



Public Document Pack

James Ellis
Head of Legal and Democratic Services

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : MONDAY 8 NOVEMBER 2021
TIME : 10.00 AM

MEMBERS OF THE SUB-COMMITTEE

Councillors J Jones, T Page and D Snowdon

COMMITTEE OFFICER: PETER MANNINGS
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1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Summary of Procedure (Pages 7 - 14)

A summary of the procedure to be followed during consideration of item 7 is attached.

6. Application for Review of the Premises Licence for The Mixer, 6 Baldock Street, Ware, Hertfordshire SG12 9DZ (Pages 15 - 92)

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

Note – the full Rules of Procedure can be viewed at:

<http://democracy.eastherts.gov.uk/ieListMeetings.aspx?Cld=144&Year=0>

8.0 Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas. The hearing is a discussion lead by the Authority (i.e. the Chairman) with advice from the Legal Adviser.

- 8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.
- 8.2 The Chairman shall at the beginning of the hearing, introduce themselves and the Sub-Committee members, ask the Officers present to introduce themselves before inviting the parties to the hearing to identify themselves. The Chairman will then explain to the parties the procedure that the Sub-Committee intends to follow.
- 8.3 The Chairman will ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee.
- 8.5 The Parties to a hearing for an application shall usually be invited to address the Sub-Committee in the following order:
 - (a) Applicant
 - (b) Responsible Authority
 - (c) Other parties

However, this may be varied at the discretion of the Chairman, if in his/her opinion, this would assist the efficient business of the Sub-Committee.

8.6 Parties to the hearing shall be entitled to:

- (a) give further information in support of their application, relevant representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
- (b) question any other party if given permission by the Chairman of the Sub-Committee; and
- (c) address the Sub-Committee.

8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.

8.8 Where there is more than one relevant representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.

8.9 Subject to paragraph 8.10 below, in considering any relevant representations or notice made by a party to the hearing, the Sub-Committee may take into account additional documentary or other information produced by such a party in support of their application, relevant representations or notice (as applicable) either submitted at least 24 hours before the hearing commences or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing. If large documents are submitted on the day then the hearing may be adjourned at the Chairman's discretion so that such documents can be fully considered.

Note - As a matter of good practice, any additional documentation or other information produced in advance of the hearing date, should be submitted to the licensing officer no later than two working days before the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:

- (a) their application, relevant representations or notice (as applicable); or
- (b) the promotion of the licensing objectives.

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The parties to the hearing shall be entitled to make closing submissions, usually in the following order:

- (a) Responsible Authority
- (b) Other party
- (c) Applicant.

8.13 The Sub-Committee will, after hearing the relevant representations of the parties to the hearing, withdraw from the room to make their deliberations.

8.14 The Legal Adviser and the Democratic Services Officer shall accompany the Sub-Committee when they retire to make their deliberations.

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

- (a) the relevant representations (including supporting information) presented by all the parties;
- (b) national guidance;
- (c) the Licensing Authority's Licensing/Gambling Policy (as applicable); and
- (d) the steps that are necessary to promote the licensing objectives.

9.2 The Sub-Committee shall make its determination:

- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
- (b) within 5 working days thereafter (all other cases).

9.3 The written notice of determination shall be issued by Head of Housing and Health under delegated authority and will information regarding the appeals process.

10.0 Role of Legal Adviser

- 10.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Adviser at any time during the course of the hearing.
- 10.2 The Legal Adviser shall provide the Sub-Committee with any advice it requires to properly perform its functions, on:
 - (a) questions of law;
 - (b) questions of mixed fact and law;
 - (c) matters of practice and procedure;
 - (d) the range of options available to the Sub-Committee;
 - (e) any relevant decisions of courts;
 - (f) relevant national guidance or policy;
 - (g) other issues relevant to the matter before the Sub-Committee.
- 10.4 The Legal Adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Democratic Services Officer's notes.
- 10.5 The Legal Adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The Legal Adviser is under a duty to ensure that every case is conducted fairly.

11.0 Role of Democratic Services Officer

- 11.1 The Democratic Services Officer's role is to make a record of the proceedings, summarise and record decisions and to provide help and assistance to parties attending hearings.

12.0 Role of Licensing

- 12.1 The Licensing Officer will present the pertinent facts of the application and the representations made by parties to the hearing.
- 12.2 The Licensing Officer shall provide the Sub-Committee with any advice it requires to properly perform its functions.
- 12.3 The Licensing Officer may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case.

13.0 Failure of parties to attend the hearing

- 13.1 If a party to the hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence and any properly made written submissions will be considered as part of the decision making process.
- 13.2 If a party to the hearing fails to provide notification in accordance with paragraph 13.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence and shall consider at the hearing, the application, relevant representations or notice made or submitted by that party.

14.0 Adjournments

- 14.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.
- 14.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the parties to the hearing of the date, time and place.

15.0 Right of Appeal

- 15.1 The all parties to a hearing have a right of appeal against a decision to the Magistrates' Court within 21 days (beginning with the day on which the applicant was notified of the decision by the Licensing Authority).

Definitions

Term	Meaning
Applicant	<p>The holder of, or the person seeking the grant of, a licence, notice or other permission under the relevant Legislation.</p> <p>The premises user in relation to a temporary event notice (TEN) or temporary use notice (TUN).</p>
Interest	<p>A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.</p>
Other parties	<p>Any persons making relevant representations or any person who is representing such persons.</p>
Licensing Authority	<p>East Hertfordshire District Council</p>
Parties to the Hearing	<p>The applicant and any parties that have made relevant representations or submitted a valid objection notice.</p>
Relevant Representations	<p>Representations (either in support of or against an application) that relate to one or more of the licensing objectives. Can be made by a Responsible Authority or other party.</p>
Responsible Authority	<p>The bodies that must be consulted regarding certain applications and that are entitled to make representations to the Licensing Authority.</p>

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East Herts Council Report Template

Licensing Sub-Committee

Date of Meeting: 8th November 2021

Report by: Jonathan Geall Head of Housing & Health

Report title: Application for Review of the Premises Licence
for The Mixer, 6 Baldock Street, Ware,
Hertfordshire SG12 9DZ (21/0739/PLV)

Ward(s) affected: Ware Christchurch

Summary

- An application to review the above premises licence has been received from an Interested Party. Where a review application is made there must be a Licensing Sub-Committee to decide that application even where agreement is reached. The report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(A) The application for review of the premises licence be decided.

1.0 **Proposal(s)**

- 1.1 Members of the Licensing Sub-Committee should determine the application to review a premises licence through consideration of the information contained in this report and appendices combined with submissions made at the Licensing Sub-Committee hearing.

2.0 **Background**

- 2.1 Under the Licensing Act 2003 an application for review of a

licence or certificate has to be determined.

- 2.2 Where a valid review application is made there must be a Licensing Sub-Committee hearing to decide that application even where agreement is reached. A Licensing Sub-Committee has the delegated authority to determine applications for a review of licences and certificates. Such decisions must be made whilst having regard to the Licensing Objectives, the Licensing Authority's own Statement of Licensing Policy and to statutory guidance issued by the Secretary of State under section 182 of the Licensing Act.
- 2.3 The Licensing Objectives are:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of public nuisance; and
 - Protection of children from harm.

3.0 Reason(s)

- 3.1 The valid review application was submitted by Miss M King on 20th August 2021 acting as an individual. The application was consulted upon but it became apparent during the consultation period that the Blue Notice advertising the application had been put in a place where it did not conform to the regulations. As such the application was re-advertised and a notice was put up in a location that conformed to the regulations.
- 3.2 The application details state that the current operation of the premises undermines the Licensing Objective of:
 - Prevention of public nuisance.
- 3.3 A redacted copy of the application form and additional information is attached as **Appendix 'A'**.

3.4 The applicant states that the premises have been causing noise issues for many surrounding residents although the application is from the applicant as an individual. One cause of noise nuisance is reported as being the outside area of the premises that closes at 22:00, after this time it reported that people then gather in the archway by the main entrance which is not an area covered by the premises.

3.5 The applicant is concerned about noise escape from the premises when there are live bands or live DJ sets as doors and windows are often kept open allowing noise to escape more easily.

3.6 The applicant has requested that the Sub-Committee either closes the garden or brings forward the closing time for this area to earlier than 22:00 and that the premises have a condition that windows and doors should be closed at the same time to prevent noise leakage.

3.7 During the statutory 28 day consultation period further representations were received from:

- Environmental Health
- Hertfordshire Police
- one district councillor
- one local town councillor
- four local residents / local businesses.

These representations are attached as **Appendix 'B'**.

3.8 The representation from Environmental Health confirms they have received numerous complaints over several years. They have installed noise equipment in the applicant's home in November 2019 and offered it more recently but the applicant has declined this.

3.9 Environmental Health has also made unannounced visits to

the premises and at present they have not established the existence of statutory noise nuisance as defined under the Environmental Protection Act 1990. The Environmental Health Officers stated that they have worked both with the applicant and premises licence holder and also have given the Sub-Committee advice on the applicant's requests.

- 3.10 The Police's representation gives a brief history of the premises and informs the Sub-Committee of the number of Police reports. They state that they have received eleven reports between 5th October 2019 and 25th June 2021 in relation to noise, including music and a further two in relation to people noise in June/July 2021.
- 3.11 The Police have stated that they have visited the area and on three occasions between June and August officers have reported loud music. They report a further visit where people outside the premises and within the archway were being noisy.
- 3.12 The Police have suggested conditions in paragraph 1.12 and 1.14 of their report. They have stated that they believe there is evidence that the music played at the premises is loud and impacts on residents and the use of the archway is also causing nuisance. The Police have gone further and ask that the deregulation exemption is removed so that conditions relating to noise apply before 23:00.
- 3.13 The representation from a district councillor reports that although he does not represent Ware – Christchurch ward, he has received a number of complaints from residents of his neighbouring ward and of Ware generally regarding the premises, all alleging noise.
- 3.14 The representation from a local town councillor reports that she received a number of complaints from residents alleging noise from the premises. She also gives information of an incident of Saturday 11th September where the pavement was

blocked. It is understood from the premises licence holder that he was trying to use this area as a smoking area to stop the use of the archway but this seemed to cause more problems.

- 3.15 With reference to the other Interested Parties, two representations from the closest neighbour to the rear and from a business to the side of the premises both state that they have never had any issues with noise. One representation from a resident of Chapmore End has simply stated that the premises are a friendly place to go and she has not witnessed any trouble. A further representation from a resident of Black Swan Court, which is on the opposite side of the road, states that she is disturbed by the premises and can hear the bass of music inside her property.
- 3.16 The current premises licence is attached as **Appendix 'C'**.
- 3.17 To assist members in making a decision, a map showing the location of the site is attached as **Appendix 'D'**.

Policy and Guidance

- 3.18 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 states:

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

- 3.19 In determining the application with a view to promoting the

licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

3.20 Paragraphs 9.42-9.44 deal with how to determine actions that are appropriate for the promotion of the licensing objectives.

3.21 If members are minded to impose conditions to mitigate concerns regarding the undermining of the licensing objectives then Chapter 10 of the guidance deals with conditions attached to premises licences. Paragraphs 10.8-10.10, 10.13-10.15 would be particularly relevant.

3.22 Chapter 11 of the guidance deals with reviews and paragraphs 11.16 – 11.23 are particularly relevant as it deals with the powers the licensing authority has to determine the application.

Officer observations

3.23 When looking at the applicant's evidence, the noise recordings are not time and date stamped and appear to have been on a mobile phone app. The Sub-Committee may wish to ask whether the mobile phone has been acoustically calibrated as this will have an impact on the accuracy of the results.

3.24 The applicant last identified issues in July of this year although the review was made the end of August. Both the Police and Environmental Health have shown that no complaints have been received since this time. The Sub-Committee may wish to

ask the premises licence holder if they have made any changes since the end of August that has reduced the number of complaints?

3.25 In the case of noise, a statutory nuisance as defined by the Environmental Protection Act 1990 as noise emitted from premises so as to be prejudicial to health or a nuisance. A public nuisance is defined as arising from an act that endangers the life, health, property, morals or comfort of the public or obstructs the public in the exercise or enjoyment of rights common to all. A public nuisance is actionable in tort and can also be a criminal offence.

3.26 The report author agrees with the Environmental Health Officer in that should the Sub-Committee be minded to add a condition relating to the closure of doors and windows this would normally be a requirement when regulated entertainment is carried out.

3.27 The Police have suggested a number of conditions to Premise Licence holder in both paragraphs 1.12 of their representation.

1) *Prior to 20:00 hours, the courtyard at the rear of the premises will be restricted to a maximum of 10 (ten) persons at any time. (Currently 20 (twenty)).*

Whilst this would reduce the noise from the courtyard there has been no evidence of complaints prior to 20:00

2) *The use of the courtyard at the rear of the premises between 20:00 – 22:00 hours:*

- a) *To be used as a designated smoking area only.*
- b) *No open vessels to be permitted in this area.*
- c) *There are to be no more than 5 (five) people using this area at any one time.*

Should the Sub-Committee hear evidence that this area has

become a public nuisance then this condition may reduce any public nuisance from the area.

- 3) *From 20:00 hours, no customers to congregate in the alleyway to the side of the premises, unless queuing to get into the venue*

This condition would reduce the likelihood of people noise echoing from the archway although the alleyway is not part of the licenced premises.

- 4) *The following Conditions apply to the designated smoking area on the pavement to the front of the premises:*

- a) *There are to be no more than 10 (ten) people using this area at any one time.*
- b) *No open vessels to be permitted in this area.*
- c) *Staff from the premises to monitor this area when in use by customers*

There is no designated smoking area to the front of the premises; the committee cannot place a condition on a designated smoking area that does not exist.

3.28 The Police have suggested a number of conditions to the licence holder in paragraph 1.14 of their representation

- 1) *When music is being played inside the premises, above background level, all doors and windows to be closed after 22:00 hours except for ingress and egress unless otherwise stated, subject to UK Government pandemic guidelines.*

This condition, except for the wording of 'subject to UK Government pandemic guidelines' would promote the licensing objectives by reducing the likelihood of noise exposure to neighbours.

- 2) *From 16:00 hours, no customer pedestrian access from the premises to the car park at the rear of the premises, unless*

during an emergency situation.

Although this condition could prevent complaints from residents, there has been no allegation that customers are causing nuisance in the review documents and the car park is not within the licenced area.

- 3) *Between 22:00 hours and 09:00 hours, there shall be no disposal of bottles, or other refuse, or deliveries or collecting, relating to licensable activities at the premises, except the weekly refuse collection.*

Deliveries to be made to the front of the premises only.

A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.

This condition will aid in ensuring neighbours are not disturbed by bin / bottle collections or deliveries. A dispersal policy is key to the premises reducing the impact to neighbouring properties on dispersal. The report's author does however believe that the wording "*relating to licensable activities*" should be removed as this would mean that items such as items such as glass bottles of non-alcoholic drinks can be disposed of out of these times with a potential of causing nuisance? Also how would the premises licence holder be able to ensure that deliveries are not made to the rear?

- 4) *In addition to the dispersal policy, the Premise Licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the time the premises are due to close.*
 - a. *This must include lowering any music, informing people*

of the approaching closing time, not selling excessive amounts of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have prior to closure.

This is a sensible condition in that customers aware that the premises will be closing and aids with dispersal.

- 5) *The Licence Holder shall actively participate in the PubWatch Scheme, including attending the meetings, and supporting the PubWatch banning systems including keeping records and sharing information with the police.*

Whilst this is an important condition, the Police have stated that the premises licence holder already attends and participates in the Pubwatch Scheme. It is also questionable on how this condition would reduce the impact of any noise nuisance.

- 6) *There will be no use of outside speakers at the rear of the premises.* – This condition would reduce any impact of noise transmission from the premises to the residential properties to the rear.

- 3.29 The Police have advised that the Sub-Committee should remove the deregulation exemption in order to allow for conditions to be in place prior to 23:00. There are no conditions relating to noise on the current licence and as this is a review hearing, any condition placed regarding noise would be enforceable at any time.
- 3.30 As stated in the Guidance, the authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

3.31 Members should consider all of the evidence submitted by the applicant, the representations submitted in support of the review application, the evidence submitted by premises licence holder and the representations received supporting the premises licence holder in order to determine whether the licensing objectives are being undermined.

3.32 If members believe that the evidence shows that the premises do undermine the licensing objectives then guidance requires that the minimum steps needed to mitigate the issues should be the steps that are taken by the authority. Therefore if members believe that the licensing objectives are being undermined then any of the actions detailed in the first four bullet points of paragraph 4.1 of this report are available to them. If, however, members feel the premises do not undermine the licensing objectives then no changes are required to the licence.

