use our garden or have our windows open). While I recognise the attempt at a compromise, I feel we suffer more than enough disruption from the events held within the existing licence conditions. I recognise they say they have no intention of extending their trading window – my response is, why ask for it if you don't intend to use it?

I accept what you have said about the parking being a matter for Highways, perhaps you could let me know to whom we can address complaints about the frequent issues this causes.

Objection 9

Firstly, to set the scene, the Sportsman is in the middle of the Elm Conservation Area which, aside from the pub and school, is an entirely residential area. The conservation area has a good number of grade 2 listed buildings, including the Sportsman itself and the house to which it is semi-detached and a grade 1 listed church which sits almost opposite the Sportsman. My house is also virtually opposite, next door but one to the church.

I am already severely affected by outdoor music events at the pub which create considerable noise nuisance that can make it difficult to hear the TV in my own home, even with windows closed. This is exacerbated by the issues created in the road around the War Memorial, which is sometimes blocked as a result of inconsiderate parking. Based on the experiences we have already had with relatively small outdoor activities at the Sportsman, I believe this is a wholly unsuitable venue and location for hosting any outdoor events due to the considerable noise nuisance caused in a residential area and the lack of suitable parking available for visitors to the events. The noise nuisance will also have been worsened by the removal of trees from the property, which might at least have offered a small element of natural sound proofing, to some of the nearby properties.

The extension of licencing hours is also a major concern. Since the yellow lines were introduced along Main Road, parents of Children at Elm School have been encouraged to use the area around the War Memorial for parking in the mornings, when dropping their children at school. Adding further parking demands at school drop time would worsen an existing parking capacity problem at that time of day. Additionally, encouraging drinking at (and outside of) the pub while small children are being walked to school and also when the return home, is not something I believe you should be encouraging.

We already suffer the effects of anti-social behaviour from the pub users with slamming car doors and revving engines, drunkenness and occasional fights. These problems can sometimes spill over and take place immediately outside of my property – not that we are far from the pub in the first instance. Extending the hours to include extremely early drinking (8am) and late-night drinking (1am) will unquestionably worsen these problems and related noise nuisance for the local residents.

I hope you are prepared to listen with sympathy to mine and any other objections you may receive, as I believe by allowing this application you will be severely impacting one of the prettiest and most historical Fenland villages and the day-to-day lives of many of its residents

Further Comments made following Variation Application amendment

I find it extremely difficult to trust any compromise as the current owners of the Sportsman have made absolutely no attempt to work with or engage the local residents at any stage. Even this application was only published on a notice at the pub and apparently in local papers, which are no longer delivered to any of the residents. No attempt was made to speak directly with residents to reassure any of us about their intentions (even an explanatory note might have changed my perception), which leads me to conclude that the owners have tried to slide this application under the radar. I consider the approach to be opportunist and these behaviours do not leave me feeling comfortable about their real intentions around this application.

Objection 10a

I object to the variation of the license application that has been made to you by Elmsport Ltd.

I object to the new beer garden

I object to the use of Elmsport Ltd land being used for a place for events of any sort.

I object to the use of Elmsport Ltd being used as a venue for outside music.

This will most definitely be a Statutory nuisance and a Common Law nuisance.

I live in Elm Manor which is next to the Sportsman pub, we have lived here for four and a half years. My front room is attached to the Sportsman, my kitchen is not - this runs parallel to the pub and it is as long as the pub. The front room was sound proofed in the previous refurbishment to the one that has just been done and a sound limiting cut out device was installed which would stop the music playing if it became too loud. This no longer works.

The previous owners of the pub used to have live music once a month and later Karaoke which was attended by many people, neither the music nor Karaoke could be heard in the house. Since the new refurbishment we can hear the music in the house and sometimes people laughing and talking. I did make 2 of the directors Peter and David well aware that this was a soundproofed wall before the new refurbishment was started.

We lived alongside the old Sportsman pub quite happily.

