

EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

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	Housing and Health, Wallfields, Pegs Lane, Hertford, SG13 8EQ
Contact telephone number	

Name of the premises you are making a representation about	Maltons
Address of the premises you are making a representation about	Cambridge Road, Thundridge Hertfordshire, SG12 0ST

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<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	N/A
Public safety	No	N/A
To prevent public nuisance	Yes	See separate sheet
To protect children from harm	No	N/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.	See separate sheet
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Signed:

Date: 5th February 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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Your Name	
Job Title	Senior Technical Officer (Environment)
Postal and email address	Housing and Health, Wallfields, Pegs Lane, Hertford, SG13 8EQ
Contact telephone number	

Name of the premises you are making a representation about	Maltons
Address of the premises you are making a representation about	Cambridge Road, Thundridge Hertfordshire, SG12 0ST

I have considered the above application and on behalf of Environmental Health can confirm I wish to **MAKE REPRESENTATIONS** in the interests of promoting the **prevention of public nuisance** licensing objective.

The Environment Service has received noise complaints from 2 separate residents in the vicinity of the premises as follows:

Resident A logged a complaint with the Council on 13/07/20 regarding loud music allegedly coming from Maltons (Our Ref: 20/01677/CN05) – diary sheets were sent and have been returned, further to which formal noise monitoring equipment was installed in the complainant's property for 1 week in mid-September and again for 2 weeks at the end of October / beginning of November. This complaint remains open.

Resident B logged a complaint with the Council on 13/07/20 regarding loud music allegedly coming from Maltons (Our Ref: 20/01681/CN05) – diary sheets were sent but were not returned so this complaint was closed on 23/09/20.

Resident A logged a further complaint with the Council on 20/07/20 regarding alleged non-compliance with social distancing measures (Our Ref: 20/01759/CV19) – this was initially dealt with by a colleague in the Environmental Health Commercial Team and followed up by way of a joint visit, this complaint has been closed.

A third resident also raised concerns on 21/09/20 regarding alleged non-compliance with social distancing measures (Our Ref: 20/02506/CV19) – this was also dealt with by the Commercial Team and has since been closed.

I am also aware that the Police have received complaints about loud music allegedly coming from the premises, which include from the three residents mentioned above.

The last complaints / request for service to Environmental Health about the premises prior to July 2020 (the first of the ones mentioned above) date back to 2013 and relate to food hygiene matters when the premises was known as the Sow and Pigs.

We don't have any recorded complaints about noise when the premises were known as the Sow and Pigs. It is therefore evident to me that the nature of the premises has changed since it was taken over by the new operator.

As noted above, formal noise monitoring equipment was installed in one of the complainants' properties on two separate occasions (1 week in mid-September and again for 2 weeks at the end of October / beginning of November). While music and voices (including laughter etc) have been recorded and are audible these haven't been at a level to be considered to amount to a statutory noise nuisance for the purposes of the Environmental Protection Act 1990 (EPA 1990), the main piece of legislation used by Environmental Health for investigating and dealing with noise complaints. However, it should be noted that statutory nuisance is a relatively high benchmark – noise has to be more than a “mere annoyance” (a phrase that has been used in legal judgements) and, indeed, has to amount to a significant and unreasonable interference with the enjoyment of a neighbouring (complainant's) property. I must also note that for the second week of the second time the complainant had our equipment i.e. during November 2020 licensed premises were closed and so no recordings were possible. Also, complaints have only related to Saturdays (daytime and evenings), so whilst the complainant has had the recording equipment for 2 full weeks on separate occasions, in reality they have only had a need for it on one 1 day per week. Furthermore, the weather on the relevant Saturday in October was bad (heavy rain) so it's likely that the music on that evening was provided indoors rather than outdoors.

'Public nuisance' under the Licensing Act 2003 on the other hand is given a wider meaning than statutory nuisance has under the EPA 1990. Paragraphs 2.15 and 2.16 of the Home Office 'Revised Guidance issued under section 182 of the Licensing Act 2003' April 2018 (the Statutory Guidance) state:

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

For the purposes of this application and considering my representation to it I am satisfied that the proposed variation would reduce the living amenity of persons living in the vicinity of the premises.

I have noted the proposed variation is as follows (copied and pasted from the application form):

This is an application to vary the layout and design of the premises in accordance with the submitted plan (plan no 388/03). The changes consists of the permitting the use of a serving area for the sale of alcohol, within the external area (noted on the enclosed plan) and a reconfigured external drinking area, terrace and gazebo.