4.0 Options

4.1 The actions open to the Licensing Sub-Committee are:

- modify the conditions of the premises licence, which includes adding new conditions or any alteration or omission of an existing condition which are appropriate and proportionate for the promotion of the licensing objectives (either permanently or temporarily for up to 3 months);
- exclude a licensable activity from the scope of the licence;
- suspend the licence for up to 3 months;
- revoke the licence;
- remove the designated premises supervisor (DPS);
- make no changes to the licence.

5.0 Risks

5.1 A decision on the application must be made and any decision made can be appealed at the Magistrate's Court. Therefore the

Licensing Sub-Committee should ensure that when giving their decision on the application that they give clear reasons on how and why they have made their decision.

6.0 Implications/Consultations

6.1 As with any application for a new premise licence / variation of premise licence or review of a premise licence there is a 28 day public consultation.

Community Safety

The report details the four licensing objectives, these objectives are detailed in paragraph 2.3, therefore Community Safety will be considered when determining the application.

Data Protection

Where the appendices have shown personal data this has been redacted.

Equalities

Consideration will be made to the Equality Act 2010 and the Public Sector Equality Duty.

Environmental Sustainability

No

Financial

There will be a cost to the Licensing Sub-Committee hearing, this will be covered by the existing budget.

There may also be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrates Court.

Health and Safety

No

Human Resources

No

Human Rights

As with all applications and Council functions, the Human Rights Act 1998 has been considered in this report and will be considered during the Licensing Sub-Committee hearing.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

Yes – Ware – Christchurch

7.0 Background papers, appendices and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidanceIssuedUnderSection182OfTheLicensingAct2003_April2018.pdf
- 7.2 East Herts Statement of Licensing Policy 2021-2026 –
<https://cdn-eastherts.onwebcurl.com/s3fs-public/2021-08/Statement%20of%20Licensing%20Policy%202021-26%20%28accessible%29.pdf>
- 7.3 **Appendix 'A'** – Application for a Review of a Premise Licence.
- 7.4 **Appendix 'B'** – Representations both supporting the review application and supporting the Premises.
- 7.5 **Appendix 'C'** – Current Premise Licence of The Mixer.
- 7.6 **Appendix 'D'** – Map showing location of the premises.

Contact Member	Councillor Jan Goodeve – Executive Member for Planning and Growth jan.goodeve@eastherts.gov.uk
Contact Officer	Jonathan Geall – Head of Housing and Health Contact No: 01992 531594 jonathan.geall@eastherts.gov.uk
Report Author	Brad Wheeler – Senior Licensing and Enforcement Officer Contact No: 01992 531520 brad.wheeler@eastherts.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I apply for the review of a
(Insert name of applicant)
premises licence under section 51 / apply for the review of a club premises
certificate under section 87 of the Licensing Act 2003 for the premises described
in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

The Mixer
6-7 Baldock Street

Post town	Post code (if known)
Ware, Hertfordshire	

Name of premises licence holder or club holding club premises certificate (if known)

Mr Joab Archer is the premises owner, believe the licence holder
is a company called Klunkies

Number of premises licence or club premises certificate (if known)

Not known

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an interested party (please complete (A) or (B) below)	<input checked="" type="checkbox"/> ✓
a) a person living in the vicinity of the premises	<input type="checkbox"/> ✓
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/> ✓
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

King

First names

Moira

Please tick ✓ yes

I am 18 years old or over

Current address

Post Town

Ware

Postcode

SG12 9E

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note1)

The bar named above has been causing noise issues for many of us surrounding residents for too many years now. There is an outside area which is quite inappropriate as the people noise itself can be excessive. Also, although this specific area may close at 22.00, there are then people gathering in the archway by the main entrance which subsequently becomes like an extension of the garden.

There is also the problem with live bands or live DJ sets playing with all the doors & windows open. This makes the noise travel. Then there is the problem with the general volume of the music being far too loud to be acceptable.

Personally I am reaching breaking point in respect of sleep deprivation at the weekend. The other night I got home from work with bad back pain & I really needed my rest, I walked into my bedroom, heard the noise from the bar, realised that rest would not be possible & I broke down & cried. How is this enjoying my home.

One of my neighbours moved because of the noise from the bar, another has spent nights in hotels & with his elderly mother to escape the noise.

We really shouldn't feel forced out of our homes by noise. I know that other residents in other areas near by are also complaining.

Please provide as much information as possible to support the application (please read guidance note 2)

I would like to see it considered that the licence is reviewed to close the garden if not completely then earlier than 22.00. These residents live on the opposite side of the road to the bar. The licenced close time should apply to the archway as well. Also, I think that the licence should state that doors & windows should close at the same time as closure of the out door areas. This then may help our chances of getting some sleep. In my mind, there should never have been a licence granted for an outdoor area in the first place. There are too many residents surrounding the bar. Nobody wants to hear a garden party every weekend on a Friday, Saturday & sometimes a Sunday as well.

Please tick Y

yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Sig ,

Date.....

Capacity 17/08/2021

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town	Post code
-----------	-----------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Environmental Health
East Herts Council
Wallfields, Pegs Lane
Hertford, Herts
SG13 8EQ
Tel: 01992 531502
Email: environmental.health@eastherts.gov.uk

Ware
Hertfordshire
SG12 9E

Our Reference : 21/01348/CN
Date : 26th April 2021

Please ask for : Simon Curling
Direct Number : 01992

Dear ,

RE: COMMERCIAL/LEISURE NOISE

**INVESTIGATION OF ALLEGED STATUTORY NUISANCE
ENVIRONMENTAL PROTECTION ACT 1990**

Following your recent complaint to East Herts Council's Environmental Health Service regarding possible nuisance I am enclosing our nuisance help pack. There are a number of documents included, some of which may appear rather daunting at first glance. However, please take the time to read them carefully and you will find they are quite straightforward.

Your case has been allocated an investigating officer. The contact details of this officer appear at the head and foot of this letter.

The most important enclosures in the nuisance help pack are the diary sheets. These help us to assess the level of nuisance, establish any pattern, and hopefully to reach some sort of informal agreement with the subject of your complaint. In extreme cases diary sheets can be used as supportive evidence in a legal prosecution. It is therefore essential that any diary record is factual, accurate, signed and witnessed. (Please note it is only your signature that is being witnessed, NOT the events you have recorded.) An instruction sheet together with an example is provided to assist you in producing the most effective evidence. Completed diary sheets should be returned to us after a period of approximately two weeks, unless you have contacted us in advance of a potential delay in returning the diary sheets the complaint will be closed automatically within 21 days. If however your complaint relates to a noise which occurs at times that you may predict (for example a daily or weekly event you should discuss this with your investigating officer.)

Should you require further diary sheets please contact us and we will be happy to post them to you. Alternatively if you have the facility photocopies are perfectly acceptable. You may download copies of individual documents or the complete nuisance help pack from the Pollution/Noise section of the website. www.eastherts.gov.uk

Once your initial set of diary sheets have been returned these will be reviewed and at this stage a letter will be sent to the subject informing them that a complaint has been made and advice will be given on resolving the problem. Please be assured that your details are confidential and will not be revealed to the subject. Experience has shown that this informal type of approach is successful in many instances and we hope that this will be so in this particular case.

Unfortunately, in a proportion of cases this type of informal action fails to resolve the problem. In this event a decision regarding further action will be based largely on the detail you have recorded on your diary sheet. Please note that any further action would only be taken with your full agreement following consultation with you.

If the problem is resolved by this informal means you do not need to do anything further. If we have not heard from you after a period of 21 days from your original contact we will assume that no further action is required.

I hope that this is satisfactory but if you have any questions or wish to discuss the matter further please do not hesitate to contact me.

Yours sincerely,

Senior Technical Officer
Housing & Health Service
Email: @eastherts.gov.uk

LIST OF CONTENTS.

- 1) Introduction.
- 2) Instructions for completing nuisance diary record.
- 3) Nuisance diary record example sheet.
- 4) Nuisance diary record sheet.
- 5) Guidance notes on private nuisance action.

Should any of these items be missing or you require further copies please contact the Environmental Health Department on:

Phone: 01279 655261

Email: environmental.health@eastherts.gov.uk

Fax: 01992 531433

Text: 0773 433 4504

Visit: www.eastherts.gov.uk

Write to: East Herts Council
Environmental Health
Wallfields
Pegs Lane
Hertford, SG13 8EQ

INTRODUCTION

The nuisance help pack contains a number of documents which may at first glance appear rather daunting, however please take the time to read them carefully and you will find they are quite straight forward.

The most important enclosures in the nuisance help pack are the diary sheets. These help us to assess the level of nuisance. It is therefore essential that any diary record is factual and accurate. Instruction sheets together with examples are provided in this pack to assist you in producing the most effective evidence. Completed sheets should be returned to us within a period of approximately two weeks.

There may be occasions when you would prefer to take your own action to resolve a nuisance issue or East Herts Council may not be able to act with the urgency you desire. In such situation individuals or groups are entitled to bring their own action under the Environmental Protection Act 1990. Advice on this action is provided in the 'What can I do' section of the enclosed green leaflet and also in the 'guidance notes on private action' included in this nuisance help pack.

EAST HERTS COUNCIL

INSTRUCTIONS FOR COMPLETING NUISANCE DIARY RECORD

Please read these instructions thoroughly before completing diary sheets

1. Remember that, as the record may have to be presented in evidence, it must be a statement of fact and be clearly understandable.
2. Each adult person affected should keep a separate record of the events as they affect them (although a parent may record the effect upon their children) and each page must be completed in full.
3. Expanding on the column headings:-
 - a. Date - this is self-explanatory, except that, if the nuisance commenced before and ceased after midnight, both dates should be entered and bracketed together.
 - b. Time - record the time the nuisance started and when it ceased and bracket the two times together, e.g. 10.15 am to 10.55 am.
 - c. Description - try to be specific. What exactly was the nuisance? e.g. machinery noise, radio playing, TV, Barking Dog, etc.
 - d. Effect - it is this column that will be the most valuable in convincing the Magistrates that you are being subjected to a statutory nuisance. It is used to record what you had to do to overcome the noise or what the nuisance prevented you from doing or what effect it had on each individual affected, eg could not sleep, awoke children, closed the windows, left the house etc.
 - e. Please ensure all Diary Sheets are signed, dated and witnessed before being returned. Return to East Herts Environmental Health, Wallfields, Pegs Lane, Hertford SG13 8EQ.

EXAMPLE

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full) John Smith

Age: over 21 (if over 21 enter 'over 21') at (address of premises) 1 Some Street, Anytown, Herts. SG99 1BC.

Address at which nuisance is occurring 3 Some Street, Anytown, Herts.

Name of Occupant if known Unknown

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT
05/01/16	(21:15 23:30)	Very loud music, bass beat especially disturbing.	Unable to enjoy television programme so went to bed but couldn't sleep because of noise
07/01/16	(22:05 23:45)	Loud music again, heavy bass. Could hear words of songs.	Disturbed sleep.
08/01/16			
09/01/16	(22:30 02:15)	Loud music and bass again!	Very tired, especially after yesterdays disturbance as well. No sleep until after music stopped.

This statement, consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated the 10th day of January 2016

Signed John Smith

Signature witnessed by Ann Smith



21/01348/CN05

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full)

Age: Over 21 (if over 21 enter 'over 21') at (address of premises) , Ware, SG12 9

Address at which nuisance is occurring The Mixer Bar, 6 Baldock Street, Ware, Hertfordshire

Name of Occupant if known

Mr Joab Archer

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT
24/04/2021	12.00-21.30	Loud amplified music being played outside. As well as shouting & partying people noise. Both were continuous for 9.5 hours.	The volume was so loud, even through closed windows that I was unable to concentrate on the TV I was trying to watch. My cats were very unsettled & I also couldn't sleep.
02/05/2021	12.00 - 20.00	Loud rave type music being played. Also loud, shouting, partying people noise	Unable to enjoy my home or my life quietly as I have a right to do on a Sunday afternoon!!
15/05/2021	13.00 - 21.30	Music which was louder than ambient background music. Loud, shouting & screeching partying people noise.	Unable to enjoy my home or rest.

Dated the.....20th..... day of May 2021

Sign

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full)

Age..... (if over 21 enter 'over 21') at (address of premises)

Address at which nuisance is occurring

Name of Occupant if known

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the..... day of

Signed

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full)

Age: (if over 21 enter 'over 21') at (address of premises)

Address at which nuisance is occurring

Name of Occupant if known

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the..... day of

Signed

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full)

Age: (if over 21 enter 'over 21') at (address of premises)

Address at which nuisance is occurring

Name of Occupant if known

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the..... day of

Signed

Signature witnessed by

GUIDANCE NOTES ON PRIVATE NUISANCE ACTION

APPLICATION

The assessment of noise or other nuisances may present practical difficulties for Local Authority officers where the nuisance is intermittent, irregular or unpredictable in occurrence. In these circumstances the Local Authority may not be satisfied as required by section 80 of the Environmental Protection Act 1990 that a statutory nuisance exists or is likely to occur or recur.

In other circumstances a nuisance may be more easily demonstrated, but the Local Authority may not be in a position to act with the urgency desired by the complainant.

The Environmental Protection Act 1990 therefore offers an alternative which allows individuals or groups to bring their own action. This facility is set out in section 82 of the Act.

WHICH NUISANCES ARE INCLUDED?

Section 79 of the Act defines the nuisances which can be dealt with. The Environmental Health Officer will provide more guidance, but in general the following circumstances would be included:

1. Some conditions of a neighbouring premises which adversely affects your own property;
2. Smoke emitted from premises;
3. Fumes or Gas emitted from domestic premises;
4. Dust, steam, smell or effluvia emitted from business premises;
5. Accumulations or deposits;
6. Animals kept in an unacceptable place or manner;
 - a. Any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance.
 - b. Artificial light emitted from premises so as to be prejudicial to health or a nuisance.
7. Noise.

The test for any of these which you think may apply, is the effect that the situation has on you. It must either be prejudicial to the health of you or others living in your property, or a nuisance in that it interferes with your enjoyment of your property. It is not sufficient, for example, if you are disturbed by something which is merely an eyesore, or by merely being able to hear your neighbours.

The common sense test which the Courts apply is "Is the activity or situation unreasonable or excessive or both in the opinion of the ordinary man in the street; not somebody who may be oversensitive or in unique circumstances?" If you consider the answer to be "yes", then you could proceed with reasonable confidence.

WHAT IS THE PROCEDURE?

An occupier of any premises affected by a nuisance may complain directly to a Magistrate Court and request a hearing to consider the issue of a Nuisance Order. Before contacting the court, complainants should take the following action:

1. Discuss the problem, if possible, with the person who you consider to be responsible. Explain how you are affected and be prepared to agree a compromise.
2. Follow up any agreement in writing and keep notes of any discussion. Where direct contact is not practical, write a letter to the person responsible expressing your concerns. Keep copies of all correspondence.
3. If the problem persists, keep a diary of occurrences and collect other evidence, such as photographs or statements from others affected.
4. It is essential that your information is accurate, dated, detailed and honest. Do not be tempted to exaggerate. Where noise is the cause of the problem, describe the type of noise and how it affects you, for example: interrupting sleep; interference with concentration. Your evidence should allow you to "Paint a Picture" for the Magistrates in order that they may appreciate your problem.
5. It is possible to make the complaint to a Magistrates Court without the benefit of legal advice but you are strongly advised to familiarise yourself with Court procedure. In practice, the Clerk of the Court will guide you through the legislation, but you will need to present your own evidence.
6. The first stage at the Court is the issue of a summons on the person responsible for the nuisance. The summons requires that person to attend a hearing. On arrival at the Court, go to the office and explain that you wish to request a hearing under S.82 of the Environmental Protection Act 1990 and that you wish for a summons to be issued. A member of staff will guide you through the relevant procedures and you should take with you your evidence to demonstrate that you have an arguable case. You must be able to give them the full name and address of the person you consider to be responsible.
7. The Court will decide if the case is arguable, or will indicate what further information would be required. When satisfied they will issue the summons and notify you of a hearing date. A small charge will be made for the issue of the summons. The hearing date will be at least 21 days after the date of the summons.
8. You should continue to keep records and to gather other evidence up to the date of the hearing and you should take this with you to present on the day. You will need at least 3 copies of all your evidence which must be submitted to the Court before the hearing (the Court will advise you on this). Your evidence should be well-organised

and in date order. Each item must be referred to in your submission - they should be numbered to enable them to be easily identified.

