

From: Jon Wallsgrove <JWallsgrove@john-gaunt.co.uk>
Sent: Friday, January 12, 2024 3:45 PM
To: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>
Subject: Parsons house and Jesses house

Dear Lorna

Further to the above licence applications please find attached a letter to both residents. As I do not have their addresses, nor email addresses, I would be grateful if you would forward them on for me as soon as possible.

I have provided much more detail but also my client has agreed to amend the application for the Nursery (which gave them greater concern) so that licensable activities are only permitted until 9pm closing at 9.30pm – although the reality is it probably won't even be open beyond 8pm. That offer is made on the basis both objectors withdraw their objection.

Could I ask you to urge them to reply to you either way so we are sure whether they want to attend a hearing and object or withdraw their objection – unlike Padel where you haven't heard a thing?

Obviously if they contact me directly and want to meet the client I will let you know as you or another officer might want to come along as well.

Many thanks.

Regards

Jon Wallsgrove
Partner



John Gaunt
& Partners

Licensing Solicitors

Our Ref: JONW/SOU205/LIT60/2
Contact: Jon Wallsgrove

██████████

Sent by email via the Local Authority

05 January 2024

Dear ██████████

Parsons House and Jesse's House Licence applications

I am the solicitor acting for the Little Houses Group and their applications for premises licences at the above two premises.

The purpose in writing to you is twofold. First, to offer you an opportunity to meet with my client to discuss your concerns and for my client to provide you with more information about the two properties and how they intend to operate them. Second to provide further information in this letter and invite you to withdraw your objection.

You are the only two people that have objected to this application. The local community are very much behind the project, and it has received huge support, evidenced by the rapid take up of membership.

I have been doing this job a long time and I know that a public notice asking for activities and hours and even sight of the application form itself does not give people enough information to fully appreciate what is intended. For example, my client's request for films is to show children's films in a designated room in the members club (Jesse's House) and to show recordings of kid's programmes or kid's films in the Nursery (Parson's House). The definition of a film in the Licensing Act is a "recorded picture" and therefore showing a recording of a Peppa Pig TV show for example, would require them to have a licence to show films. It is certainly not that they will be showing feature length films in a cinema style in either building as might be inferred from the notice and application form.

This is the second venture for my client having opened Jaego's House in Kensal Green. Jaego's House is an identical "offer" to this project. I would urge you to have a look at their website if you have not already done so: www.littlehousesgroup.com. It will give you a much clearer insight into what is proposed at these locations.

If you can spare the time, might I suggest you meet my client at Jaego's House so that you can have a guided tour of those premises? I am confident having

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seen that property and having spoken with my client that your concerns expressed in your representation will be addressed. You may, however, wish to simply meet more locally if that is not convenient. Please contact me either by email or telephone to arrange such a meeting.

Whether you choose to accept my client's invitation or not there are a few things I would like to make you aware of which may persuade you in any event that you can withdraw your objection. In setting out the comments below it is vital that you give careful thought to the nature and character of the premises we are talking about and cast from your mind the potential "what if's" and also any previous nuisance caused by other occupiers of the premises, which would not be relevant.

The Little Houses Group creates welcoming, accessible, and inclusive family clubs and Ofsted registered nurseries. The aim is to build a collection of community led spaces that make a difference in people's lives through education, support, and enjoyment. They are hubs for families to enjoy face to face interaction. The chance to see old friends and make new ones, a sanctuary for the whole family.

Part of The Little Houses Group, Jesses House and Parsons House Nursery will be a new community led family club and Ofsted registered nursery on Heathman's Road. Open to members only, this space will be a new family venue that caters to both adults and children in the local vicinity.

Both members and parents will adhere to a strict no vehicle policy at both venues. 11 Heathman's Road at weekends may be used for children's parties, with consideration taken to our neighbours especially in those summer months when windows maybe open. Typically, parties will finish by 6pm due to the age group they cater for.

8-10 Heathman's Road general operation will close by 8pm each evening, with the fitness classes or co-work closing at this time. The majority of the site is made up of children's activities such as soft play and after-school clubs, so these do not typically have a finish beyond 6pm. The proposed later licence would be used only on occasion for the café (it is not proposed to be a permanent late café) and private community events for our members. In the event this happens, the entire premises would not be in use, so it is limited to one area.

The concerns expressed by you are the potential for noise and light pollution and parking. Planning permission is of course already in place for both buildings regarding the proposed use and accordingly whether a licence is granted or not these premises will be used as a nursery and membership club. Any concerns raised by you can only be relevant if they relate to the specific licensing activities and one or more of the four licensing objectives. Your objection cannot be based on the proposed use of either building.

The planning and licensing functions of the Council are separate however, licensing applications and hearings should not be a re-run of concerns which relate to, and could have been raised at, planning. With respect the concerns you raise relate to the commercial use of these premises and not specifically to the licensable activities.

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I would respectfully invite you to accept that the licensable activities proposed for these premises are not going to have any adverse impact on the local amenity nor fundamentally any one of the four licensing objectives. I will explain that a little further if I may.