However this year has been a whole new experience for us. The Sportsman was then bought by Elmsport Ltd. Peter and David were absolutely charming and took us around the pub showing us what they were planning and the beers they were planning to stock, along with lovely food – all very exciting. Keeping us well informed with all the happenings of the renovation which had turned into a nightmare for them. Slowly they worked their way through this and bit by bit the pub changed into the swan that it is now. We were really looking forward to the pub opening. We were invited to a practice opening night and we were amazed by the transformation.

In the New Year we realised that due to the positioning of tables outside whoever was sitting there could see straight into our front room and also our access from the gate had tables there making it difficult for us to have deliveries. We could also hear the music and people talking inside the pub in both our kitchen and front room which we had never heard before. We couldn't even the workmen talking when they were working there and I am sure they were not whispering. I thought that maybe it was because of the new fan that had been installed. When we spoke to Peter about these problems we knew we were in trouble as he completely disregarded the fan being turned off to see if this was the problem. Refused to move the tables back a little and laughed about our right of way access, saying how little it was. It is a small gate but can be useful.

On Sunday 21st April, Jacqui the manager knocked on our door asking if we would mind having an acoustic guitar playing outside – ‘just an acoustic guitar’ – I said ‘that sounds nice, let’s see how that works’. And then our nightmare began. Two speakers along with an amplifier at pretty much festival level for sound blasted its way around the village. We were going to attend but there was absolutely no need as it was so very loud. So we sat in our garden on a beautifully sunny Bank Holiday Sunday in shock.

After this I spoke to Jacqui about the music being too loud and my thoughts on the fan, she agreed to turn the fan off (this did make a difference) but said a definite ‘No, I have a music license, we are allowed to do this’ about the music. The music did seem slightly quieter the next time but this did not last long.

With one very loud music event outside and then another loud one inside we come to Sunday 1st June

- outdoor music from 4.30 – 7.30 followed by UEFA champions league final Liverpool v Spurs. I was unwell that weekend with a nasty bug. A beautifully hot, sunny day. Two speakers and amplifier outside with singer and then football. Not a sensible mix at the best of times. There was screaming and shouting, football songs sung at the top of their voices after the match until just after 12pm. Our house does not have double glazing, we could not get away from any of the noise either in the house or in the garden. Not even the furthest back garden which is at the bottom of Glenholms garden – the map is not correct. A truly horrendous day and night for us. I did go to speak to Jacqui the manager and David a director who happened to be there but it was extremely unpleasant and any future communication between myself and the pub was definitely not going to happen again.

Please see attachment of diary of The Sportsman events.

Moving on to Sunday 14th July. Extremely loud music, my husband had had enough and went in to ask them to turn it down. He went in around half an hour later to ask them if they had turned it down and they said they had about 4 dots. It did not sound like it. No Jacqui and no Directors there from Elmsport Ltd. They said they would text Jacqui who answered with ‘I have a license I am allowed to do this.’ By this time I was totally beside myself, surely there was something we could do. This is when we became involved with the Environmental Health Officer, which in hindsight we should have done much earlier but we wanted to sort things out with The Sportsman personally but this had proved to be impossible. We also found it most annoying that Jacqui and not one of the directors were attending. That they did not have to attend if they didn’t feel like listening to the music, we could not get away from it. Not one of these 5 people live in Elm.

The Environmental health officer explained it would be a slow process but things would get better. The speakers went indoors, window closed although the doors still open. Then the speakers positioning was changed and oriented away from our wall !! We hoped this would prove to sort out the problem. We thought that things had

changed on Sunday 15th September. We could hear the music very slightly in the house but that was fine and we were extremely relieved. Then an hour and a half before the end of the set the pubs music was suddenly blasting away in the house, my husband could hear the music and the words in his garage which is where the box is shown in The Red House garden. Map wrong again. Back to square one!

My mental health has taken a huge dive, I have been shaking and crying - absolutely beside myself. I have always been a confident person who always knows what to do when problems arise and goes for it. Getting the problem solved with the least trouble for everyone else. I have run our business alongside my husband for over 15 years and have worked with the public in managerial positions for many years.