9. At the hearing, the Magistrates will invite you to put your case, using witnesses where appropriate. They will then invite the defendant to respond. It is important to bear in mind that the defendant may be legally represented, and they may put questions to you.
10. After hearing the evidence, the Magistrates may be satisfied that the alleged nuisance exists, or is likely to recur. In that case, the Court must make an order which requires the defendant to abate the nuisance and/or prohibit its recurrence. They will specify a time limit and may specify works to be carried out. The Magistrate also has the facility to impose a fine, and to require the defendant to pay any expenses you have incurred.

If the Magistrates decide that there is no Statutory Nuisance, they will not issue an Order, and costs may be awarded against you.

WHAT HAPPENS IF THE NUISANCE CONTINUES?

A person who contravenes the requirements of an Order may be guilty of an offence and liable on conviction to a fine. It is also possible for an injunction to be issued which must be complied with. If the defendant continues to ignore the injunction, that person will be in contempt of Court and may be liable to imprisonment. As before you will need to provide evidence to prove that the nuisance has continued, and you may be liable to pay costs if you fail. There are certain defences in the Act which would be considered and you are advised to seek legal representation if you wish to pursue action for contravention of a Nuisance Order.

Officers from the Environmental Health Department can be contacted for advice regarding the application of these procedures and the evidence required. You must remember that these processes can take some time and your anonymity cannot be preserved. This action should not be taken lightly and may lead to poor relations with your neighbours.

Data Protection Notice

East Herts District Council is a Data Controller and can be contacted at: Wallfields, Pegs Lane, Hertford, SG13 8EQ.

The Council has an appointed Data Protection Officer who can be contacted at the same address.

We are collecting your personal data in order to:

1. to ensure that our records are kept up-to-date
2. to:
 - a. process your licence or consent application;
 - b. deal with your service request;
 - c. deal with a complaint;
 - d. process your grant enquiry and/or
 - e. ensure compliance with Environmental Health legislation

Your personal data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share such data under other legislation.

Your data will be kept for up to seven years, unless specific circumstances mean we will keep it for longer, in line with our retention policy.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information.

Any concerns or complaints regarding your personal data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113.

This Privacy Notice should be read with the Council's general Privacy policy which may be found on our website [Data Protection - East Herts District Council](#). If you do not have access to a computer, please let us know if you would like a copy of this.

The Environmental Health team are continually working to improve the way we work. As a user of our services, we are keen to include your views in this process. If you would like to provide feedback on the service you have received, please visit our website to complete a short on-line survey (<http://www.eastherts.gov.uk/ehcustomersurvey>)



PLAY

02 : 49



76dB

Quiet office



MIN

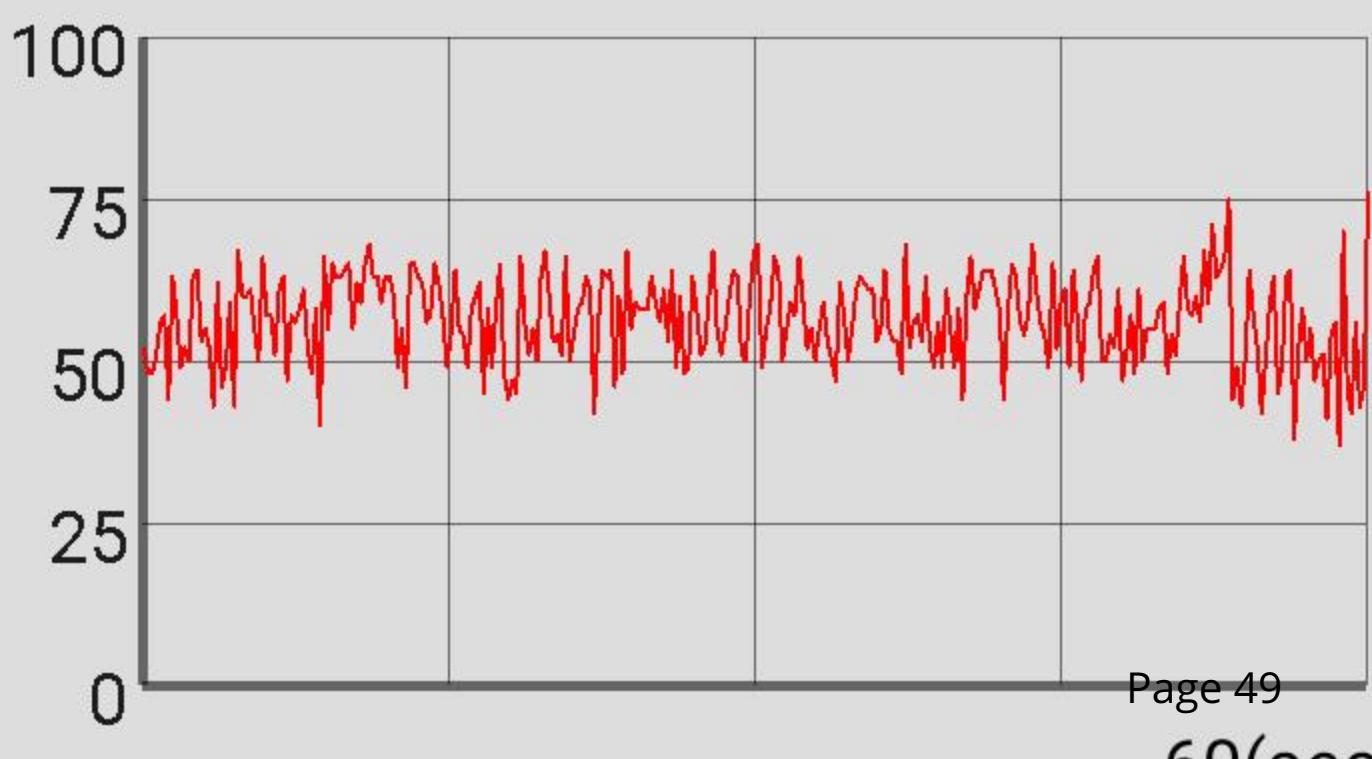
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Get more done with just your voice
on the Google Assistant

Try now



02 : 50

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Conversation



MIN

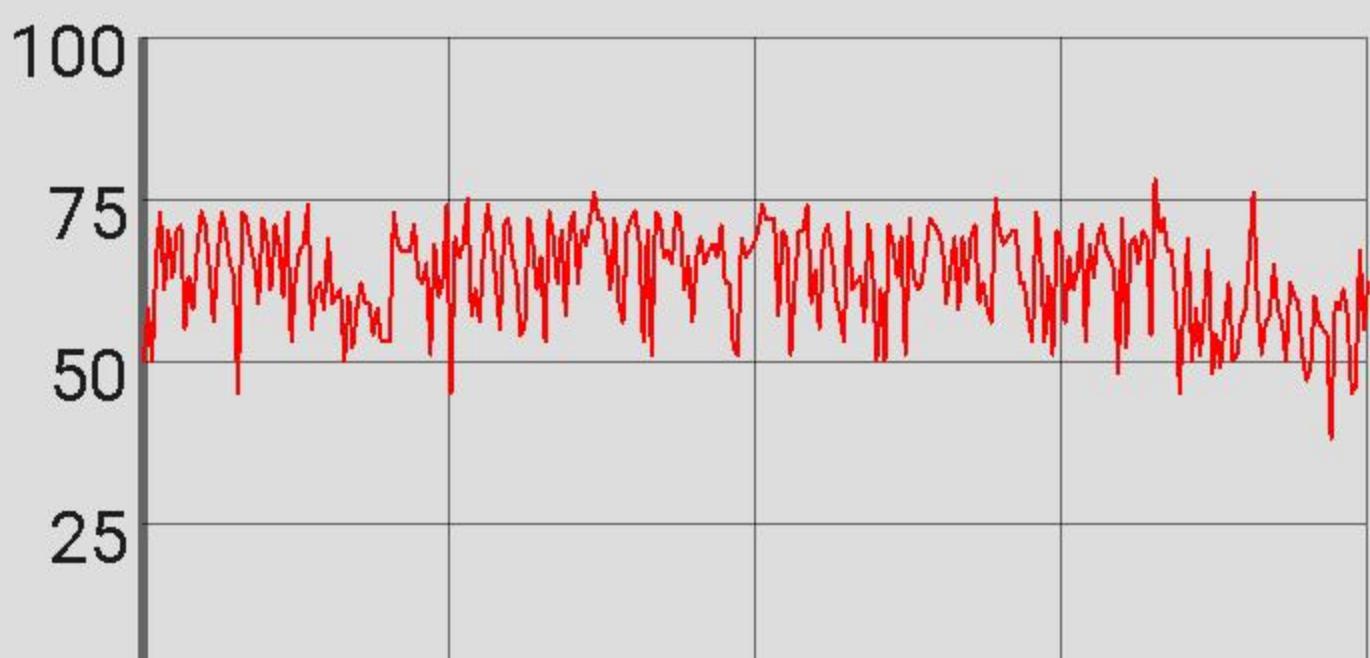
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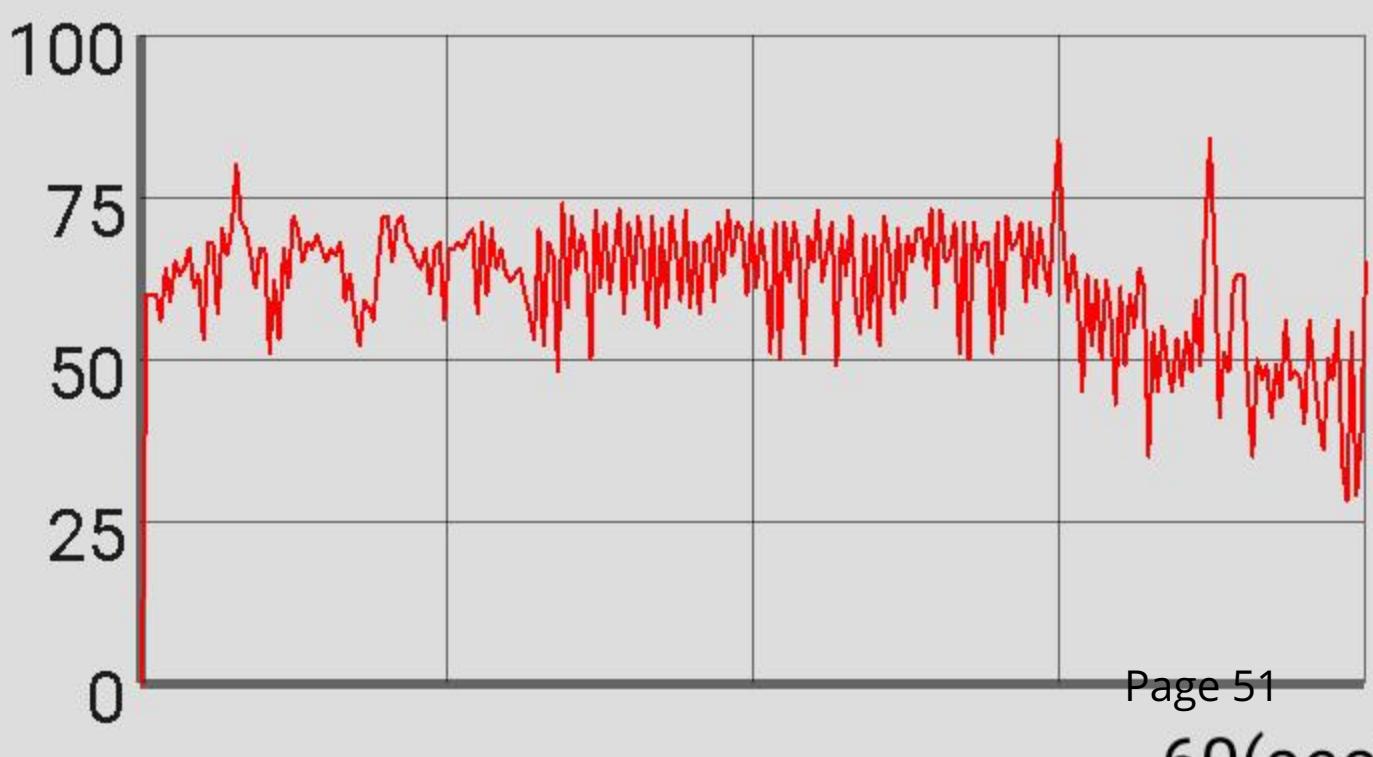
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Find the Latest Trends. 21
Best Shopping App.

INSTALL

03 : 23



67 dB

Busy traffic



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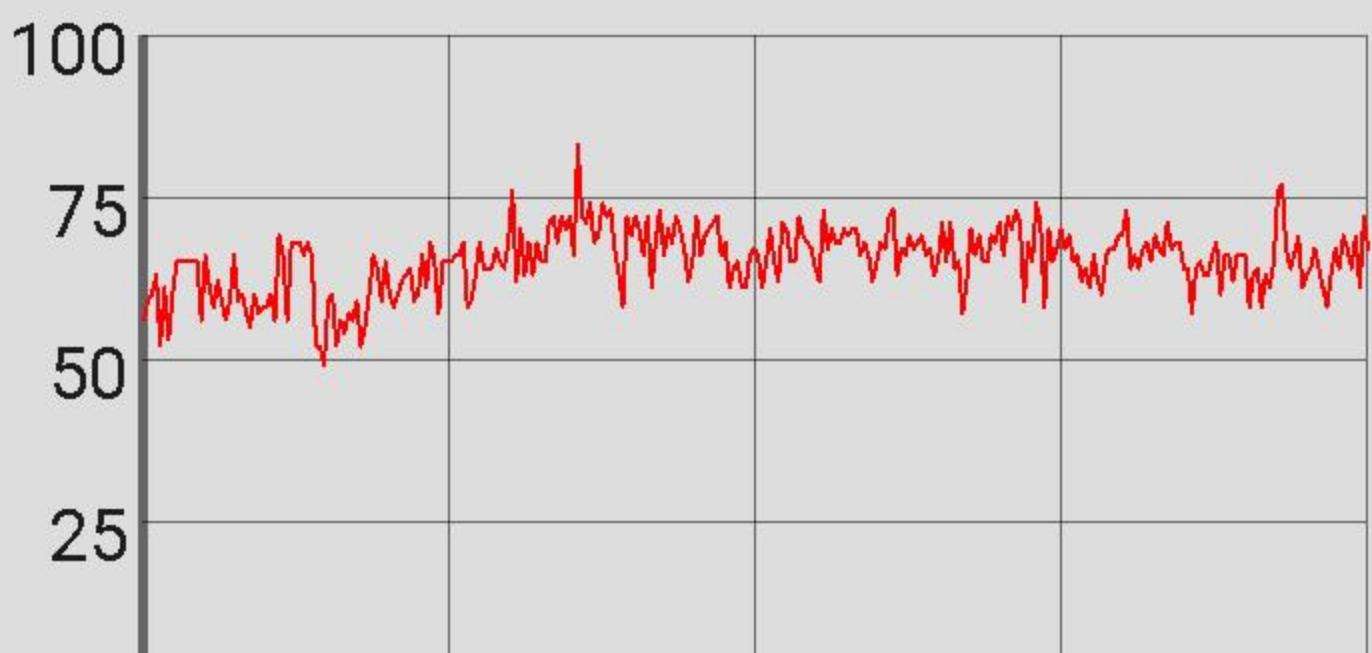
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MAX

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Find the Latest Trends. 21
Best Shopping App.