The internal licensable area of the premises is to remain unchanged from its current permission.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

Conditions proposed below to relate to the use of external area and bar only:

- *The external bar servery is to operate for the sale and supply of alcohol during the following times; Monday to Saturday from 12:00h until 23:00h and Sunday from 12:00h until 22:30h.*
- *When the external area is in use, regular checks of the garden will include the removal of empty glasses and bottles.*
- *Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behavior and to monitor noise levels.*
- *The external area will remain open for customers for the consumption of food/drink only once the external bar has closed, until the terminal hour for licensable activities for the premises, with staff making regular checks during this time.*

To also add the following condition to the operating schedule of conditions;

An appropriate risk assessment will take place whenever the premises conducts regulated entertainment events, which will detail the requirement for any doorstaff, monitoring of noise levels and a rota for staff to patrol the external areas to record the noise level.

To remove the Embedded conditions (a) to (h) under Annex 2 – Conditions consistent with the operating schedule (the permission for New Year's Eve/New Year's Day to be retained.

To remove the following conditions;

Live music to be performed by no more than 2 entertainers.

There will be no amplified music.

All other hours, activities and conditions currently permitted by the premises are to remain unchanged by this application.

I have also noted the additional steps provided by the applicant under section M part d) 'The prevention of public nuisance' of the operating schedule as follows:

An appropriate risk assessment will take place whenever the premises conducts regulated entertainment events, which will detail the requirement for any doorstaff, monitoring of noise levels and a rota for staff to patrol the external areas to record the noise level.

My concerns here are that based on the noise complaints we have received, and which have been substantiated via formal noise monitoring equipment installed by Environmental Health (albeit not to a level that constitutes a statutory nuisance for the purposes of the EPA 1990), there is a clear potential for noise in the form of regulated entertainment (live / recorded music) and customers using the outside area of the premises to have a detrimental impact on the living amenity of nearby residents, and this is before the proposed variation that, if granted, would provide an outside bar (which in my view would increase the level of noise from customers) and remove existing safeguards against nuisance (the limit to 2 entertainers for live music and the restriction of no amplified music). Furthermore, the proposal is to permit the external bar servery to operate for the sale and supply of alcohol during up to 23:00 hours Monday to Saturday and up to 22:30 hours on Sunday (the applicant has previously restricted entertainment in the outside area to up to 21:30 hours, which even then has had an impact on nearby residents).

In addition to the risk assessment suggested under section M part d) 'The prevention of public nuisance' of the operating schedule as outlined above I have also noted a potentially relevant condition has been proposed in respect of the external area and licensable activities / noise as follows:

Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behaviour and to monitor noise levels.

However, I would respectfully suggest that this should be normal good practice on the part of a responsible premises, and yet we have received complaints about noise specifically associated with use of the outside area; these complaints having been substantiated by formal noise monitoring equipment recordings, visits made by Council officers (across different teams i.e. Commercial, Licensing Enforcement and Environment (the noise team) and the Police. I will highlight again that these haven't amounted to statutory noise nuisance in our (the noise team) opinion, but I remain concerned the proposal for an external bar servery and a reconfigured external drinking area, terrace and gazebo will add to the noise experienced by the residents living nearby and therefore further impact upon their living amenity. Given that preventing public nuisance is an existing duty under the Licensing Act 2003, one that I would humbly submit the applicant has failed to achieve, I would have little confidence that risk assessments would be done, and if they were that they would be suitable and sufficient for the purposes of preventing public nuisance.

I can't, of course, predict whether this would amount to a statutory nuisance or not. Even if I were to say I think it would, I've no doubt the applicant / their representative would point to our enforcement powers in respect of this under the Environmental Protection Act 1990. However, the EPA is, essentially, a reactive piece of legislation for noise and other statutory nuisances (albeit it can be used proactively in respect of a likely nuisance i.e. "*where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice")...*").

However, as noted above public nuisance under the Licensing Act 2003 is given a wider meaning than statutory nuisance has under the EPA 1990. Furthermore, the Licensing Act is specifically proactive i.e. the intention is to prevent public nuisance

rather than let it arise and subsequently deal with it afterwards (whether that be by way of statutory nuisance if applicable or the Review provisions under the Licensing Act 2003. Indeed, paragraph 2.18 of the Statutory Guidance explicitly states:

“... as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations...”

This sentence concludes with *“and additional conditions may be appropriate”*. As stated above, I note the applicant has proposed additional conditions, but also that both of these rely on risk assessments i.e.

Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behaviour and to monitor noise levels.

An appropriate risk assessment will take place whenever the premises conducts regulated entertainment events, which will detail the requirement for any doorstaff, monitoring of noise levels and a rota for staff to patrol the external areas to record the noise level.

Given the complaints last summer and throughout the rest of 2020 (with the exception of periods during which licensed premises were close due to COVID-19 restrictions), which were communicated to the premises during several visits to the premises (both proactive and reactive) and the general response to these I am not convinced that the operator will undertake these risk assessments, or if they do they won't be suitable or sufficient to prevent noise from the external areas having an intrusive effect on nearby residents.