The thought of living in this house which we adore was no longer an option and so we decided to get an estate agent to value the house. He knew of the house anyway and was very pleased to come and see around it. For some reason I thought the land alongside our garden owned by Elmsport Ltd was going to have a house built on it and told him so. He gave us a valuation of around £550.000 - £600.000. So we decided to go ahead and sell. Then the following week we learnt that Elmsport Ltd had put in a change of license application for the back land to be an Events venue. We have been keeping a close eye on the pubs application since cutting 11 trees down – one rotten. He was totally horrified and said that it would devalue our house at the very very least by 25% and that was at the very least. He also said that we had to make it so perfect that a prospective buyer would not be able to say no, as it was going to be extremely hard to sell. The thought of not being able to get away from The Sportsman is unbearable. We loved it here and now both absolutely hate it, our lives have turned into a misery. We have been accused of scaremongering by the pub for telling people in the village this but I can assure you that it is true.

When people in Elm used to ask us where we lived, when we told them they would say 'that is a beautiful house' and we would agree. Someone asked where I lived the other day and when I told them they looked shocked and said 'poor you' and I nodded and agreed. We used to enjoy the buzz of the pub on a Friday night, if we were too tired to go out we would sit in the front garden and feel the buzz and listen to the laughter. We do not do this anymore. We used to laugh at the laughter, now we just cringe.

We have had the pubs events every Bank Holiday Sunday this year, and usually an event in between. This summer has been an extremely bad experience for both myself and my husband, we are now very depressed. To even think about playing music outside with an amp and two speakers in a residential area is I feel both thoughtless and disrespectful. As is throwing a huge amount of bottles in the bin at night. On one events night a massive amount of bottles were thrown into the bin at 10.00pm then another large amount at 11.30pm. (bottles now not to be thrown in after 10.00pm) so much for caring and being aware of your neighbours. We have not had family or friends to stay this year as it is too stressful with the noise and my aging relatives would hate it.

Across the road from the pub there is a cemetery, the noise from the pub moves and echo's around the open spaces and is helped by the buildings so that people from all over the village can hear it at different times and different loudness. The music is so loud that the people shout over it and then the music gets turned up again and so it goes on getting louder and louder. The front beer garden is noisy enough. My husband has had to sleep with earplugs in on occasions. We cannot have the window open in our bedroom on hot nights, as it is so noisy and who wants to hear the drunken rendition of Happy Birthday to you screeched at the top of their voices at 12.30 at night or football songs. Most pubs in a residential area seem to close their gardens at 10pm. The Sportsman really do need to keep their clientele a lot quieter after this time or get them into the pub as it is annoying many residents. We were surprised, when talking to residents how far the beer gardens noise was heard on an ordinary week night. As for selling alcohol at 8am I dread to think what state the clientele of The Sportsman is going to be.

When we saw the application to change the licensing times and turn the large piece of land into a place for events we were totally shocked. Even more so when we learnt that they could have music outside. There has been a good 200 people attending The Sportsmans events out the front and they could easily double the amount of people if they are allowed to go ahead with this application of using the land. We would be subjected an even worse horror of what we have been living through at least every other weekend added to this light pollution, smells from burger vans they hire to feed their customers, noise from the generators of these vans as they set up before the event has begun.

I realise that Elmsport Ltd have spent a large amount of money on the renovation of the pub but they chose to spend this money. Yes, I realise that it is a business and they want to make money. The directors are four well known business men to this area. We often wonder as to why they decided to buy a small pub in Elm village with this business plan when it would have been marvellous for Wisbech town centre. I believe that the variation of The Sportsmans license to be in very bad taste and a danger to Elm Village. Are there pubs that are allowed to do this in Wisbech - yes - Wetherspoons! and even they don't sell alcohol until 9am.