INSTALL

01 : 07



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Conversation



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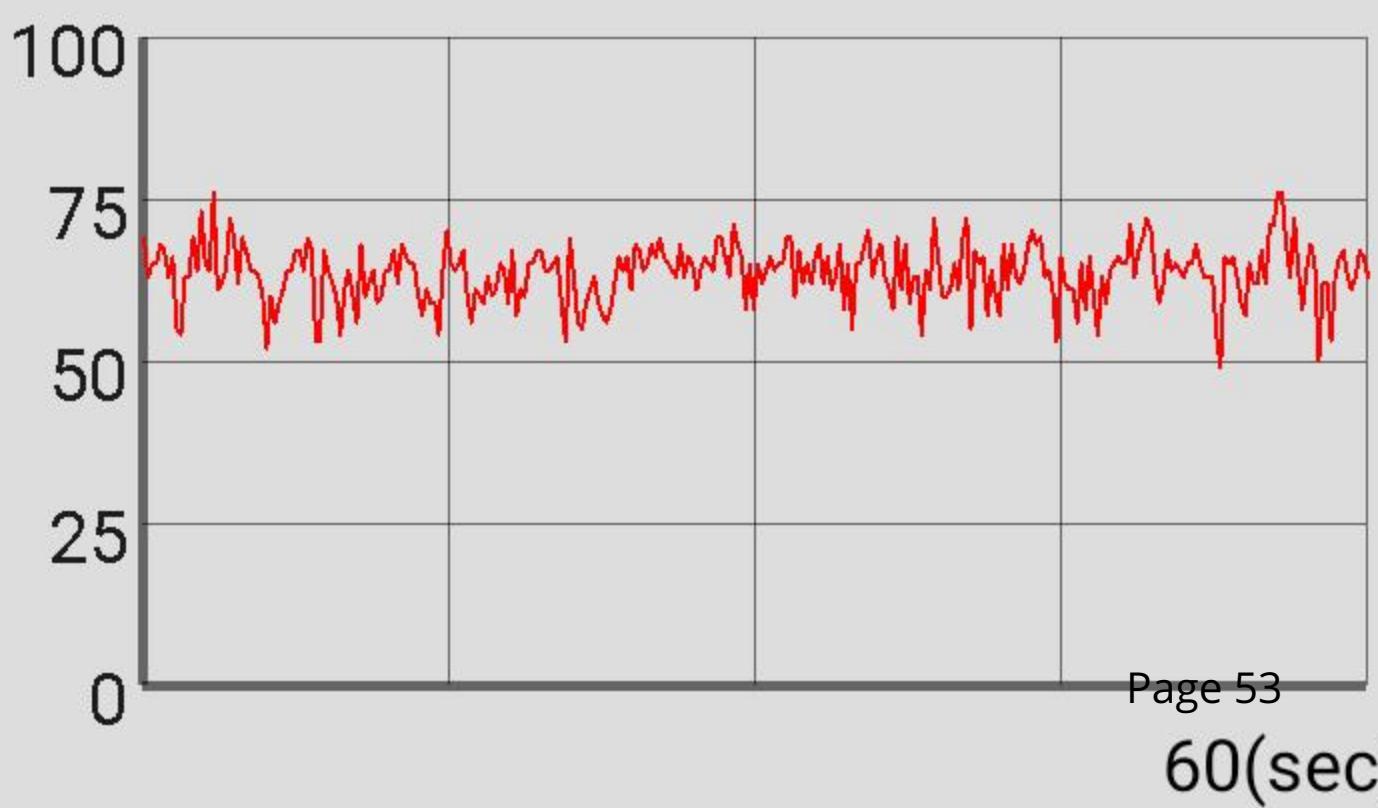
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Post Your Photos, Tag Friends And Family, And Share Your Creativity On...

Open

05 : 04



58dB

Quiet office



MIN

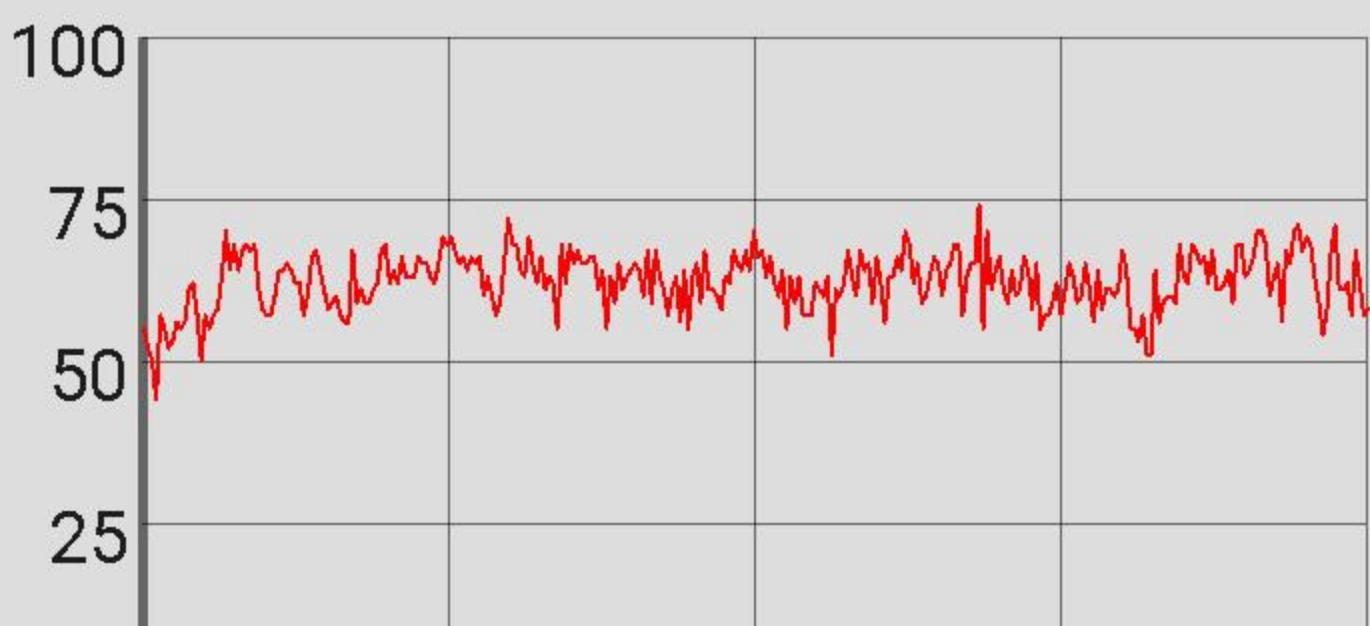
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Quiet office



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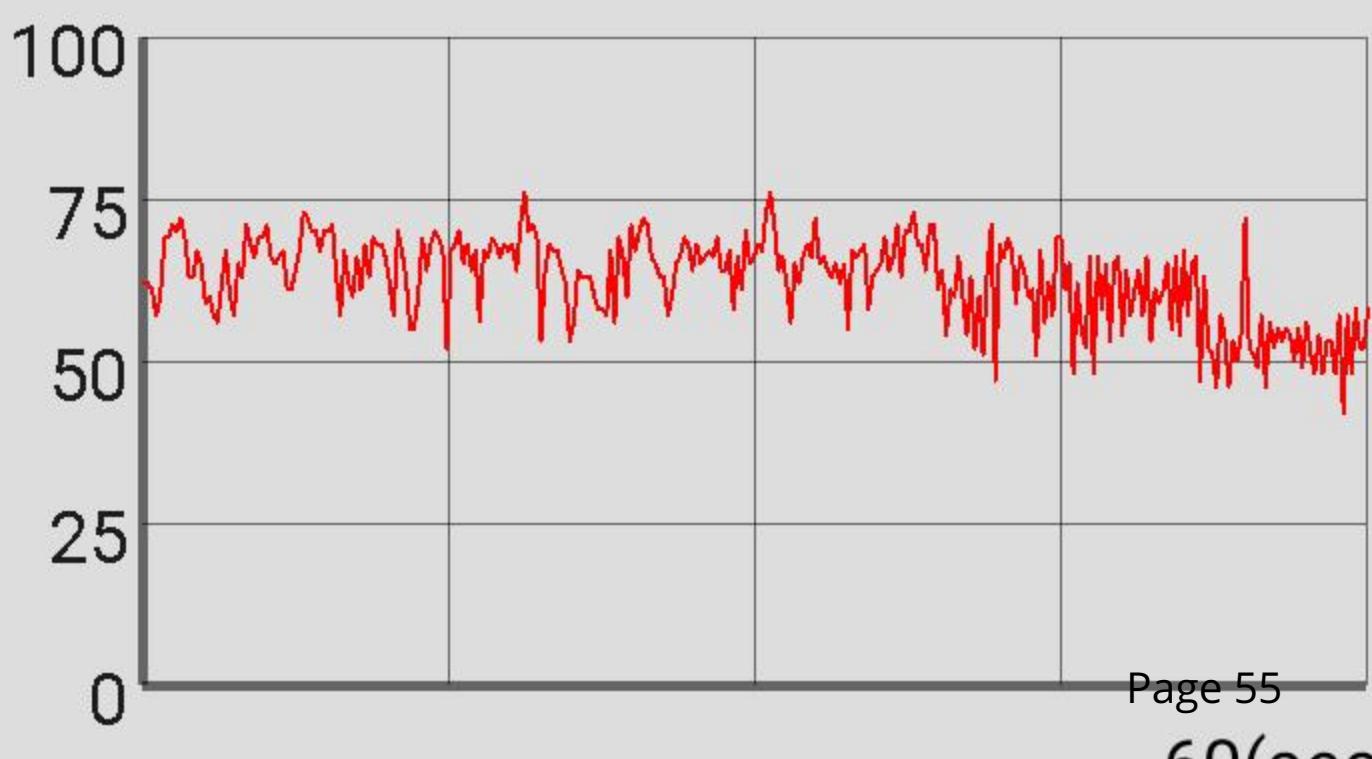
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AVG

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MAX

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Shop Anytime, Anywhere.

INSTALL

Retail Therapy App.

03 : 05



54dB

Quiet library



MIN

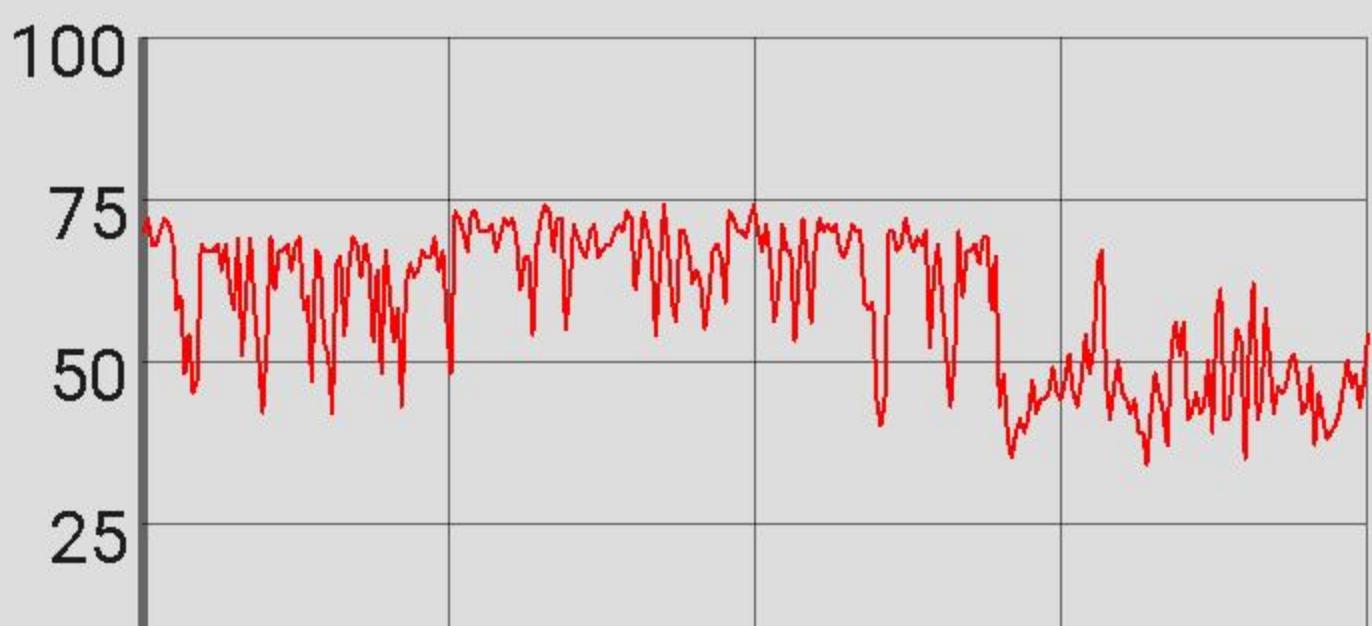
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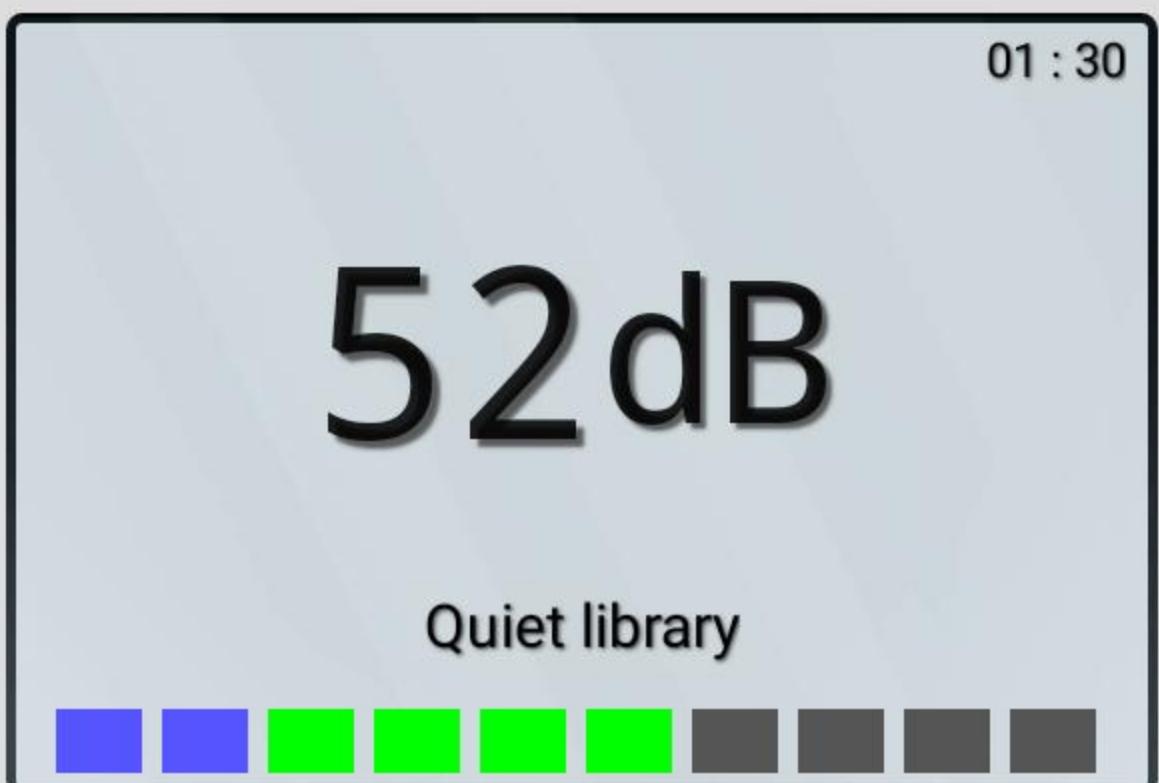
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You Name It, We Got It. We
Have What You Want.

INSTALL



MIN

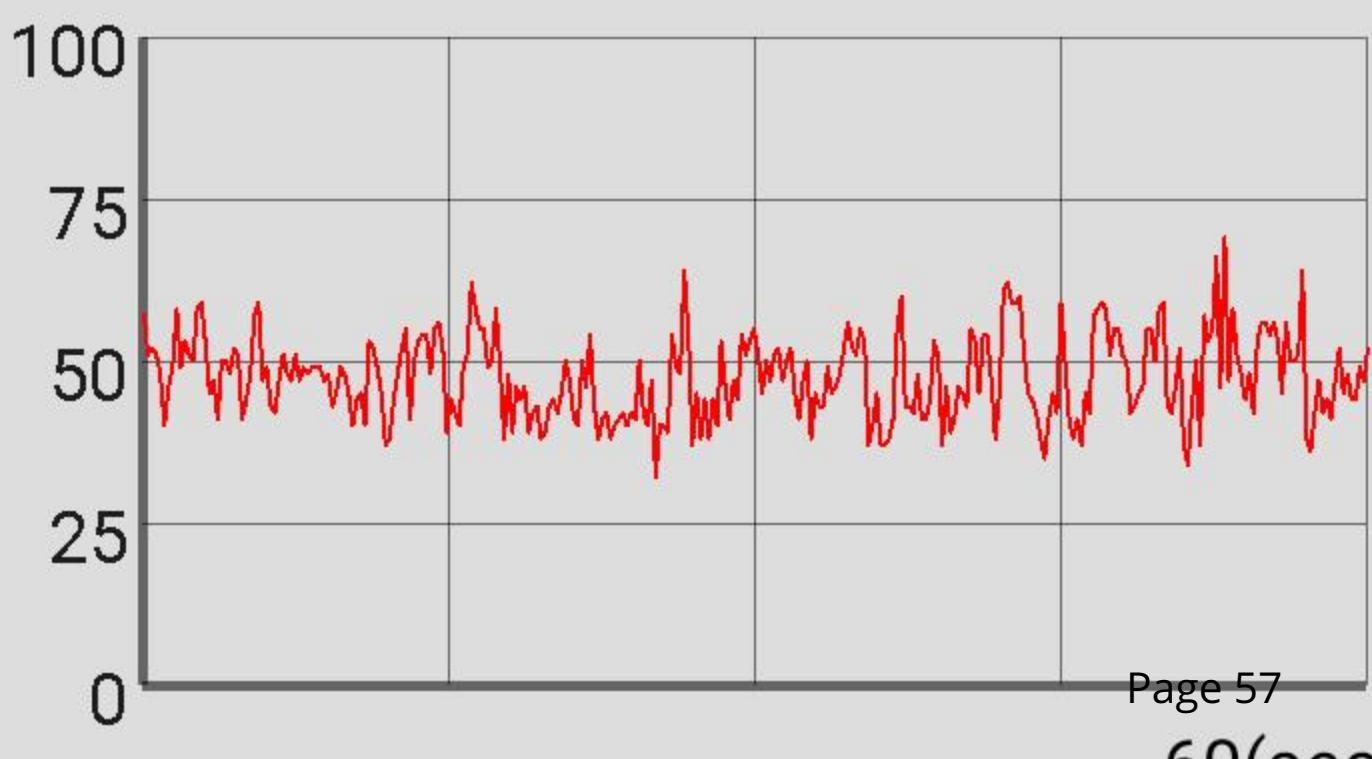
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And freebies.



