

Additional Appendix for L&R Panel 18th August 2020

Dear Peter

Further to your email and our telephone discussion earlier this week

I would like to thank you for giving us the opportunity to address your concerns of noise nuisance & open vessels and the conditions of our current licence

Why we are doing this?

Due to COVID-19 after reopening after lockdown our current licence is to 2am due to the reduced capacity indoors down to 30% of our normal trade we decided our closing time to be midnight

We are aware of our conditions of our current licence relating to the terrace which we have adhered to throughout our time.

It is not just a condition just for us this applies to all licenses with outdoor areas throughout WDC area.

Due to the 11pm terrace closing we are finding it difficult to address the problem were we have to ask customers who have purchased drinks prior to 11pm to finish up quickly or leave them behind which does encourage some customers trying to hide drinks when leaving the terrace or getting verbally angry and abusive to our staff, on one occasion in particular a group of girls threw a drink at a member of our security.

Under normal circumstances we do not have an issue such as this as normally we can encourage people to move indoors to finish their drinks because of our reduced capacity inside we are no longer able to offer this

To this address this issue we consulted the local licensing department and applied for a temporary event notice for weekend of 31st July & 1st August which was granted. We wanted to trial this as we had the same concerns as you to see if this was a benefit for us and the customer and the outcome was incredibly positive. The customers were more relaxed and finished leisurely both indoors and outdoors leaving the security and management to close in more than enough time, hassle free.

We contacted both the licensing and the local police to share the success and management of the weekend in trial. Subsequently because of the success we then submitted temporary licensing until the end of September whilst the weather should be fair, and a high percentage of enquiries and customers request to sit OUTSIDE.

We totally understand this is as a temporary measure and we only request this due to the current unprecedented pandemic with no idea of the long-term restrictions.

You suggested why don't we close inside & outdoors at 11pm instead of the extension this would result in last orders at 10.30pm and is not feasible to sustain this with already current reductions in numbers/ capacity and takings in the hospitality industry. We have already reduced opening hours from 2am to midnight.

Also you mentioned If you allow Fizzy Moon this extension it would open the flood gates and I feel this is unlikely as there are no other places in the town centre with a terrace outdoor area far more importantly than this it is temporary and understand it is not permanent and each application should be judged and decided upon their own merit.

We are happy to address your concerns by adhering to our current license by closing all windows and doors by 11pm and NO music by 11pm along with no new orders serving from 11pm.

To stop open vessels been carried out we will continue to manage this with our security and management team as usual.

Any further questions or concerns I am available please feel free to visit Fizzy Moon or call me on my mobile 07768 098098 at your convenience

One final thing I would like to mention we all work towards the health and safety of our neighbours since opening of Fizzy moon and have had very minimal issues regarding noise even at full capacity and live music.

Finally, after carrying out a risk assessment by putting measures in place which we have already mentioned we feel we have met all the objectives regarding the licence which are as follows

- Lead to crime and disorder – no objections from the police
- Cause a public nuisance – risk assessment carried out and successful trial run.
- Be a threat to public safety
- Put Children at risk of harm

Taking everything into consideration we feel the application should be granted and would kindly ask for you to reconsider.

Regards

Moe Kandola

Good afternoon Mr Kandola ,

Thank you for your email of this morning, following our telephone conversation last week ,expanding on your reasons giving the series of TENS.

I would repeat three points from our telephone conversation last week:-

Firstly lack of objection to the TEN for the first event. now run ,should not be interpreted as approval by Environmental Health. As I said if our system had picked that up earlier we would have lodged an earlier objection. In our view the potential for noise nuisance after 11pm has not changed. Lack of complaint about a single event does not mean nobody was disturbed. The more you do it the more likely we will get complaints.

Secondly ,You expressed difficulty reconciling two licensing objectives -namely prevention of public noise nuisance from the terrace versus your ability to avoid disorderly behaviour by persons displaced by closing the terrace at 11pm. This potential conflict would have been considered by the panel when they imposed that condition in the existing premises licence. If you wish to make an argument to the panel about your difficulty in meeting existing conditions under the changed circumstances of the restrictions to control COVID 19 that is your right. It is their role to balance such conflicts in the interests of the Licensing objectives.

Thirdly , your case for extending opening the terrace to midnight (as opposed to closing both inside and outside areas at 11pm to avoid conflict) is about business viability which is outside the scope of Environmental Health consideration.

Under all the circumstances this matter is best decided by the Licensing Panel.

Kind Regards

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