Two of the owners told us when they first bought The Sportsman that they would never use this land and now they propose to do this. I truly believe that this will be extremely bad for Elm as a village. It will encourage more anti social behaviour than is already happening – people being sick in gardens, throwing bins in the ponds etc. There are houses all around this piece of land some of them with small children. Are they to be subjected to this too. I do not believe that you should be able to call yourself a village pub one moment and then advertise yourself as a gig venue on your website the next and when you feel like it a Sports Bar.

There has been very little thought from The Sportsman regarding their neighbours, from what I have written above to cutting down 11 trees on the land they are proposing to use as a place for events, not telling neighbours of this land that their views were going to be changed drastically. Not even putting a note through our

doors to tell us which 5 days they were going to be cut down even. One neighbour had booked his holiday to do some work on the house and he could not go outside because of the noise. They are now proposing to cut another 6 down, they have decimated the area.

Last week 'Please Respect your Neighbours' signs were put up in the beer garden. Which is better late than never. I suggest that The Sportsman pub itself puts this into practice.

Further Comments made following Variation Application amendment

I must say that my objections remain in place.

I have tried talking to them about the unbelievably disruptive live music to no avail, a total shut down on anything I have tried to talk to them regarding the noise nuisance and indeed anything else such as their clients being able to look into my front room whilst sitting in the beer garden due to the placing of the tables. The only thing that has been listened to was about fan and this was on the second attempt.

I have been shocked on talking to residents in the village how very unhappy we all are about this. The pub has had absolutely no thought whatsoever for it's neighbours nor caring how much the 'live' outdoor music does actually travel. Totally thoughtless of them.

I object at any time to a new beer garden being made of the land out the back or being used as a venue of any sorts.

I cannot understand why they chose Elm, a quiet village, to bring such a wide scoped business plan to. The licensing times of opening at 8am is not something I can agree to especially as the noise here is already horrendous at times from the beer garden. Are we to have absolutely no peace from them. I find it strange that they want the license to start at 8am but say they are not going to use it and in the next breath will use it when needed.

I accept what you have said about the parking being a matter for Highways.

Objection 10b

Diary of Live music at the Sportsman

Saturday 16th March inside

Sunday 21st April Outside – very loud 3 – 7pm

Saturday 27th April Inside – very loud 8 – 11.40pm

Sunday 26th May outside – very loud 3 – 7pm with hog roast outside

Saturday 1st June outside – very loud 4.30 – 7.30

Sunday 16th June outside – very loud 3 - 7

Saturday 29th June inside but one speaker on the window facing outside – very loud 8 -11pm plus burger van with generator outside.

Saturday 6th July inside – loud 8- 12am

Sunday 14th July outside – very loud 3- 7pm Lloyd Moon

Saturday 27th July - inside - red tractor bbq 8pm raining

Sunday 11th August – inside – very loud

Sunday 25th August - Ed harvey and hog roast outside 3pm very loud

Saturday 7th September - whiskey twist inside 8pm loud in the house

Sunday 15th September - 2 lucky pluckers inside speakers 3pm great to start with then an hour and a half of very loud music

Objection 11

I object to the land behind the Sportsman being used as beer garden as the noise will be extremely disruptive and even worse if they use gravel instead of grass as I believe is intended.

The noise will travel much more now that the trees have been cut down. The beer garden at the front is extremely noisy and there are only 8 tables. The land at the rear is easily 6 times as big.

Also if this is made into a beer garden it will have artificial lights. This will also be horrendous it will be like a prison compound. We will also get so much light pollution it will light up everyone's garden that backs onto this land. I also have a telescope that I use often and I won't be able to use it anymore because of the light pollution.

Dogs might be allowed in this garden which is another noise problem.

This will most definitely be a statutory nuisance and a common law nuisance.

I object to Elmsport Ltd's land being used as a venue for outside music as the sound will travel and disrupt everyone close by. The amplified music that was played outside the front of the Pub every Sunday bank holiday was horrendous; it was like a music festival which resonated around the village. There was no thought for anybody who wanted to relax in their garden on a bank holiday Sunday. As you know the weather has been exceptional on bank holiday Sundays. Who wants to be inside with the windows shut?