02 : 01



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Conversation



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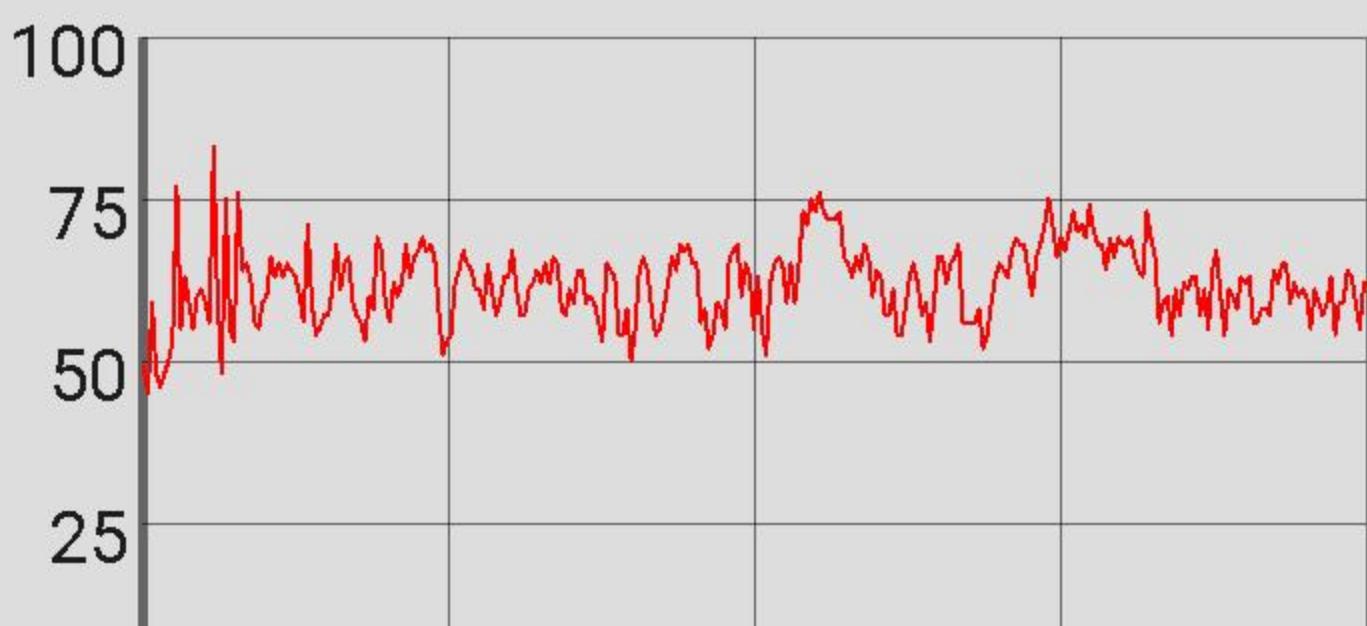
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Wish
4.4 ★

INSTALL

02 : 36



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ver. 1.0.1



MIN

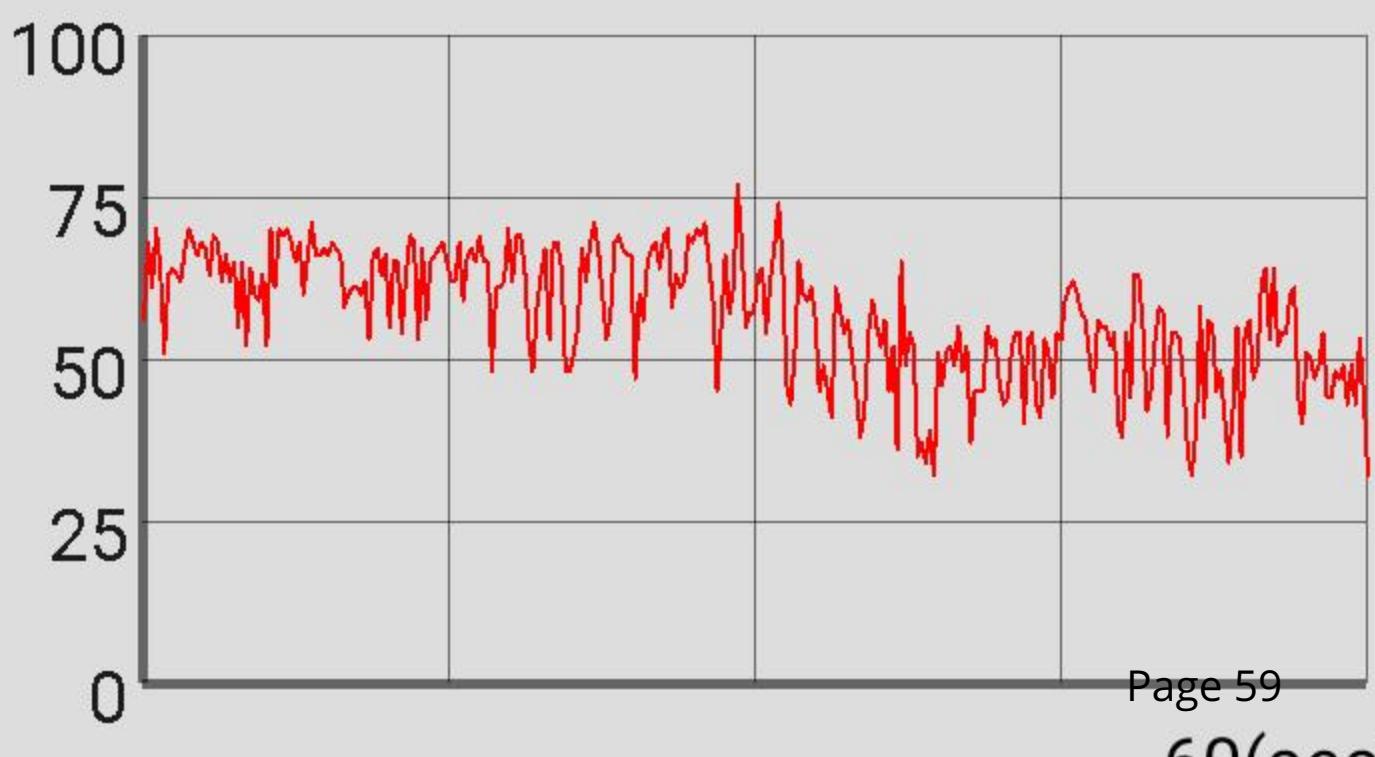
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Wish
4.4 ★

INSTALL

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Quiet library



MIN

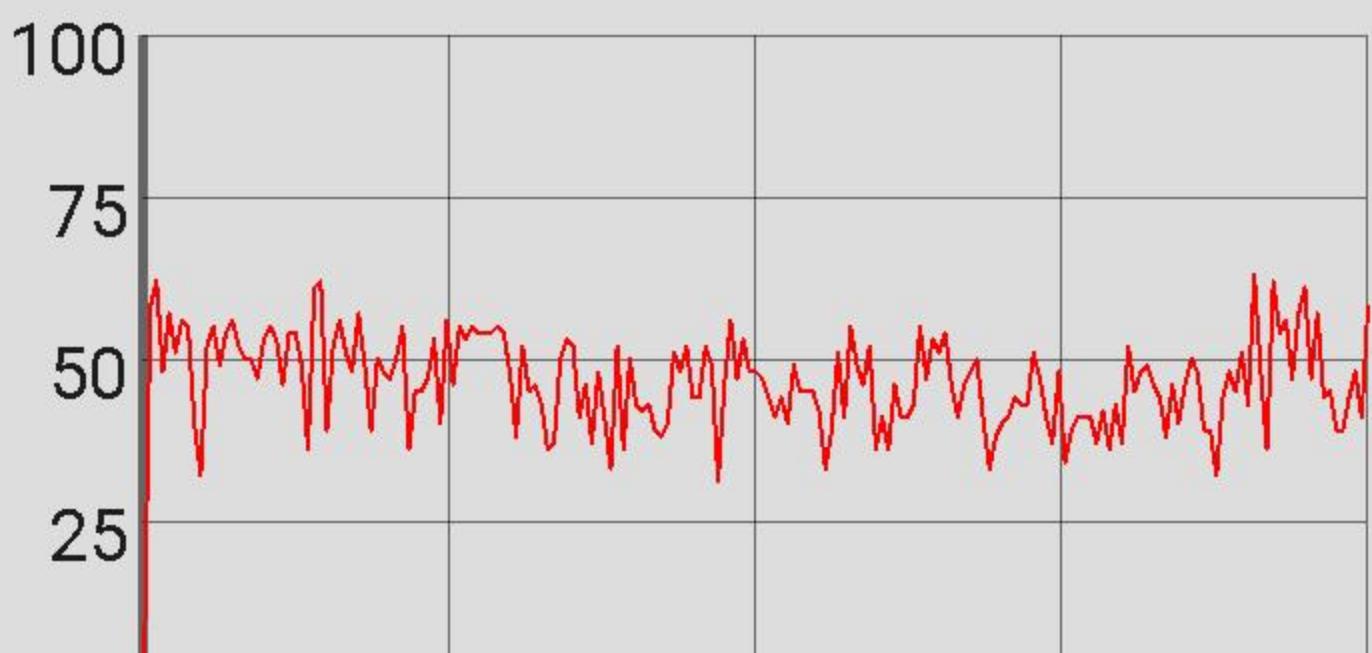
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G Pay

Google Pay

4.5 ★

DOWNLOAD

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Whisper



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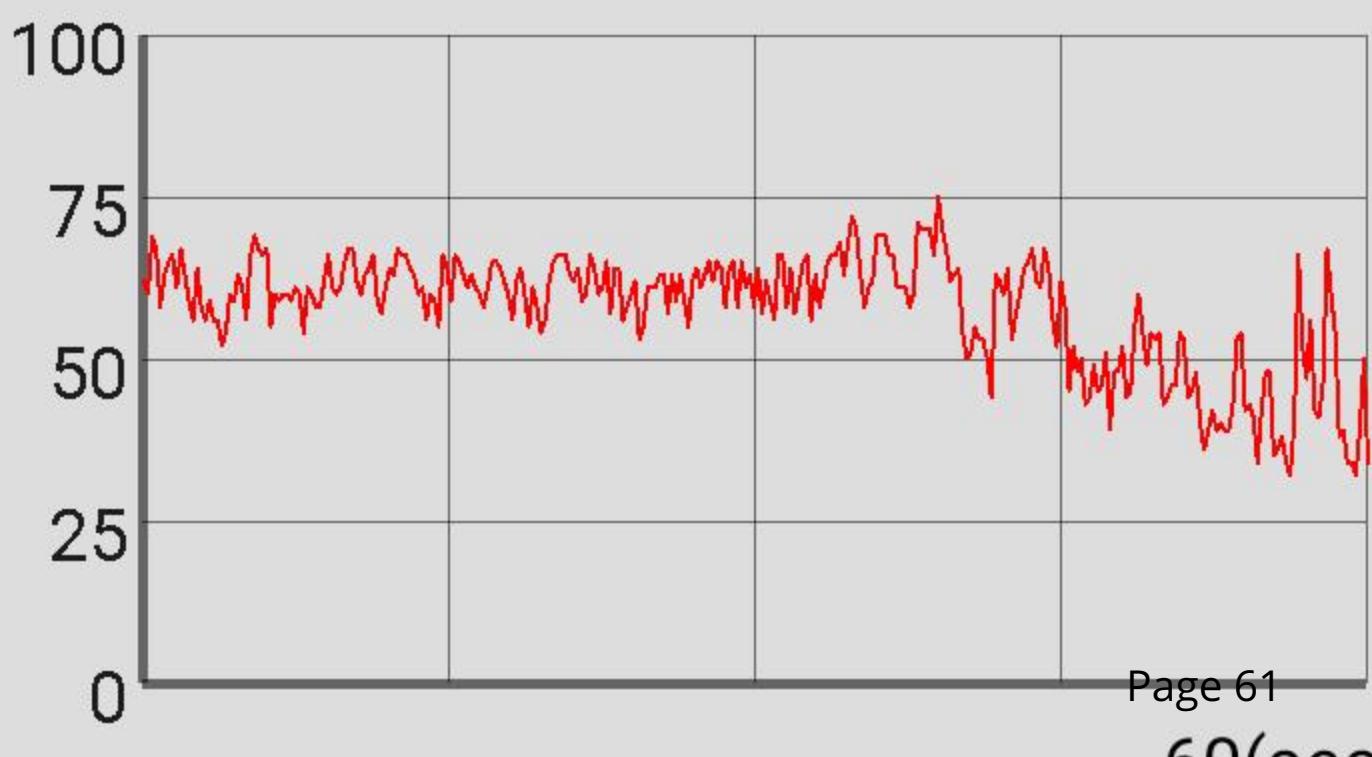
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G Pay

Google Pay

4.5 ★

DOWNLOAD

01 : 29



41 dB

Quiet library



MIN

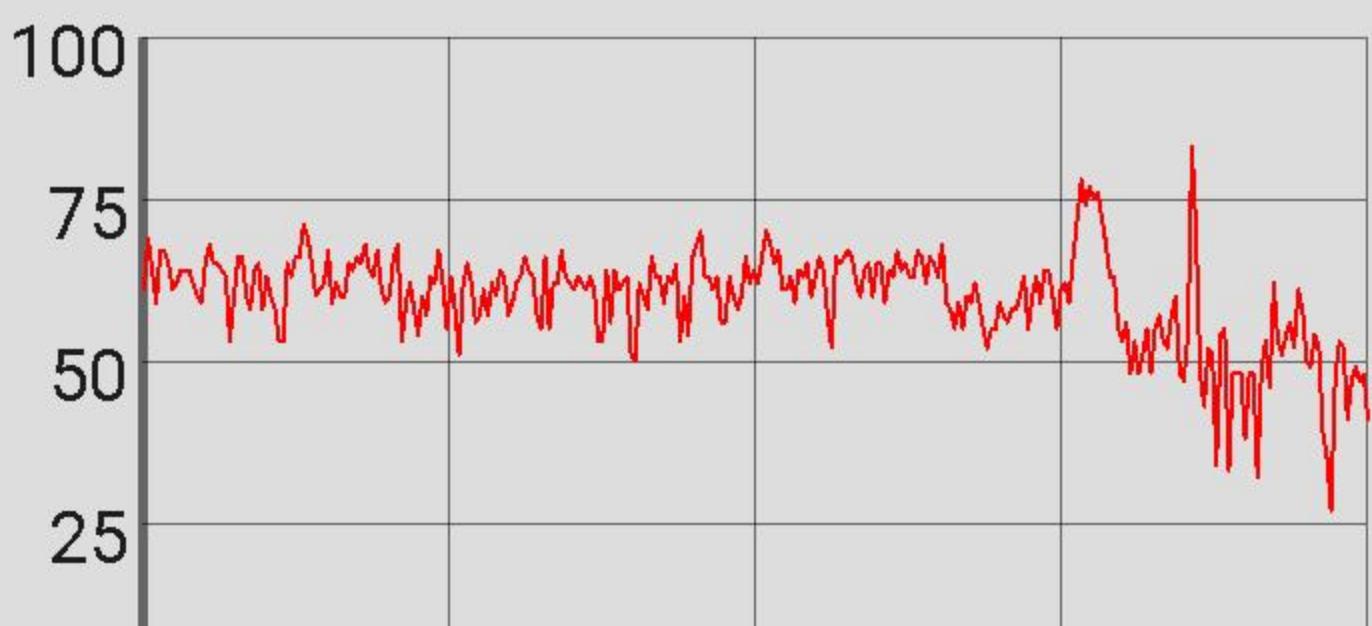
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Wish
4.4 ★

