

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 13 AUGUST
2013, AT 2.15 PM

PRESENT: Councillor Rose Cheswright (Chairman).
Councillors E Bedford and K Crofton.

ALSO PRESENT:

Councillors D Andrews, P Ballam, J Jones,
M McMullen and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Richard Kalu	- Senior Specialist Licensing Officer
Claire Mabbutt	- Licensing Officer
George Robertson	- Legal Services Manager
Brian Simmonds	- Head of Community Safety and Health Services

9 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor K Crofton and seconded by Councillor E Bedford that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

10 MINUTES – 31 MAY 2013 (PM)

RESOLVED – that the Minutes of the meeting held on 31 May 2013 (pm) be confirmed as a correct record and signed by the Chairman.

11 APPLICATION FOR A PREMISES LICENCE – THE JUNGLE BAR, 117 FORE STREET, HERTFORD SG14 1AX

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and summarised the amendments which had been put forward by the applicant and agreed with the Police. The details of the eight further conditions and amendments were made available at the meeting.

The Senior Specialist Licensing Officer drew Members' attention to the numerous letters of objection which had been submitted to the proposed application and summarised the content of the objections, the detail of which was set out in the report now submitted. These related to public nuisance, anti-social behaviour, crime and disorder, noise and nuisance generally, (including those patrons using the "smoking area"), proposed long opening hours, and disturbance to residents in Bluecoats and Belvedere Apartments from live music.

The Legal Services Manager explained that before residents objections could be heard, he had been made aware of a resident's request for an adjournment and the Sub-Committee needed to consider whether there was a legitimate reason to adjourn the proceedings to allow residents to arrange their own noise survey to challenge that of the applicant's consultant and to challenge the Police decision not to oppose the application.

An objecting local resident referred to the late production of the acoustic / noise report which had been commissioned by the applicant and the fact that it had not

been possible for the residents to pay for their own independent report. The Legal Services Manager stressed that there was no requirement for the objectors to undertake their own noise report or to incur such costs and that Members of the Licensing Panel would consider the consultants report and the evidence of local residents as to likely disturbance and that residents would have every opportunity to question the applicant on the issue of noise and other possible disturbance. The Legal Services Manager advised that there was no grounds for suggesting any inappropriate decision on the part of the Police, that an adjournment was not justified. It was suggested that, with the consent of Members, the hearing proceed but that there be a 10 minute adjournment to allow objectors an opportunity to review the revised application and the conditions agreed with the Police. Members agreed to a 10 minute adjournment and the meeting resumed at 2.45pm.

The applicant referred to the application as amended. She queried why residents had not raised the issue of the unlocked gate which, she felt would stop a lot of anti-social behaviour. The applicant referred to a number of noise reduction initiatives which she had installed at the premises. A Hertford Town Councillor was in attendance and indicated his support for the application, adding that there was no noise pollution from the premises and referred to other sources of local noise pollution such as cars. He referred to gates at Red House which could be locked to deter anti-social behaviour.

In response to a query from Councillor K Crofton, the applicant explained the existing nature of the business and how it intended to change. The applicant explained how bottles would be dealt with at the end of the evening, of the "Over 21" policy, the use of SIA doormen and where the smoking area would be located.

In response to a query from Councillor E Bedford regarding noise emanating from open windows, the applicant explained that the premises were air

conditioned and a number of doors would be sealed with smokers having to go through three doors before reaching a designated smoking area.

Objectors were provided with an opportunity of asking the applicant questions with particular reference to their individual objections. The applicant was questioned by two residents as to music audible inside their premises which they confirmed was at an unacceptable level during recent tests at the premises; the residents challenged a Hertford Town Councillor's evidence that noise was not an issue and could not be heard at the nearby residential premises. Residents were not convinced by the responses provided to the concerns raised.

On the issue of noise, the applicant's partner advised that he had walked around the building and that he could only get a "sense of a bass line" being played. He suggested that if there was a problem, equipment could be put into residents apartments to monitor levels of disturbance.

Councillor S Rutland-Barsby, as a local ward Member, raised a number of issues with the applicant concerning the acoustic report, noise, exits, the smokers' area and the entry age "Challenge Policy". The applicant provided clarification.

Councillor S Rutland-Barsby stated that, as a Councillor for more than 10 years, she was very concerned at the interest that the proposal had generated and the levels of concern expressed by local residents.

The Legal Services Manager asked the objectors whether they were satisfied that they had had an opportunity to state their concerns. They agreed that they had. A resident referred to the residential nature of the area and of the number of retirement apartments which were occupied by over 55s. The resident added that the proposed business did not fit well within the area.

The applicant was provided with an opportunity to

comment further on their application and how residents' concerns would be addressed.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced the decision of the Sub-Committee.

The Sub-Committee had listened carefully to the comments put forward by the applicant and had noted all the proposals from the applicant and the conditions agreed with the Police. The Sub-Committee was concerned about the considerable number of objectors' concerns and evidence from a number of them, that noise from the premises was audible within their properties at an unacceptable level.

In the light of the considerable number of local residents' concerns, the Sub-Committee was concerned that noise from people congregating in the smoking area, noise from music and from people leaving the premises, would constitute a public nuisance and was not prepared to approve the application.

RESOLVED – that the application be refused for the reasons now detailed.

The meeting closed at 4.40 pm

Chairman
Date