I object to the land being used as a place for events of any sort as numerous gardens back onto it. All of whom moved into their houses as the spot was so quiet and peaceful. Although we are all now overlooked as they have cut the trees down. We don't want our peace disrupted by any events, as a gathering of people will be noisy and disruptive. Also if the land is used to serve food we will have this unwanted smell to put up with and even more rodent problems. There are not the toilet facilities to handle any more people, there are 2 ladies toilets and 2 men's urinals and a toilet in the pub. We have had someone urinate against our house and the pub wasn't that busy.

I object to the land being used as any sort of car park as the noise when people leave the pub is quite disturbing and disruptive. There will also have to be artificial lighting. Also the road down the side of the pub is not a public highway but a farm track.

There are also concerns about overcrowding, fighting, drunkenness, drug problems. Quite often the pub is left to a couple of young staff to run. Who I don't think would be able to deal with any real problems.

This pub cannot cope with the amount of people parking at the moment. They have 4 designated parking spaces, with everyone else parking where they can; around the war memorial, all along Begdale road and down the side of the pub often blocking the farm track. This area has become very dangerous both for cars and pedestrians.

I object to Elmsport Ltd using the beer garden outside the front of the pub after 10pm as the noise is very disruptive with shouting, singing and swearing. We are often kept awake and it is disturbing our peace and quiet. We cannot have any windows open and even when closed the noise is very loud. Our windows are not double glazed as it's a listed building. We have to turn the TV up so that we cannot hear the noise. Unfortunately we are attached to the pub and our bedroom is right next to the beer garden. I often have to work weekends so I am having to sleep with earplugs in. Not once have we ever heard anyone ask people to keep the noise down. The front beer garden noise is greatly increased when they have live music as it is so loud that people have to shout to be heard inside and they carry on talking loud outside for the rest of the evening.

I object to the Sportsman being allowed to serve alcohol from 8am. This will enable people to get more drunk, louder and more of a nuisance.

This is not a village pub anymore it is now a GIG VENUE as stated on their Facebook postings.

Further Comments made following Variation Application amendment

I strongly object to The Sportsman having live music outside in the front beer garden. There are only 8 seating tables outside, surely they do not need amplified music. These music events also fall on a bank holiday Sunday which is also very disruptive to our peace and quiet.

Also when they have had these events although the music stops around 7.30 people have been talking so loudly to be heard over the music that this carries on right through to the end of the evening.

This has been unbearable for us living next door to the Sportsman as there is nowhere we can go in the house or grounds where we can get away from the noise.

Also I object to the Sportsman being open from 8am as the staff will have to get there earlier, so if we want to have a lie in this will be impossible. This is without the shouting and cheering.

Elmsport have removed there application for the rear area, what does this mean? Can they reapply and if so when?

All my objections stand in my original objection.

Objection 12

1. I object to the application for a change of licensing hours at the establishment. There is already considerable noise from patrons, particularly from outside the front, but, also from inside when musical events take place. I believe the sale of alcohol for extended hours could lead to problems of antisocial behaviour. It would also mean the sale of alcohol in the vicinity of children going to and coming from school.

2. I object to the use of Elmsport Ltd's land being used, as an event for outside music. Due to the numbers of people that may attend, causing problems with noise, parking and dangers caused by too much traffic in a small village on unsuitable roads.

I believe the alterations to opening times and the use of land for outside musical events will cause disruption to the village, bringing people into the village, without benefiting anyone other than the owners of the Sportsman. It will certainly be to the detriment of village residents, particularly those adjacent to the pub and Elmsport Ltd's land

I would also point out that this is, i believe, a conservation area.

Further Comments made following Variation Application amendment

With reference to the objections to the variation application relating to the Sportsman, Elm.

I still wish to raise objections to the following:

Prevention of Crime & Disorder

Prevention of Public Nuisance

Promotion of Public Safety

Protection of Children from harm

Objection 13

I would like my views to be considered regarding the proposed change of licence for The Sportsman (Elmsport Ltd) in Elm.