INSTALL

02 : 40



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Conversation



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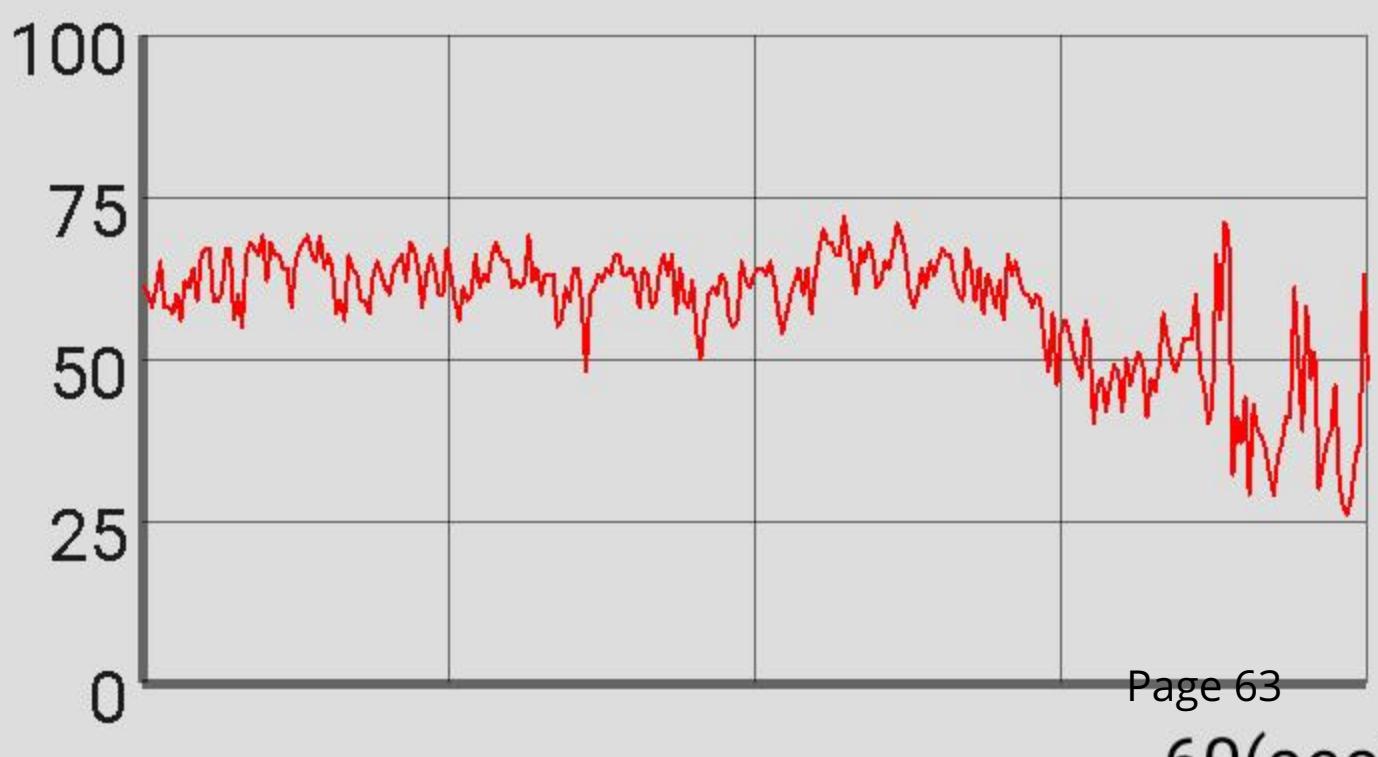
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EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITY

Responsible Authority (please delete as applicable):

~~Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority~~

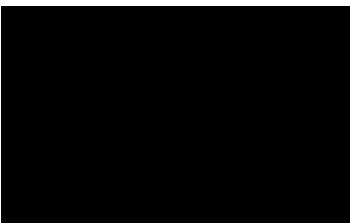
Your Name	
Job Title	Senior Technical Officer (Environment)
Postal and email address	Environment Team, Wallfields, Pegs Lane, Hertford, SG13 8EQ @eastherts.gov.uk
Contact telephone number	01992 [REDACTED]

Name of the premises you are making a representation about	The Mixer
Address of the premises you are making a representation about	6 Baldock Street, Ware, Hertfordshire, SG12 9DZ

Which of the four licensing Objectives does your representation relate to?	Yes or No	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	No	Not applicable.
Public safety	No	Not applicable.
To prevent public nuisance	Yes	<p>The Environment Team have received numerous complaints on and off over several years alleging noise nuisance coming from The Mixer in Ware. These have primarily been received from Ms King, the resident that has submitted this Review application, but also from other residents in Church Row, and in the main have related to alleged loud music / DJ events on Friday and / or Saturday nights.</p> <p>However, some complaints have referred to alleged noise from patrons (both inside and outside of the premises), and there have been complaints about the refuse arrangements for the premises and the intruder alarm sounding as well.</p> <p>Specific to the alleged noise, we have investigated these complaints, including having installed formal noise monitoring equipment in Ms King's property in November 2019. We have offered to do this again a couple of times recently but Ms King has said she isn't able to accommodate this again now.</p> <p>We have also made unannounced proactive visits to the location and reviewed the premises' CCTV in connection with certain allegations made. To date, we haven't been able to establish the existence of a statutory noise nuisance for the purposes of the Environmental Protection Act 1990 (the relevant legislation for noise and other nuisance complaints), so our formal powers haven't been engaged.</p>

		<p>We have, though, informally liaised with Mr Archer, the DPS for the premises on many occasions and given him appropriate advice / recommendations, further to which he has implemented a number of changes on a voluntary basis e.g. installing shutters to some of the windows for the pub, buying a new sound system to help reduce noise, redirecting speakers to point away from the residents' properties and reducing the number of bass speakers used.</p> <p>I note Ms King's request in the Review application that the premises' garden is either closed completely or alternatively earlier than 22:00, and that doors and windows should be required to be closed at the same time as the outdoor areas. These are common conditions in the interests of noise mitigation, although I would add keeping doors and windows closed is most often only a requirement during the provision of regulated entertainment.</p> <p>I would also add the Committee might want to consider how this might sit in the context of the ongoing COVID-19 pandemic and the general advice that well-ventilated spaces are better than enclosed spaces (I make this point for information only).</p> <p>In summary / conclusion, the Environment Team have received and investigated complaints about alleged noise nuisance from entertainment provided at the Mixer in Ware but, to date, have not established the noise complained about amounts to a statutory noise nuisance and, therefore, our formal powers have not been engaged to date. We have offered to install noise monitoring equipment recently but Ms King has advised she isn't able to accommodate this again. We will continue to investigate complaints, but to progress these will require further evidence, either from the installation of noise monitoring equipment or direct observations by officers during the provision of regulated entertainment.</p>
To protect children from harm	No	Not applicable.

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>None provided.</p> <p>This is a resident-led Review application. I am submitting this representation to confirm for the Licensing Sub-Committee's information that the Environment Team have received and investigated complaints relating to alleged noise nuisance coming from The Mixer, which is the basis of this Review application. We haven't, though, been able to establish that the noise complained about constitutes a statutory nuisance that we could deal with using our formal powers under the Environmental Protection Act.</p>
--	---

Signed: 

Date: **13th October 2021**

Please return this form along with any additional sheets to East Herts Licensing Authority, Wallfields, Pegs Lane, Hertford, Herts SG13 8EQ or email to community.protection@eastherts.gov.uk.

This form must be returned within the Statutory Period. For more details please check with the Community Protection Section Unit on 01279 655261

EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police – Hertfordshire Constabulary

Your Name	[REDACTED]
Job Title	Licensing Officer
Postal and email address	Hertford Police Station
Contact telephone number	01992 [REDACTED]

Name of the premises you are making a representation about	The Mixer
Address of the premises you are making a representation about	6 Baldock Street, Ware SG12 9DZ

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	YES	Please see Appendix A
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		

Signed: [REDACTED]

Date: 13/10/2021

Please return this form along with any additional sheets to: East Herts Licensing Authority, Wallfields, Pegs Lane, Hertford, Herts SG13 8EQ or email to community.protection@eastherts.gov.uk

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Appendix A

The governing principles of the Licensing Act are the four Licensing Objectives. All organisations and individuals involved in the running of Licensed Premises must do so with a view to promoting these Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The information contained within is in regards to the Prevention of Crime and Disorder, and the Prevention of Public Nuisance.

1 The Premise and Licence

1.1 This representation is made in relation to The Mixer, 6 Baldock Street, Ware, SG12 9DZ. The premise consists of a ground floor cocktail lounge / restaurant with first floor restaurant and cinema facility. There is a mix of both DJs and live music at the venue.

1.2 The Premise Licence Holder is Klunkie Ltd and the Designated Premise Supervisor is Joab ARCHER. The licence was transferred from China Red to the existing Premises Licence Holder on 25th July 2016.

1.3 The licensable hours are as below

	Sale of Alcohol	Recorded & Live Music	Films	Late Night Refreshment	Opening Hours
Monday - Saturday	1000-0000 hours	1000-0030 hours	1900-2200 hours	2300-0000 hours	1000-0030 hours
Sunday	1200-2330 hours	1200-0000 hours	1900-2200 hours	2300-2330 hours	1200-0000 hours

1.4 The conditions on the licence under Annex 2 are below

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. On Thursday, Friday and Saturday when the premises is open for licensable activities, after midnight there is to a minimum of 1 door supervisor on duty.
2. A digital closed circuit television (CCTV) system to be installed internally ensuring all entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
3. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
4. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.
6. There shall be no admittance or re-admittance to the premises after 23.00 except for patrons permitted to temporarily leave the premises to smoke.
7. No more than 10 customers at any one time allowed outside to smoke after 6pm on any evening.
8. The premises license holder shall display A4 size notices at all exits and entry with clear wording no smaller than size 50 font asking persons arriving at, queuing or departing the venue to discourage from noise and be respectful of the premises neighbours.
9. The Premises License Holder shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.
10. Customers will not be permitted to enter or leave the premises with alcohol.
11. No use of the rear courtyard area after 22.00.
12. A 'Challenge 25' proof of age scheme shall be operated at the premises.

Information known to Police

1.5 Police records show the following reports linked to The Mixer.

- Eleven reports between 05/10/2019 and 25/06/2021 in relation to noise, including music from the premises. These reports were received from at least 5 different people, two of the reports were made anonymously so it could be from a total of 7 different people. Some of these reports also report breaches of COVID regulations.
- Two reports on 05/12/2020 and 13/12/2020 were in relation to COVID breaches that did not involve noise or music.
- Two reports on 13/06/2021 and 03/07/2021 were in relation to noise from people rather than music.
- Twelve reports from staff members between 02/06/2018 and 11/7/2021 in relation to incidents at the premise. Six of these incidents resulted in crimes being recorded for assaults and criminal damage. The other six incidents involved reports of people who are drunk and / or aggressive causing issues but no crimes were recorded.
- Four reports on the following dates, 22/12/2017, 27/01/2018, 09/02/2019 and 18/09/2021 from [REDACTED] in relation to a male neighbour harassing the staff at The Mixer by leaving aggressive notes on their

cars and shouting at them. One of the reports was in relation to the male causing damage to some signs.

- Two reports on the 11/08/2020 and 15/08/2020 from [REDACTED] in relation to a female neighbour causing them issues due to parking by swearing at customers and placing fake tickets onto vehicles.

1.6 EHDC Licensing Enforcement visited [REDACTED] at the premise on 16/06/2021, following a complaint of Licence breaches passed to them by Environmental Health:

- a) Use of the courtyard after 22:00 hours on two occasions; misunderstanding with staff, issue addressed.
- b) Storage retention of CCTV system 7 days instead of 31 days.

A warning letter was sent to Joab following this meeting, highlighting the breaches. A follow up visit was conducted on 21/07/2021, the breaches had been addressed.

1.7 On 25th June 2021 PCSO [REDACTED] responded to a call in relation to noise from The Mixer. She attended at 2125 hours and parked on the opposite side of the road. The music was loud, she could hear that there was a DJ and could see people dancing inside, the windows were open. The officer recorded the music on her mobile phone before attending the premise to speak with the manager, [REDACTED]. He was unhappy about being asked to turn the music down as he didn't believe it was loud.

1.8 PC [REDACTED] attended the location during the Euro football games on 07/07/2021 and 11/07/2021. On the first occasion there were numerous people outside the premises and within the archway being extremely noisy.

1.9 PC [REDACTED] witnessed loud music coming from the premises on Friday 23rd July 2021 along with people shouting and singing. He noted that the archway next to the premises was packed and he observed a female climbing in through a window. PC [REDACTED] states that he could hear the music while stood at the Fire Station approximately 180 meters away.

1.10 On Friday 27/08/2021 PC [REDACTED] again noted, when driving passed, that the music coming from the Mixer was extremely loud at 2250 hours. There were people in the archway drinking and being noisy. PC [REDACTED] was present with PC [REDACTED] and recorded this on his body worn camera.

1.11 [REDACTED] has engaged with responsible authorities. He also attends the local PubWatch meeting regularly. A number of meetings have been held over the years to discuss the issues being raised by residents however the reports have continued.

1.12 On 14/9/21 [REDACTED], Police licensing officer met with Joab Archer to suggest conditions in relation to the outside areas that would help lessen the impact on the residents. They were;

- Prior to 20:00 hours, the courtyard at the rear of the premises will be restricted to a maximum of 10 (ten) persons at any time. (Currently 20 (twenty)).
- The use of the courtyard at the rear of the premises between 20:00 – 22:00 hours:
 - a) To be used as a designated smoking area only.
 - b) No open vessels to be permitted in this area.
 - c) There are to be no more than 5 (five) people using this area at any one time.
- From 20:00 hours, no customers to congregate in the alleyway to the side of the premises, unless queuing to get into the venue.
- From 20:00 hours, no customers to congregate in the alleyway to the side of the premises, unless queuing to get into the venue
- The following Conditions apply to the designated smoking area on the pavement to the front of the premises:
 - a) There are to be no more than 10 (ten) people using this area at any one time.
 - b) No open vessels to be permitted in this area.
 - c) Staff from the premises to monitor this area when in use by customers

Joab was not in agreement to the addition of the above Conditions to his Premises Licence.

1.13 [REDACTED] stated that on Saturday 11 September, he did try to move the smoking area from underneath the archway, to the pavement at the front of the building. He barriered off the area but found that it didn't work as people walking past were stopping to speak to people in the smoking area, causing congestion and loitering. Also, people that were walking along the pavement, were forced to step into the road.

1.14 [REDACTED] has stated he would agree to the following conditions,

- When music is being played inside the premises, above background level, all doors and windows to be closed after 22:00 hours except for ingress and egress unless otherwise stated, subject to UK Government pandemic guidelines.
- From 16:00 hours, no customer pedestrian access from the premises to the car park at the rear of the premises, unless during an emergency situation.
- Between 22:00 hours and 09:00 hours, there shall be no disposal of bottles, or other refuse, or deliveries or collecting, relating to licensable activities at the premises, except the weekly refuse collection.
Deliveries to be made to the front of the premises only.

- A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.
- In addition to the dispersal policy, the Premise Licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the time the premises are due to close. This must include lowering any music, informing people of the approaching closing time, not selling excessive amounts of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have prior to closure.
- The Licence Holder shall actively participate in the PubWatch Scheme, including attending the meetings, and supporting the PubWatch banning systems including keeping records and sharing information with the police.
- There will be no use of outside speakers at the rear of the premises.

1.15 There is clear evidence that at times the music played at The Mixer is loud and would impact on residents in the area. There is also evidence that customers from the Mixer congregate in the archway area to the side of the premises causing a noise nuisance.

1.16 The premise licence holder needs to control the use of all outside areas as the evening progressive to lessen the impact on local residents. It is therefore necessary for conditions to be added to the licence to restrict the use of these areas.

1.17 Due to the deregulations conditions in relation to music prior to 2300 hours do not apply. There it is recommended that the deregulation exemption is removed in order for conditions prior to 2300 hours to apply.

