

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 14 OCTOBER
2013, AT 2.00 PM

PRESENT: Councillor Roger Beeching (Chairman).
Councillors P Ballam and E Buckmaster.

ALSO PRESENT:

Councillors M McMullen, P Moore, P Ruffles
and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager
Brian Simmonds	- Head of Community Safety and Health Services
Steve Wilson	- Environmental Health Officer

15 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor E Buckmaster and seconded by Councillor P Ballam that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

16 MINUTES – 4 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 4 October 2013 be confirmed as a correct record and signed by the Chairman.

17 APPLICATION BY SUE ADAMS FOR A PREMISES LICENCE AT 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 location of the premises and advised that the applicant had applied to supply alcohol for consumption “on” the premises from 09:00 to 23:00 Sunday to Monday, 09:00 to 23:30 Tuesday and Wednesday, 09:00 to 00:00 on Thursday and 09:00 to 00:30 on Friday and Saturday.

The applicant had also applied to provide recorded music from 09:00 to 23:00 Sunday to Monday, 09:00 to 23:30 Tuesday and Wednesday, 09:00 to 00:00 on Thursday and 09:00 to 00:30 on Fridays and Saturdays. Late Night Refreshment (Indoors) would also be provided on Tuesdays and Wednesdays from 23:00 to 23:30, Thursday 23:00 to 00:00 and on Fridays and Saturdays from 23:00 to 01:00.

Finally, the applicant proposed that the opening hours of the premises would be Monday 09:00 to 23:00, Tuesdays and Wednesdays 09:00 to 23:30, Thursday 09:00 to 00:00, Fridays and Saturdays 09:00 to 01:00 and on Sunday 09:00 to 23:00.

The Sub-Committee was advised that 29 representations had been received from local residents, living at 19 separate addresses, raising concerns in respect of this application. Carers in Hertfordshire had also objected to the application, as had the owner of the Red House. A petition had been received from 9 local businesses and a local church. The concerns of all of the above centred on

the view that the application would undermine the 4 licensing objectives.

The Chauncy Court Residents Association had objected on the grounds that the application would exacerbate problems of public nuisance and anti-social behaviour. Members were advised that it was for the Sub-Committee to consider all the representations and come to a decision on the application.

The applicant's solicitor detailed the history of the application and commented that the applicant understood the concerns of local residents and had sought to adopt a proactive approach to addressing these concerns.

The Sub-Committee was reminded of the detail of the application as referred to by the Senior Specialist Licensing Officer. Members were advised that certain types of live music were permitted without a premises licence. Members were also advised that no representation had been received to date from Environmental Health or the Police.

The solicitor detailed the history of the use of the premises and summarised the intended business model for the Jungle Bar. Members were advised of the key people involved with the premises and their backgrounds and experience. The applicant hoped to manage a well run business that would promote the 4 licensing objectives.

The applicant intended to ensure that all smokers were directed to the front of the premises and it was anticipated that there would be no more than a couple of people with a few more on Friday and Saturday evenings. No patrons would be permitted to take drinks outside as the Applicant was well aware that she would be breaking the law by allowing this to happen.

The applicant hoped to ensure than no more than 15 smokers would be allowed outside at any one time. She

confirmed that a lesser figure of 10 would be accepted as a condition if Members felt this was an appropriate solution. Members were advised that the applicant had offered to pay for a lock to secure a side gate to prevent rubbish and other waste affecting pedestrian access to nearby properties.

The applicant also believed that the suggested conditions were achievable, appropriate and proportionate. The applicant had a full CCTV system at the premises and a dispersal policy would be overseen by door staff to ensure that customer ingress and egress were well managed.

The applicant's solicitor concluded that the applicant would attend pub watch meetings and would not permit under 18s into the Jungle Bar. The challenge 21 policy would be applied and the DJ would be tailoring the style of music to an older audience to attract an older clientele. If any member of the public was persistently rowdy, they would be barred from the premises. A noise limiter had also been installed to the satisfaction of Environmental Health.

The applicant stated that she had a vested interest in the premises and hoped to live above the Jungle Bar. She believed she had done her best to resolve residents' concerns and she had a very experienced team ready to ensure a smooth dispersal from the venue at closing time.