The serving of alcohol from 8 a.m. everyday including Saturday and Sunday, with extended opening on Thursday to Saturday until 1 a.m. added to which the proposal to open the land at the rear of the pub as a beer garden is just untenable for a village the size of Elm. The parking at this establishment at the present time is overcrowded so that will only get worse and there will be cars parking in any possible location in order to get to the pub. This will disrupt the flow of traffic through the village and most certainly impact on homes nearby regarding parking problems.

It is a very small establishment it's not a hotel, the only reason I can think of is one of pure profit greed and no concern at all for the village or it's residents.

Why on earth would they want to sell alcohol from 8 a.m. anyway? My fear is one of drunken behaviour and quite possibly drug problems as well, let alone the noise factor which would emanate from this place. On a purely hygienic level there are not enough toilets at the pub to accommodate a large gathering of people, so logically the outside areas would be used which would be disgusting. What about the fact that children will be going past this place on their way to school, it's a ludicrous and profiteering act by the owners (who don not live in the village).

In essence I totally object to: a) new beer garden b) using the area for outside music c) using the land for events of any kind.

This is a conservation area and it is protected from undesirable changes by law.

Further Comments made following Variation Application amendment

Thank you for the email, my objection is for all four of the named objections

Objection 14

Regarding The Sportsman pub's recent application ref: 19/0677/LAPRE2 I'd like to object to a few points. These are as follows:

I object to the new beer garden. I believe that this would create the potential for a greater number of customers to consume alcohol outside, creating a noise nuisance for myself and others with gardens close to the proposed beer garden.

I also object to the land belonging to the Sportsman pub to be used for events. I believe that events could cause noise issues from the number of people attending as well as there being insufficient parking to accommodate the increased attendance. Currently Begdale Road is being used for parking on busy nights, causing congestion, and I believe this could worsen with increased attendances.

I also object to the venue being used for outside music. Currently, when the venue has music playing inside it is at such a volume that I often cannot use my garden. Music being played outside could make this situation much more unpleasant for myself and others.

Finally, I object to the proposed changes to the times that The Sportsman can serve alcohol. Customers leaving the venue late at night already cause noise issues for me. I can accept that as I was aware of the pub when I moved in. However, I feel that extending the opening hours to 01.30 could cause unacceptable issues with noise along with a number of problems associated with alcohol consumption such as drunk and disorderly behaviour, vandalism and, as there are a large number of customers driving to the venue, drink driving.

Further Comments made following Variation Application amendment

Thank you for the information regarding my concerns, it's been very helpful. However, I still have concerns about the live events/music in the front beer garden and I would still like to raise an objection in relation to Prevention of Public Nuisance.

Would it be possible for the owners of The Sportsman to let local residents know in advance the dates that they are planning to hold events or play live music? I think that would be a fair compromise and something I wouldn't object to.

Regarding the other objections made in my earlier email, I'm satisfied that my concerns have been addressed and no longer wish to object.

Objection 15

The beer garden is in a conservation area and will generate noise and excess parking problems which will impact on the local area and its residents.

There are already double parking problems adjacent to the war memorial and on yellow lines opposite the church which is on the main road.

Any extra parking will restrict access to Atkinson Lane.

There are insufficient toilet facilities to cope with large functions.

There is a possibility of anti social behaviour.

This application would cause a negative effect on the local residents and the village as a whole.

This should not be allowed.

Objection 16

I would like to give my objections on the above premises.

