

Jane Crighton

Subject: Ousebank House hearing

From: James Campbell

Sent: 23 November 2020 12:42

To: Adam Ward

Cc: 'Brian Taylor'; 'sue greenwood'

Subject: [EXT] RE: Mr and Mrs Marsh's condition

Hello Adam,

We feel the proposal from Mr and Mrs Marsh are both inconsiderate and unacceptable, I don't think anyone can expect to live in a sterile environment 24/7 and is probably bad for one's mental health to think they can

This will be the discussion points for the committee

Condition 18(1)

We have a few car parking spaces allocated with the lease, there is no sense at all that people would not expect to use the rear door to enter the club,

We have a concrete ramp on this door for disabled veterans and other guests

Due to there being no council lighting in the garden/carpark area, it is important for us to have a light sensor above our door to assist people returning to their cars and entertainers stowing their equipment after a show.

With there being no light and the uneven and bad repair of the council owed car park, you don't need to be an expert to see the risk of entering the carpark from the front the High street is dangerous and leaves the council with the potential for a claim if there was an injury to a member of the public.

18 (1)b

Our neighbours are now suggesting we are allowed to use the door for 1 family fun day per year.

We have two events where we have a BBQ on our car parking spaces, we cannot use the highways land at the front of Ousebank house so is now encroaching on our potential fund raising

Both of these function finish at 1800. And is well publicised.

It does seem a bit extreme to request a TENS notice for two functions that finish so early, for perspective, when its legal for construction teams to work legally until 11pm anywhere.

With the last noise complaint caused by the noise at the rear of the building being in 2013

Is it really a nuisance ?

Is the issue with the fire door noise or smoking?

Smoking

We have many signs around the rear door from the original conditions referring to smoking, respecting the residents and such. And as agreed we will endeavour to reiterate to patrons it is a no smoking area

The gardens are used by smokers day and night and is already been mentioned that the club cannot be held responsible for all things that cause offence

If its noise from entertainment on Friday and Saturday,

one of the current 25 conditions, mainly brought about by Mr and Mrs March is, we have is to close both the internal door and the fire the door at 10pm. Regardless of inside temperature.

We have suffered this, most of the time, until the few times the temperature has become so unbearable and dangerous for the staff and customers people have requested for more air.

I would like to ask if the visible RSJ on the bowed single brick connecting wall in the stairwell of Ousebank house, caused by Mr and Mrs Marsh's contractors would have any bearing on the noise and vibration felt in the Marsh residence, even with the door closed, how would we know?

18(2)

30 degrees C is a lovely tropical heat, not for an enclosed working space we feel 25 is a more human, reasonable number

(2) b

We have tried electric water chillers, we have found these ineffectual and a trip hazard in the dimmed lighting. We can't afford heating in the winter, not going to waste it in the summer.

We have looked at making the internal door a stable door but is currently a fire door and we would like that to remain so.

(2)c we have a hands on committee and will continue to do, so when the condition calls for the sound and temperature to be checked, the committee will do this as I tend to have tasks during the evening,

It preposterous to expect anyone to take temp reading every 30 minutes or so to ensure we are not in breach., On a busy evening in any premises, things occur that take your attention, With the best will in the world having to take temps during the evening may not become the most pressing task, and we may find ourselves in breach.

I believe that may be some mistrust by some parties in the accuracy of the recorded temperatures

And this would be hard to prove unless all parties were there at the time of recording , so is this the best solution?

(18) we mentioned the proposal we can use the rear door once a year,

I think the fixation of this door may potentially spoil all the good work Mr and Mrs MARSH , YOUR COMMITTEE and we the applicants have achieved. Let's hope common sense can endure.

Thanks

jim

From: James Campbell

Sent: 20 November 2020 11:22

To: James Campbell

Subject: Fwd: Mr and Mrs Marsh's condition

----- Forwarded message -----

From: **Adam Ward**

Date: Thu, 19 Nov 2020 at 09:52

Subject: Mr and Mrs Marsh's condition

To: James Campbell, sue greenwood

Hi both,

You hopefully by now will have received a revised hearing notification for next week to hopefully resolve the door issue.

The condition Mr and Mrs Marsh have proposed is below. They require the temperature to be 30 degrees before the door is open. This would mean that you may have to look at other measures to cool the premises when it is below 30 but may still be warm.

If you wanted to agree to the condition below, we avoid a hearing and the licence will be granted. My feeling is that this condition would be the second to worst case scenario at committee, worst case being that they direct the door to be closed at all times. There may of course be a better solution in respect to whether the door needs to be closed at all.

Think it through, and if there are good reasons not to agree – i.e. you think 30 degrees is too hot a temperature and/or you have no other means of cooling the premises and would be concerned about the health of staff of customers etc. – have your arguments ready for committee.

Best regards

The Condition proposed:

18(1) The rear door of the premises (fire exit) shall not be used by patrons to enter or exit the premises at any time and the door shall remain closed at all times, except for:

- a) any occasion between 10:00am and 10pm when it is reasonably necessary for health and safety reasons in line with Condition 18(2),**
- b) On the occasion of the annual duck race event in line with condition 18(3).**
- c) In the event of an emergency.**

18(2)

a) It will be reasonably necessary for the health and safety of customers to open the rear door where the internal ambient temperature (i.e. without the use or operation of any heaters, radiators etc.) inside the public area of the premises is measured at, or above, 30 degrees Celsius.

b) It is expected that the premises licence holder shall, prior to opening the rear door and in line with its statutory required health & safety at work risk assessment, take other reasonable steps to manage the internal temperature between 25 and 29 degrees Celsius by using other means such as fans or portable air conditioning units.

c) When the door is open in line with this condition, a record shall be taken by the premises licence holder of the time and the temperature recorded. Further checks of the temperature will be taken at reasonable intervals during the period that the door is open and promptly in the event of obvious temperature or weather changes. Each temperature check shall also be recorded noting the time and the temperature. A record shall be kept of the time the door was closed and the temperature recorded at that time. The record of the times and temperatures shall be kept at the premises and maintained for inspection by a Licensing Officer.

18(3). The Rear Door shall be permitted to open when the Annual Duck race event is held. This shall be on one occasion in a 12 month period only and the door shall be closed promptly at 6pm unless the provisions of condition 18(1)(a) apply.

Adam Ward

Regulatory Unit Practitioner

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