The Local Authority's environmental health officer did not object to either application, having attended a site visit prior to the applications being submitted. If this proceeds to a hearing the Licensing sub-committee must consider the view of that officer as expert evidence unless there is good reason not to do so. This is set out in guidance issued under section 182 of the Licensing Act which they are obliged to follow. I cannot see how the sub-committee could reach any other decision than to grant the licence in the terms we have applied for, based on the expert view of their own officer.

I can of course reassure you that my client will take every measure to ensure there is no nuisance caused from the use of either building, either from light pollution or noise. Their current operation is in close proximity to residential properties, and they have received no complaints from those residents since opening.

Again, by way of example any previous experience of music from the gym classes being heard because of windows being opened will not be repeated by my client. All rooms where exercise takes place will be air conditioned and no windows will be open. This is a very premium offer.

Although you have not mentioned any issues which may adversely affect the prevention of crime and disorder licensing objectives, I would like to reassure you that the Police have also attended a site visit. They do not object to either application. As with the Environmental Health Officer, the Licensing Authority are obliged to consider the view of the Police, as an expert opinion and the principal source of advice on the prevention of crime and disorder licensing objective. I mention that in the hope it provides you with more reassurance that this premises is a significant benefit to the local community and that it will not adversely impact you when it opens.

That is not simply a case of saying anything to appease you. My client is very aware that the Local Authority have significant powers under the Environmental Protection Act to deal with such nuisance but more significantly if a licence were granted it can be reviewed by anyone at any time. It is for those reasons that the Licensing Authority can apply a "light touch" to an application and allow responsible operators the opportunity to flourish whilst ensuring those who are not responsible have their licences removed. That threat of "enforcement" is all the encouragement required to ensure no nuisance occurs and the guidance issued under s182 of the Licensing Act acknowledges the power to review a licence as a significant safeguard for residents.

I am of course more than happy to have a chat with you over the telephone to provide answers to any other questions you have on how the premises will operate.

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I would hope that on reflection of the nature and character of the business my client is proposing, together with my comments that you will decide to withdraw your objection and thus save the time, effort and cost of arranging and attending a hearing.


Given the detail I have provided in how the premises are to be used and the concerns you have expressed I am able to mediate a position with you in the hope that a hearing is not going to be necessary. My client is willing to amend the application for Number 11, Parsons House (the Nursery) so that licensable activities cease at 9pm and the premises close at 9.30pm. This amendment is offered only on the basis that you withdraw your objection and a hearing before the Committee is then not required. This would include withdrawing the objection to Number 8-10 Jesse's house as well.

If having read this letter you have changed your view, then please email the Council and let them know you are withdrawing your objection. A hearing can only be avoided if the two objections are withdrawn in writing. If you remain concerned, then I urge you to get in touch so that we can discuss this further.

As I have said above if you would like to meet my client or have a chat with them/me on the telephone then please do get in touch.

I look forward to hearing from you.

Yours sincerely



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From: Licensing HF: H&F

Sent: Wednesday, January 31, 2024 5:07 PM

To: [REDACTED]

Cc: Layug Karen: H&F <Karen.Layug@lbhf.gov.uk>

Subject: RE: Attn Karen Layung - Licensing - Ref 11 Heathman's Road SW6 4TJ / resident's response

Hi [REDACTED]

Thank you for your message.

As there is two separate licence applications being considered, comments objecting to application needed to be made separately.

Jon Wallsgrove has combined in his letter, both premises, as they are being applied for by the same applicant and to explain the running of each business.

I have attached a copy of the application, plan and proposed condition for both premises licence application. The red line on the plans indicate the proposed licensable area.

The Nursery can be open and operating any activity that does not require a premises licence.

If any amendments were made to an application to increase hours, it would follow the same procedure as a new application, and a 28 day consultation period would be required.

I would suggest as per the original letter sent, to contact the applicants agent directly to speak with him and or the applicant to answer queries round the operation of the premises.

If you have any further queries, please contact me directly.

Kind regards

Lorna McKenna

Licensing Compliance Officer

Licensing

From:

Sent: 31 January 2024 10:29

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: FW: Attn Karen Layung - Licensing - Ref 11 Heathman's Road SW6 4TJ / resident's response

My apologies Karen, I have just noticed that the last email was from you and not Lorna.
Mea Culpa! There wasn't a specific email address for you on your emailed letter, so am having to
send to 'Licensing' I trust this will catch up with you quickly / Lorna will have forwarded...
Please See below
Thank you. [REDACTED]

Message sent MSM from my mobile 30th January 8.26a.m. + a request to acknowledge receipt of the msg at 7.26pm

Morning Lorna.. apologies for slow response. My eye is recovering

Pls clarify if there are any other relevant docs which can be emailed to me.

You were clear each application has to be commented on individually. JG&P combines in their letter.
Contradiction regarding open windows noted.

No11 Parsons Nursery website says it opened last week. Is it currently unlicensed?

No 11 what time frame elapse/required IF a new/revised application for extended hours were to be made?

Nos 8-10 Restaurant/courtyard cafe/Terrace/in&out pool/ proximity to Children where alcohol served concerns.

Residents meeting later this week....
[REDACTED]