1. Inadequate parking facilities.
2. Possible anti-social behaviour ie:- drunkenness, possible fighting, excessive noise.
3. Only small toilet facilities which could lead to people relieving themselves in the adjacent lane.
4. The outside venue is in close proximity to surrounding houses where loud music and the noise of people will cause some distress to residents.
5. Concern for children who pass by on their way to school and others waiting for the school bus will be of concern with earlier opening hours.
6. Elm is only a small village and feel that this proposal is therefore unsuitable.
7. We are concerned that if a beer garden is allowed it could lead to other uses and the outside area would be better used as a car park to alleviate parking around the surrounding area which at present is of danger to pedestrians around the war memorial and Begdale Rd.
8. We object to the extended late hours finding them totally unnecessary for a village public house and will only cause problems for residents
9. The Sportsman is in a conservation area and we wish to keep it this way.
10. It has been pointed out that that none of the owners live in the Elm so will no way suffer the re-percussions of change of licensing for this application.

Objection 17

I am writing to you to object to the licence changes at the sportsman public house elm.

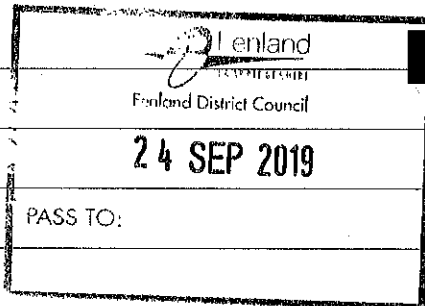
I have lived in the quiet village of elm opposite the sportsman public house for the past 46 years, it is only in the past few months that this has caused me a great deal of distress due to a number of problems. The main problem has been noise. There is a large seating area at the front of the pub where a large number of people congregate with people looking into our home this I find upsetting it is also very noisy increasing as the alcohol intake escalates on top of this loud music from inside the pub is escalated with the door open and now they are applying for outside music which will echo through the area.

Also I work shift work which means having to be up at 5 30 am which in the past we have had music till 12 30 am with people still singing and shouting till 1 00 am thus greatly affecting my work ability. The noise means we cannot use our facilities outside or have our doors or windows open and now application is being submitted to extend hours and the area of use. We have been in regular contact with Mr Justin Hanson senior environmental health officer fenland district council who has been out to hear our problems.

We also have a parking problem as the public house has less than 10 spaces which means people park everywhere causing safety issues ie on yellow lines around the war memorial and also both sides of begdale road causing obstructions and parking on footpath near road junction. What will happen when the church have weddings and funerals the village will be totally blocked..

Elm has always been a lovely village to live in by granting the Sportsman a change of licence and extension of area it will be detrimental to the conservation area and people living here therefore I strongly object to any changes.

Objection 18



ELM. WISBECH.

PE14 0BY

22nd Sept 2019.

I wish to object to the variation of the licence application at the Sportsman Elm.

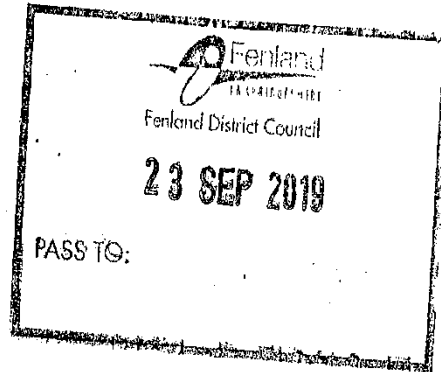
I also object to the use of Elmsports Ltd land being used for events of any sort, in particular as a venue for loud music. This will lead to excessive noise, and possibly drunkenness, as well as bad behaviour problems, particularly when people are leaving and slamming car doors and revving car engines. There are already parking problems, as there are insufficient spaces and vehicles are parking alongside properties in Begdale Road and there will be an accident on that road if some action is not taken soon.

I have been an Elm resident for 17 years and chose this village as it seemed a quiet and peaceful residential area, + also because my [REDACTED] [REDACTED] already lived in Elm.

Objection 19



Elm
PE14 0AT



Ref No 19/0677/LAPRE 2 'The Sportsman'

I wish to object to this application by 'The Sportsman' on the following grounds:
The application is for an unrestricted licence which means any number of events can be held. The licence will mean outdoor music and this coupled with alcohol being served daily from 8:00am and until 1:00am Thursday to Sunday will cause unnecessary disturbance in what is a quiet village.