Report completed by Ps 2182 [REDACTED] and Licensing Officer, [REDACTED]

East Herts Community Safety Unit

From: [REDACTED]
Sent: 14 September 2021 21:41
To: [REDACTED]
Subject: Comments for Licensing Application 21/0739/PLR

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 14/09/2021 9:40 PM from [REDACTED]

Application Summary

Address: 6 Baldock Street Ware Hertfordshire SG12 9DZ
Proposal: Review - Premises Licence
Case Officer: [REDACTED]

[Click for further information](#)

Customer Details

Name: [REDACTED]
Email: [REDACTED]
Address: [REDACTED] Ware SG12 0 [REDACTED]

Comments Details

Commenter Type: Councillor
Stance: Customer objects to the Licensing Application
Reasons for comment:
Comments: 14/09/2021 9:40 PM I have concerns about this application as the noise levels from The Mixer sometimes constitute a Public Nuisance and I have received complaints from residents of the town (as Mayor) and my ward. Although I do not represent Ware Christchurch ward, in which The Mixer lies, noise from loud music does sometimes reach residents in my ward (Ware St Mary's). In my experience, as well as for others, it can be unpleasantly loud when walking along Baldock Street and disturb the relatively peaceful atmosphere of the town and the Conservation Area in which it is situated. It is noticeably louder than other similar establishments in the vicinity and considerably louder than the China Red restaurant and takeaway which it replaced. In the review of the licence I would suggest that consideration should be given on whether additional conditions should be required and enforced.

Kind regards

From: [REDACTED]
Sent: 16 September 2021 11:18
To: [REDACTED]
Subject: [External] The Mixer, Baldock Street, Ware
Categories: [REDACTED]

Sent from [Mail](#) for Windows

As a Ware town councillor for the Christchurch Ward of Ware, which includes The Mixer, I wish to add my comments to the application to review this licence.

For several years there have been complaints about this premises. Loud music prevents local residents from sleeping until the early hours of the morning. I have heard this music. It is painfully loud if you are passing by, particularly if the windows are open. On Saturday 11th September at 7.00 p.m. I was walking along Baldock Street which involved passing The Mixer. The doors onto the street were open and a barrier had been erected along the middle of the pavement to prevent pedestrians from entering the property or colliding with the doors. I am not sure if there was sufficient room on the pavement for an invalid mobility scooter, a baby buggy or any form of walking aid. Music was being played.

[REDACTED]
Town Councillor
Ware Christchurch Ward



Virus-free. www.avg.com

From: [REDACTED]
Sent: 22 September 2021 14:49
To: [REDACTED]
Subject: [External] The Mixer, 6 Baldock Street, Ware

To whom it may concern.

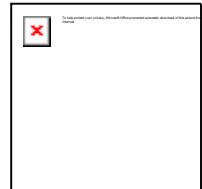
I recently have seen the notice placed in the Mixer's window.
During the 5 years we have been neighbours, we have never had an issue with noise.

Yours Sincerely

--

[REDACTED]
Director
[REDACTED]

[REDACTED]
■ Baldock Street
Ware
Hertfordshire
SG12 9D■
[REDACTED]
[REDACTED]



From: [REDACTED]
Sent: 06 September 2021 11:28
To: [REDACTED]
Subject: Comments for Licensing Application 21/0739/PLR

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 06/09/2021 11:27 AM from [REDACTED].

Application Summary

Address:	6 Baldock Street Ware Hertfordshire SG12 9DZ
Proposal:	Review - Premises Licence
Case Officer:	[REDACTED]

[Click for further information](#)

Customer Details

Name:	[REDACTED]
Email:	[REDACTED]
Address:	[REDACTED] Chapmore End Ware SG12 [REDACTED]

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer made comments in support of the Licensing Application
Reasons for comment:	
Comments:	06/09/2021 11:27 AM The mixer is a great friendly place to go to not just as a venue but a restaurant also. I have never witnessed any trouble and it always has a great atmosphere. It is one of the nicer bars/venues in the area

Kind regards

From: [REDACTED]
Sent: 13 October 2021 14:58
To: [REDACTED]
Subject: [External] Premises Licence - The Mixer, Baldock Street, Ware, SG12 9DZ

Dear Sirs,

Further to the notice of application by M King to review the premises licence for The Mixer, 6 Baldock Street, Ware, SG12 9DZ, the grounds for the review application are that the operation of the premises has undermined three of the licensing objectives namely: prevention of public nuisance.

I am a resident of Black Swan Court, which is across the road from The Mixer. My home is situated [REDACTED] in Baldock Street. My home is set back in the courtyard and this is the back of my home which is some way away from the Mixer.

My house is double glazed and my windows are shut at the back of my home. I have the front bedroom window open.

When live music/DJ is being played at the Mixer I can hear this not only in my kitchen which is at the back of my house but also in the front room and in my front bedroom. The sound resonates within my home and is extremely noisy with a "boom boom" sound. This is totally unacceptable especially late into the night.

Some of my neighbours are also complaining, one of which is in her 80s and really she shouldn't have to put up with this.

Is there really any good reason why this music should be played so loud so the whole of Baldock Street and beyond can hear it?

I feel for the people in the direct vicinity of the Mixer, because if I can hear it (and I might add I am deaf in one ear) then it must sound like it is in the properties of those residents in the direct vicinity.

Everyone has a right to a peaceful life, I should imagine those people in the flats must have sleep deprivation it is wholly unacceptable and unfair to the people living within earshot of this pub. It is definitely a public nuisance in view of how high the volume of this music is.

If I can be of further assistance, please let me know.

Yours faithfully

From: [REDACTED]
Sent: 30 September 2021 18:50
To: [REDACTED]
Subject: [External] The Mixer Ware.

To east Herts.C.P.

Upon hearing that there has been complaints about noise from the mixer ware. I would like to defend this business by saying that I don't have a problem with noise from them. Living at 15 church row mews for 2 years in a flat that overlooks their court yard. I never hear any noise from here and have never heard any disturbances.

Hopefully this goes someway to discrediting any complaints from neighbours further away.

Yours sincerely,

Get [Outlook for Android](#)

District of East Hertfordshire
Premises Licence
Licence No: 17/0170/PLMV

Licensing Act 2003

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
The Mixer 6 Baldock Street, Ware, Hertfordshire, SG12 9DZ	Telephone: 01920413750	
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
SALE OF ALCOHOL		
Good Friday	12:00	23:30
Monday to Saturday	10:00	00:00
Sunday	12:00	23:30
Christmas Day	12:00	23:30
On New Year's Eve the sale of alcohol shall be allowed from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.		
FILMS		
Monday to Sunday	19:00	22:00
LIVE MUSIC		
Monday to Saturday	10:00	00:30
Sunday	12:00	00:00
LATE NIGHT REFRESHMENT (INDOORS)		
Good Friday	23:00	23:30
Monday to Saturday	23:00	00:00
New Year's Eve	23:00	05:00
Sunday	23:00	23:30
Christmas Day	23:00	23:30
RECORDED MUSIC		
Good Friday	12:00	00:00
Monday to Saturday	10:00	12:30
New Year's Eve	10:00	02:30
Sunday	12:00	00:00
Christmas Day	12:00	00:00
THE OPENING HOURS OF THE PREMISES		
Good Friday	12:00	00:00
Monday to Saturday	10:00	00:30
Sunday	12:00	00:00
Christmas Day	12:00	00:00

The opening hours of the premises shall also be permitted from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption on the Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Klunkie Ltd
Manufactory House, Bell Lane, Hertford, Hertfordshire, SG14 1BP
info@themixer-ware.co.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Company Number - 09677740

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mr. Joab Archer

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Personal licence number:
Licensing Authority: East Herts Council

ANNEX 1 – MANDATORY CONDITIONS

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises

(other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

10. The admission of children under 18 to any film exhibition must be restricted in accordance with any recommendation made by the film classification body specified in section 4, Video Recordings Act 1984 unless the licensing authority notifies the holder of the premises licence that recommendations made by the licensing authority must be followed instead.

11. Any individual employed on the premises to conduct a security activity (within the meaning of paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

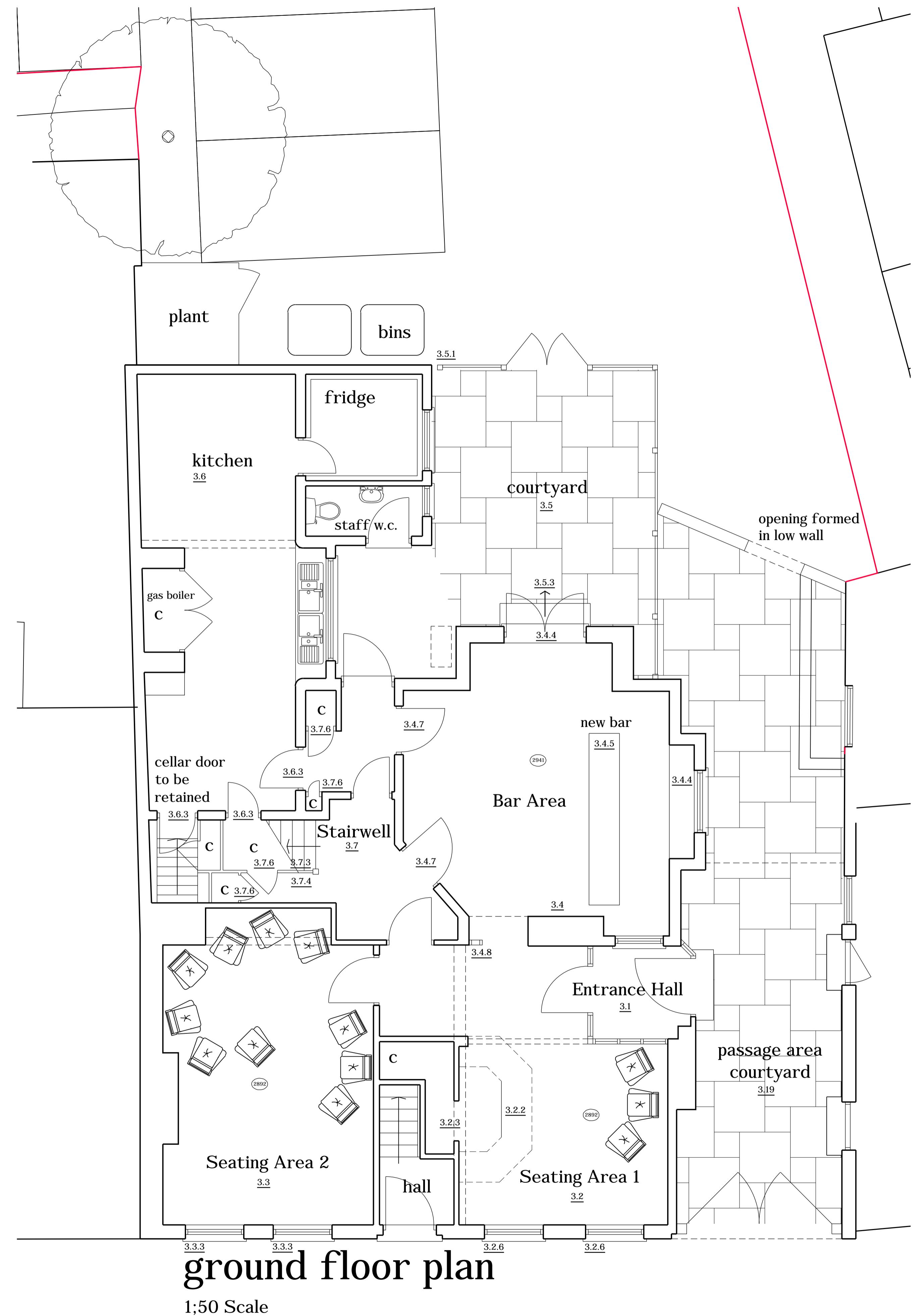
1. On Thursday, Friday and Saturday when the premises is open for licensable activities, after midnight there is to a minimum of 1 door supervisor on duty.
2. A digital closed circuit television (CCTV) system to be installed internally ensuring all entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
3. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
4. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.
6. There shall be no admittance or re-admittance to the premises after 23.00 except for patrons permitted to temporarily leave the premises to smoke.
7. No more than 10 customers at any one time allowed outside to smoke after 6pm on any evening.
8. The premises license holder shall display A4 size notices at all exits and entry with clear wording no smaller than size 50 font asking persons arriving at, queuing or departing the venue to discourage from noise and be respectful of the premises neighbours.
9. The Premises License Holder shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.
10. Customers will not be permitted to enter or leave the premises with alcohol.
11. No use of the rear courtyard area after 22.00.
12. A 'Challenge 25' proof of age scheme shall be operated at the premises.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

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ANNEX 4 - PLANS

6 Baldock Street, Ground Floor Layout
Drawing No - 12085-P-003-A
Date - 01/06/16



3.0 Schedule of Internal Works

The following provides an overview of the proposed internal works to be carried out within 6 Baldock Street.

Ground Floor

3.1 Entrance Hall

- 3.1.1 Remove modern wallpaper. Prepare all surfaces for painting and apply 2 coats of emulsion.
- 3.1.2 Renew floor matting.
- 3.1.3 Keep original features. Repair, restore and redecorate if required.
- 3.1.4 The above proposals should have no impact on the historical fabric of the building.

3.2 Seating Area 1

- 3.2.1 Remove air conditioning unit.
- 3.2.2 Remove bar and bar canopy.
- 3.2.3 Cover hole under stairs and to the rear of the existing bar with stud wall manufactured from wood.
- 3.2.4 Remove modern wallpaper. Prepare all surfaces for painting and apply two coats of emulsion.
- 3.2.5 Remove laminate flooring. Assess concrete floor once exposed and either cover with reclaimed floorboards or carpet.
- 3.2.6 Repair windows to a working order. Prepare all surfaces and repair if necessary paint using two coats of emulsion.
- 3.2.7 Keep original features. Restore and redecorate where required.
- 3.2.8 The above proposals should have no impact on the historical fabric of the building.

3.3 Seating Area 2

- 3.3.1 Remove air conditioning unit.
- 3.3.2 Remove modern wallpaper. Prepare all surfaces for painting and apply two coats of emulsion.
- 3.3.3 Remove existing carpet. Assess floorboards once exposed, repair and make good for use.
- 3.3.4 Repair windows to a working order. Prepare all surfaces and repair if necessary paint using two coats of emulsion.
- 3.3.5 Keep all original features. Make good and redecorate where required.
- 3.3.6 The above proposals should have no impact on the historical fabric of the building.

3.4 Bar Area

- 3.4.1 Remove air conditioning unit.
- 3.4.2 Remove modern wallpaper. Prepare all surfaces for painting and apply two coats of emulsion to all areas.
- 3.4.3 Remove existing carpet. Assess floorboards once exposed, repair and make good for use.
- 3.4.4 Repair windows to a working order. Prepare all surfaces and repair if necessary paint using two coats of emulsion.
- 3.4.5 Construct bar as shown on drawing no. P12085-P-003.
- 3.4.6 Keep all original features. Repair, restore and redecorate where required.
- 3.4.7 Paint Victorian doors in intumescent paint. Door to kitchen lobby will be 3.5.1 made good for working order. Door to stair hall to be locked and shown to be locked at all times.
- 3.4.8 Removal of short section of timberwork.
- 3.4.9 The above proposals should have no impact on the historical fabric of the building.

3.5 Courtyard

- 3.5.1 Construct walled area as per dimensions shown on drawing no. P12085-P-003 will include an emergency exit with direct access to the car park area.
- 3.5.2 Create decking floor fit for purpose.
- 3.5.3 Entrance to garden will be through the french doors situated at the rear of the Bar Area.
- 3.5.4 The above proposals should have no impact on the historical fabric of the building.

3.6 Kitchen

- 3.6.1 Renew kitchen equipment for equipment suitable for purpose.
- 3.6.2 Prepare all surfaces for painting and repair where necessary. Cover with two coats of paint suitable for use in kitchen area.
- 3.6.3 Prepare all doors in kitchen and hallway area for painting and apply two coats of paint using intumescent paint.
- 3.6.4 The above proposals should have no impact on the historical fabric of the building.

3.7 Internal Stair Hall and Stairwell (leading to first floor)

- 3.7.1 Remove modern wallpaper. Prepare all surfaces ready to be painted with two coats of emulsion.
- 3.7.2 Remove carpet from stairs and repair stairs where necessary ready for use.
- 3.7.3 Prepare handrail for wood treatment. Repair and covered in wax where necessary.
- 3.7.4 Prepare balustrades for painting and cover with two coats of emulsion.
- 3.7.5 Keep all original features. Repair, restore and redecorate where required.
- 3.7.6 All cupboard doors to be restored to a working condition and used for storage.
- 3.7.7 The above proposals should have no impact on the historical fabric of the building.