The Environmental Health Officer present commented that he had attended the premises with the applicant and had played a very loud "rock" style song through the sound system at 113 decibels (db) with colleagues listening in two adjacent flats and this extremely loud musical output was not audible in either flat.

Members were advised that Officers had subsequently set the noise limiter to 'trip' above 112db and signed security seals would show if this level had been adjusted by the applicant. Officers were aware that the

background noise levels were high but remained of the view that the music would not be audible in the nearby flats.

In response to Members' queries, the Environmental Health Officer confirmed that 112db was higher than the usually permitted level of 101db. Members were advised that the noise limiter would not control the noise level from drums although the system would monitor the overall amount of sound energy that was being created.

Members were advised that the shell of the building was massive and would be very good at keeping sound within the structure. Officers had recorded a noise level of 75db outside the Jungle Bar with a background outside noise level of 68db.

In response to a query from Councillor S Rutland-Barsby regarding noise being most noticeable late at night, the Environmental Health Officer confirmed that the night-time background noise level was only 6db less than the daytime reading of 68db. Members were advised that a condition could be imposed that all sound should pass through the Automatic Volume Limiter System (AVLS).

In response to concerns from Councillors E Buckmaster and P Ballam, the applicant's solicitor confirmed that noise would be contained within the premises. The Sub-Committee was reminded that no one lived directly opposite the premises.

Councillor S Rutland-Barsby, as local ward Member, detailed the residents she was representing. She stated that their concerns related to noise nuisance late at night and the residents had a right to expect to be able to enjoy their properties in peace. She reminded the Sub-Committee that 200 people lived close to the premises, and these were predominantly the elderly, plus working age adults with children.

Councillor Rutland-Barsby stated that residents were also

concerned that the proximity of the Jungle Bar to Bosphorus Kebab would prevent dispersal late at night and there would also be delays to taxi transport due to the demands placed on this service. Finally, residents were concerned that the applicant had no control over the public once they had left the premises.

The interested parties objecting to the application asked a range of questions at this point in the meeting. The applicant and her solicitor plus the Environmental Health Officer responded to the questions, which related to the numbers permitted to use the smoking area, noise from within the premises and the dispersal of patrons at closing time. A concern was also raised that it only took one or two people to make a significant amount of noise.

The applicant's solicitor commented that there was an excellent taxi marshalling service in Hertford, which was never oversubscribed. A number of the likely patrons of the Jungle Bar would leave the premises on foot and would not therefore require a taxi.

The applicant would employ highly trained door staff to ensure a smooth dispersal once the premises closed. Members were reminded that this was a new application and a lot of the residents' concerns were speculative as these were new premises.

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

The Sub-Committee had listened to the comments of the applicant, Environmental Health and residents and had decided to approve the application for the following amended hours (for the sale of alcohol, recorded music and late night refreshments, with closing 30 minutes after the terminal hour shown):

Mondays: 09:00 to 23:00
Tuesdays: 09:00 to 23:30
Wednesdays: 09:00 to 23:30
Thursdays: 09:00 to 23:30
Fridays: 09:00 to 00:00
Saturdays: 09:00 to 00:00
Sundays: 09:00 to 23:00

The remaining conditions agreed with the applicant and detailed in the Operating Schedule, including those added in agreement with Environmental Health, would be applied with an amended additional condition 5 agreed with Environmental Health that there should be no more than 10 customers at any one time allowed outside to smoke on any evening.

Members had imposed these conditions and made changes to the licence hours in light of concerns as to noise during dispersal and potential noise from customers leaving the premises.

The Sub-Committee would encourage residents to meet with the management of the premises following opening to review matters. Residents and the police could apply for a review of the premises licence at any time.

RESOLVED – that subject to the conditions now detailed, the application for a premises licence at Jungle Bar, be approved for the following amended hours (for the sale of alcohol, recorded music and late night refreshments, with closing 30 minutes after the following terminal hours):

Mondays: 09:00 to 23:00
Tuesdays: 09:00 to 23:30
Wednesdays: 09:00 to 23:30
Thursdays: 09:00 to 23:30
Fridays: 09:00 to 00:00
Saturdays: 09:00 to 00:00
Sundays: 09:00 to 23:00

The meeting closed at 4.41 pm

Chairman

Date