Since 'The Sportsman' has re-opened I have noticed increased parking congestion around the premises. Public transport to the village is limited meaning an increasing number of patrons will arrive by vehicle.

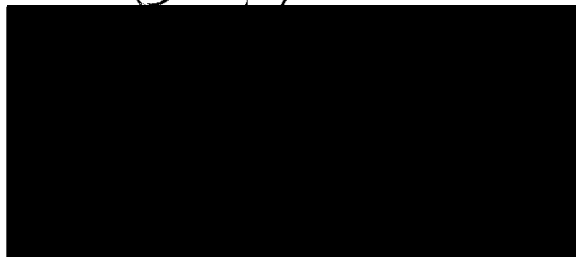
Visitors are liable to start parking on Main Road Elm and in the vicinity of the church. As well as Main Road vehicles will be parked in or along Begdale Road and neither is acceptable.

The Sportsman should remain a village pub fitting in with rest of Elm itself.

I object to a beer garden the premises serving alcohol from 8:00am daily, and any increase in the number of outdoor events

There is a bus stop situated outside The Sportsman and I question how appropriate this is in relation to a premises selling alcohol at 8:00am for school age children to see.

Yours faithfully



Objection 20

Tel. [REDACTED]

[REDACTED]

Elm, Wisbech,
Cambridgeshire,
PE14 0AE

Dear Sir

I wish to complain about the application for change of planning application for the licence for the Sportsman Club.

As the crow flies, I live within [REDACTED] of the public house & can hear music & singing quite easily - the thought of more is horrifying.

So I object the alteration of change of time when the public is open, - when the garden is used for anything other than usual drinking & eating. ^{noise} They further, what is not used for singing & playing music.

I have lived here for sixty years & hope that the Sportsman will continue to be a good place to eat & drink without causing any problems.



Yours Sincerely

[REDACTED]

Objection 21

I would like to object to the variation of the licence application that has been made to you by Elmsport Ltd for the changing of times alcohol is served. Whilst I do not object to the creation of a new beer garden I do object for it to be used for outside live music and could be a statutory and common law nuisance.

Having lived in Elm 25 years and close to the Sportsman 20 of those years, I have always appreciated it as a local quaint village pub reflecting the ambiance and community it serves. The recently refurbished venue and front beer garden is definitely a continuation of that appearance.

It's return to popularity is pleasing and one can see that with the number of vehicles present.

Our concern at our property at the top of Begdale Road is already at times the car parking stretches down our road past Smithee's Garage and makes it only a one person passing area for over a blind 100 yards as well as difficult for us to reverse off our drives.

I think increased parking would be a inevitable concern and danger.

The application for opening hours from 8am again does not seem in accordance with the village or its footprint and certainly not from 8am where most of the clientele would be from outside the village thus encouraging vehicles and possible drinking offences.

I am concerned about the late night music application again with the risk to parking and the late night noise and departure. Our home is fronted directly on the path down Begdale and has as a resulted suffered inumerately incidents of theft destruction and damage, usually on a weekend. We had We have garden ornaments including two large stone lions taken, solar lights are always disappearing and we have had our plants destroyed and cars scratched. The severity of these incidents vary and some like the Lions were targeted acquisitions but the most are clearly as a result of tomfoolery most likely as a result of alcohol and timing. These incidents WILL increase with this application and whilst they are not life threatening, the cause upset, concern, and damage, all at an expense.

I value my village, my community and its ambiance and a local drinking establishment is the heart of all villages but not an 18 hour music and nightclub venue. There are plenty of these around either in the town centres or remote locations like the Jenyns Arms outside Downham Market, which are ideally situated to host these venues within the framework designed.

Let us have our village pub and support, use develop the venue to meet the requirements of the community, a nightclub/music venue is not the right thing and cannot be supported by the location, parking and amenities of the village.

Please reject this application.

Objection 22

I would like to object to the licence application, also the hours of opening. The music is a no no, I have lived here all my 76 years and it has always been a lovely Village. We don't need this type of venue in a quiet village.