3.19 External

- 3.19.1 All areas of old sand and cement render to be scraped, crack and patch repaired and treated with stabilising solution.
- 3.19.2 All windows, doors and wood work to be sanded filled and minor repaired.
- 3.19.3 All walls to be coated with 3 coats of weather shield exterior emulsion.
- 3.19.4 All plinths and cills to be coated with 3 coats of weather shield exterior emulsion.
- 3.19.5 All windows and doors to be prepared and coated with 2 coats of under and 1 top coat, any bare timber to be primed.
- 3.19.6 Repair parapet wall at the top of the front elevation.
- 3.19.7 Repair all guttering fit for use and where possible use cast iron products painted black.
- 3.19.8 Repair oak post on left side of archway (when standing in the road facing the front elevation).
- 3.19.9 The above proposals should have no impact on the historical fabric of the building.

notes:
any discrepancies should be reported immediately
all dimensions should be checked on site prior to commencement of work
site/survey based on ordnance survey information provided by prodat systems plc, (www.promap.co.uk) prodat does not guarantee that all past or current uses or features will be identified in the product

the product does not give details about the actual state or condition of the site nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the site for any particular purpose, or relied upon for determining salability or value, or used as a substitute for any physical investigation or inspection.

drawings to be read in accordance with the dwelling emission rate (der/ter) calculation, the building must be built 'as designed' meeting the criteria set for air permeability.

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note
when printing off pdf's.
it is the responsibility of the user to verify
that the resulting prints are to scale on the
appropriate sized sheet.
also that the scale bars on the plan measure
correctly.

June 16 method statement notes added
Date Description
A Rev

hps
Architecture & Planning
Westgate House, 37-41 Castle Street,
Hertford, Herts SG14 1HH
Tel: 01992 552173 Fax: 01992 587643
Email: contact@hertfordplanning.co.uk
www.hertfordplanning.co.uk

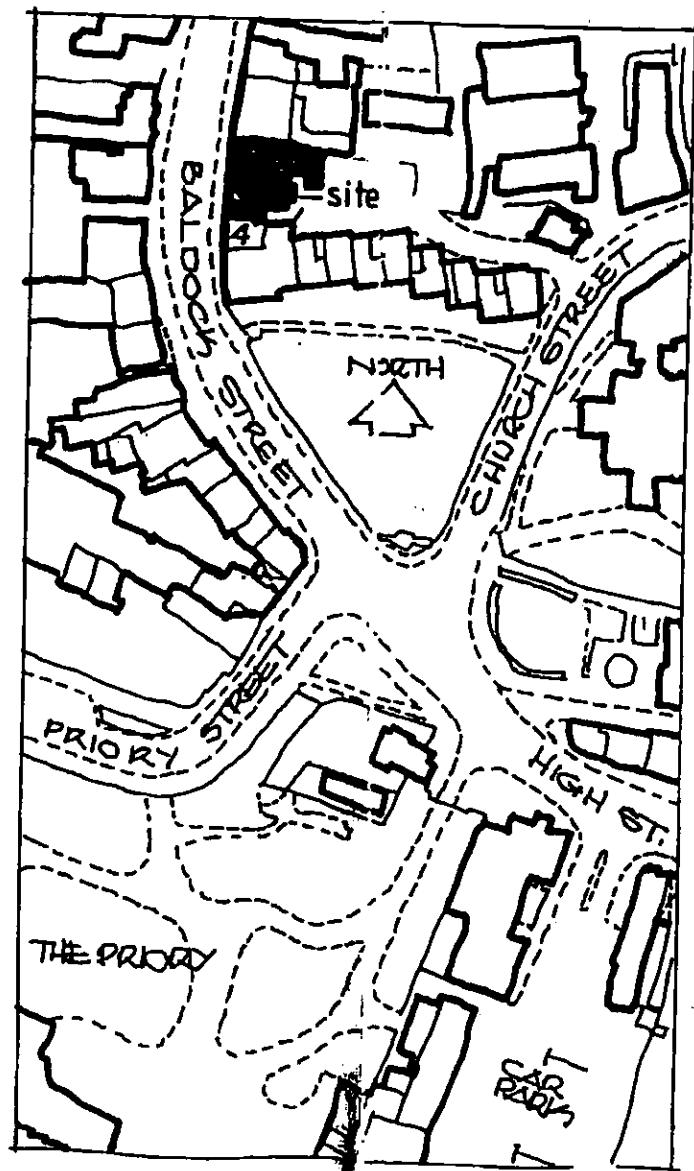
Chartered Institute of
Architectural Technologists

Client Klunkie Ltd

Project 6 Baldock Street
Ware
SG12 9DZ

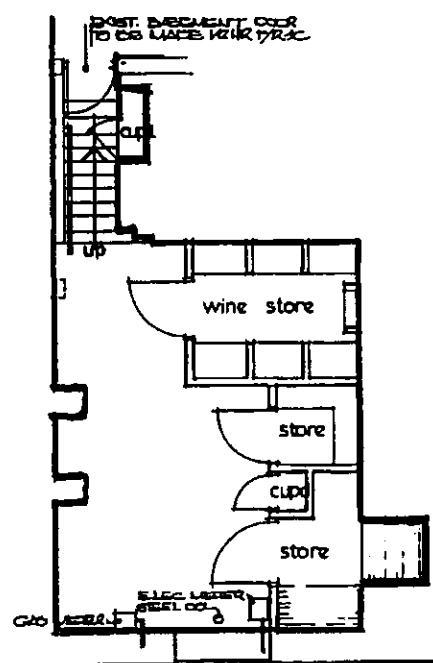
Drawing Ground Floor Layout

Date 01/06/16
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Sheet size A1
Drawn mRn
12085-P-003-A



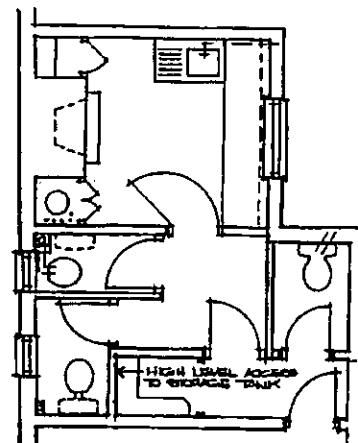
Location plan

Scale 1:1250

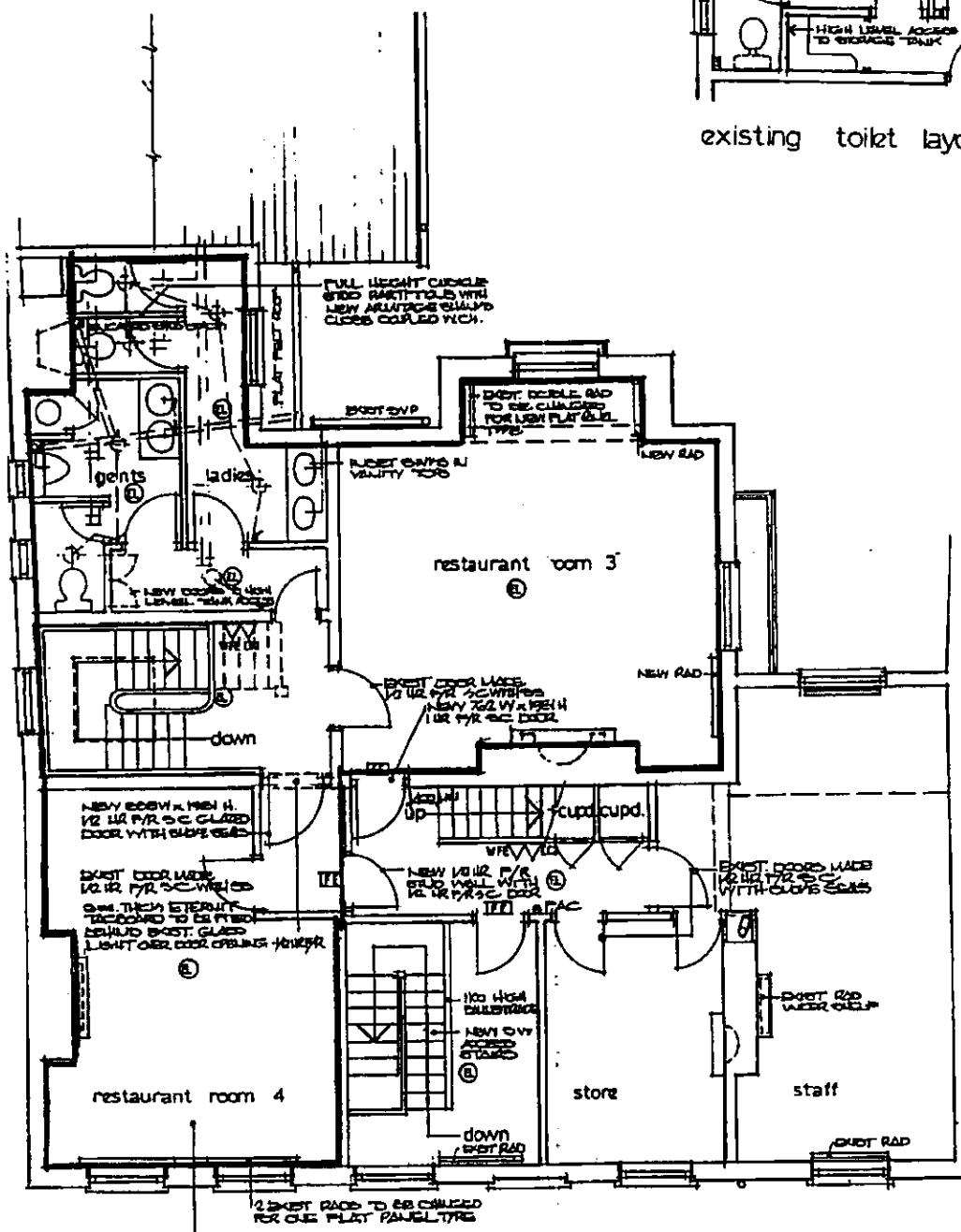


basement plan

Scale 1:100



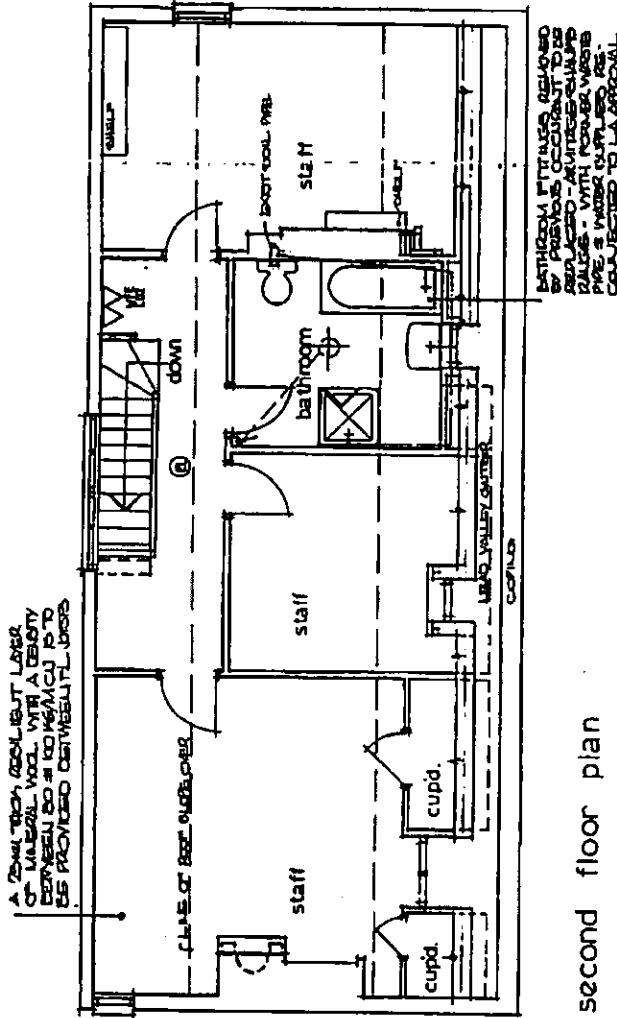
existing toilet layout



first floor plan

EXIST IS IN TACK PLASTERED CEILINGS
OVER TO BE INCREASED IN THICKNESS
BY AN ADDITIONAL LAYER OF (BONDED)
GAROIC THERMELINE BOARD WITH
PLASTER, SO AS TO ACHIEVE A TOTAL
THICKNESS OF 30MM - 1/8" T.Y.R.

Scale 1:100

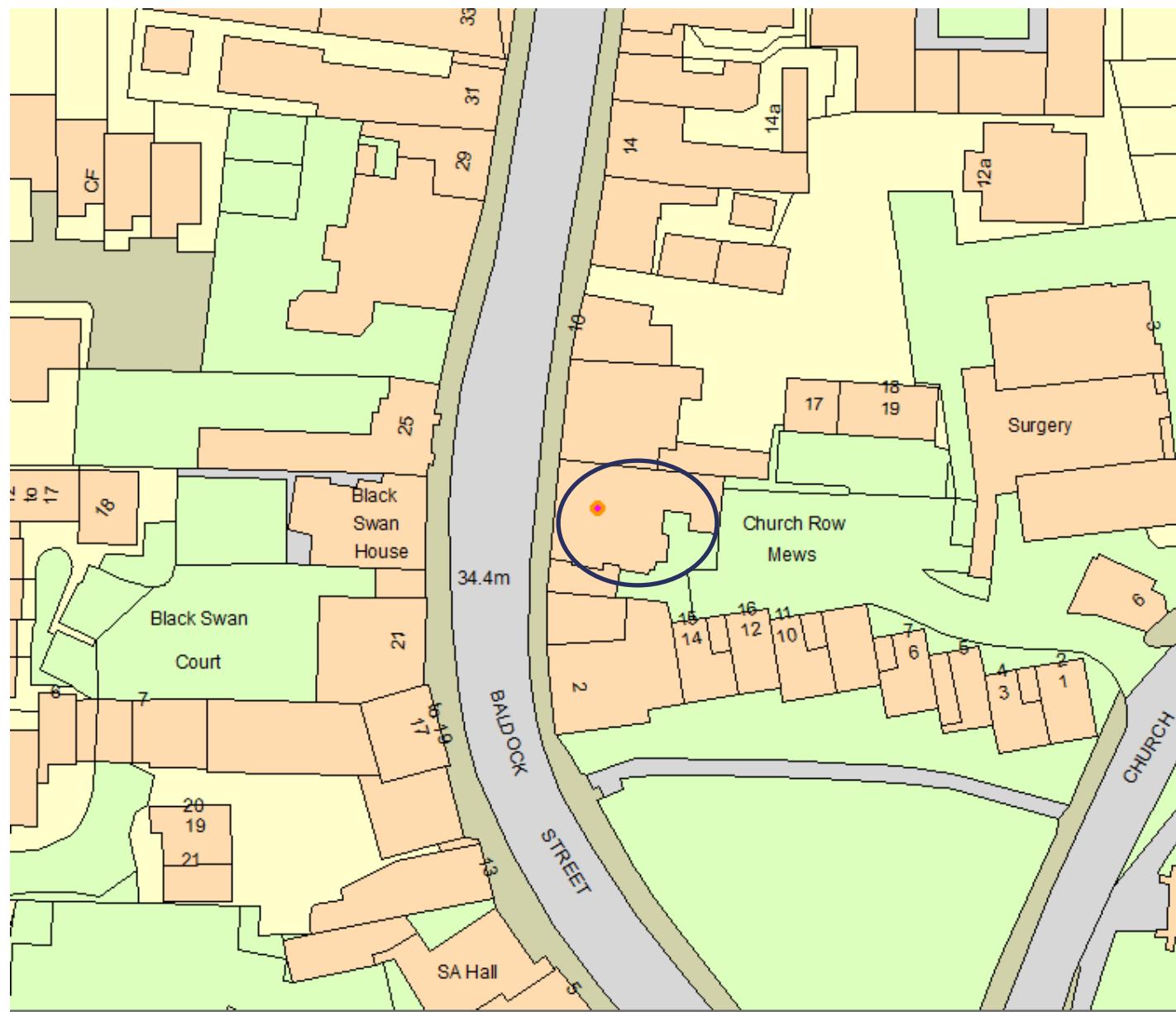


Scale 1:100

Key to Symbols.

	-	Fire alarm call point (break glass type)
	-	Illuminated Fire Exit sign (fully maintained)
	-	Fire Exit sign with 75mm min size letters on a contrasting background
	-	Exit sign with 75mm min size letters on a contrasting background
	-	Emergency light
	-	Fire Blanket In Kitchen
	-	9 litre Water Fire Extinguisher
	-	Carbon Dioxide or Dry Powder Extinguisher

All work to be to Local Authority Building Control approval.



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