

Sent: 23 January 2017 14:55
To: TDC Licensing
Cc: [REDACTED]
Subject: Application for New Premises Licence: Vinyl Head Cafe, 2-3 The Broadway, Ramsgate CT11 9JN

Dear Sir or Madam

I strongly object to an unrestricted extension of the premises licence already granted to Mr Humberto Pena Sanjurjo.

I accept that the applicant has been granted planning permission to operate within the hours covered by the licensing application. However, I would ask that the sale and consumption of alcohol in the rear courtyard be restricted, both for patrons and for private parties, to 0900-1800 Sunday to Saturday.

My husband and I are both pensioners and live on a restricted income; my husband is registered as disabled and has limited mobility. In other words, we have little choice but to spend all day, every day at home for most of the time. To make this a positive experience we have both taken on unpaid work on behalf of the town that calls for long hours of concentration at our computers. To balance this we have created a garden that should provide rest and relaxation but every year since the applicant took over the then derelict former coffin shop, our right to the peaceful enjoyment of home and garden has been eroded.

Mr Pena Sanjurjo has chosen to vilify me to his customers as "an evil woman", at one point threatening to get up a petition against me because I had objected to his expansion plans on the grounds of the unacceptable level of nuisance, noise and disturbance emanating from the back yard of his premises.

His planning application F/TH/16/130691 disingenuously stated that "*the maximum capacity of the yard is approximately 25 when seated at tables*" and that "*the maximum noise is likely to be limited to the speaking voices of a maximum of 25 people seated in the rear courtyard of the Cafe in the evenings ... Similar noise levels would be experienced if a neighbour were to hold a small family gathering in their garden.*" How many people with a small back garden would find it acceptable if a neighbour hosted gatherings of 25 people, consuming alcohol, every evening throughout the summer months?

In practice, the noise of even two people having a loud conversation in the yard is amplified to an unacceptable level by the configuration of the buildings. Noise levels inevitably rise with the consumption of alcohol. Worse still, the applicant's own voice is penetratingly loud. The proprietor appears to make no effort to control noise or disturbance, regularly failing to observe a condition of the planning consent that amplified music, recorded music or other amplified sound should be not audible at the perimeter of the premises. (This planning constraint, regrettably, does not address the recurrent problem of un-amplified, live performance.) Sometimes the nuisance is of short duration but still impacts on our freedom to enjoy our own garden and even to open doors and windows when the weather is fine.

Ramsgate Conservation Area Advisory Group (CAAG) in reviewing the application recommended that it be approved but admitted that "*The noise factor that could be generated by allowing extended opening hours at weekends would possibly impact neighbours but this is in the remit of the licensing and environmental agencies to decide if their are reasonable objections*" CAAG considered the application from the point of view of its impact on the street, not the impact on occupants of the residential properties to the side and rear of the premises. It would seem that CAAG considers it an effective form of control for occupiers of domestic premises to be required to monitor noise levels and record disturbance on a complaint form issued by the Environmental Health Office. CAAG also overlooked the fact that the business already generates noise nuisance during the daytime opening hours that operate seven days a week.

Mr Pena Sanjurjo's planning application to extend his hours of opening was successful but use of the rear yard by patrons was restricted to 0900-1800 Sunday to Thursday and 0900-2100 Fridays, Saturdays and Bank Holidays, the rear doors were to be kept closed at other times and no amplified sound was to be audible at the perimeter of the premises.

In the case of this application for a premises licence, I would ask that a compromise be agreed and that the sale, service and consumption of alcohol in the rear courtyard be restricted, both for patrons and for private parties, to 0900-1800 Sunday to Saturday, the rear doors to be kept closed at all other times and that no music, live or recorded shall be audible at the perimeter of the premises at any time.