This could, of course, invoke our powers in respect of statutory nuisance. However, as touched on above it's my opinion that this matter should be viewed proactively and with prevention in mind, as the Statutory Guidance states too. I therefore respectfully suggest that our powers under the EPA 1990 (or the Review provisions under the Licensing Act) should not be seen as a natural 'back-stop' to problems that may arise, especially where these are reasonably foreseeable, which is my contention here in respect of this proposed variation given the complaints we have received.

On an entirely separate note, I am aware from colleagues in the Council's Planning Enforcement Team that an Enforcement Notice (Operational Development) as authorised by the Council's Development Management Team was served on 2nd February 2021 in respect of land situated at Maltons, Cambridge Road, Thundridge. The person(s) on whom the Notice has been served have twenty eight (28) days to appeal this, but that aside the effective date for compliance with the Notice is 2nd March 2021. The Notice requires the following:

1. Removal of all enclosures, doors and additional roofing from the structure to the rear of the main restaurant building referred to as a 'free standing smoking shelter'.

2. Removal of the roof extension to the rear of the main restaurant building and the awning enclosing the rear patio / walkway area.
3. Removal from the site of all resultant materials following compliance with steps 1 and 2.

This action follows a request to the Planning Team in April 2019 for pre-application advice in respect of an existing smoking shelter that had been enclosed with canvas panels and folding glass doors on the front elevation; the walkway between the public house, seating area, and the smoking structure had been covered with a timber and polycarbonate roof post and beam structure; and a polycarbonate roof had been added to the existing. The request appears to have been submitted following a Planning Enforcement enquiry, the Enforcement Officer having previously commented that the works amounted to operational development and therefore required planning permission (the pre-application advice therefore sought advice as to the acceptability of these works).

Advice given in the pre-application advice response in June 2019 noted:

Given the extent of the works which previously been carried out, any further extensions (of which the structure would essentially consist of due to the proximity to the public house) would constitute disproportionate additions over and above the size of the original building. Whilst it is noted that the smoking shelter previously existed, this was an open structure which is not considered to constitute a building or an extension to the original building. The proposals would therefore constitute inappropriate development in the Green Belt.

With regard to the other sheltered areas, whilst these do not necessarily constitute further floor area, they do conflict with the purposes of including land within the Green Belt, and would also therefore constitute inappropriate development in the Green Belt.

They went on to quote Paragraph 143 and 144 of the National Planning Policy Framework (NPPF), which state:

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Planning Officer also provided the following advice in their response, which I consider to be relevant to this variation application too:

Neighbour amenity

The public house lies adjacent to a number of residential dwellings. If the previous smoking structure is used as a venue space, or similar, whereby music could be played, there could be concerns raised from neighbouring dwellings with regard to noise pollution, given that the canvas would provide little in the way of insulation.

Environmental Health would be consulted if a planning application was submitted, however you may wish to contact them prior to any submission.

Finally, their conclusion in June 2019 was as follows:

Conclusion

From the information received, the proposal appears to constitute inappropriate development in the Green Belt, as the works would result in disproportionate additions over and above the size of the original building, due to the previous extensions which have been undertaken. Furthermore, the proposals are out of keeping with the existing public house. The proposal therefore fails to accord with policies GBR1 and DES4.

Furthermore, concerns are raised with regard to the amenities of neighbouring dwellings due to increase noise levels, and whether the proposal is meeting parking standards.

It would appear that no subsequent planning application has been received, which has resulted in the service of the Enforcement Notice outlined above.

It is evident from the amended plan submitted in respect of the proposed variation of the Premises Licence that this seeks to effectively 'normalise' the use of what used to be a smoking shelter to a more permanent structure, as well as relating to other matters that Planning are now requiring to be removed as constituting inappropriate development in the Green Belt. I am, of course, aware that the Planning and Licensing regimes are separate regimes, and that decisions by one don't confer any responsibility of the other to follow or make their own similar decision.

However, I feel it would be remiss of me as an officer of the Council not to bring the above to the attention of the Licensing Sub-Committee, especially because as the Planning Officer identified in their response in June 2019 there are obvious potential implications for neighbour amenity, which I raise here too and, indeed, would with Planning if an application for planning permission was received in the interest of protecting the residential amenity. Put simply, the two regimes are separate but they also both have amenity as material considerations.

I submit these comments relating to Planning not as a Planning Officer, but as an Environmental Health Officer with around 15 years' experience of assessing planning applications as part of the consultation process by them with Environmental Health in the interests of protecting residential amenity from nuisance.

In conclusion, I have fundamental concerns about the proposed variation based on the recent history of noise complaints directly associated with the use of the external area, which this variation application directly relates to as well. These complaints have been substantiated via formal noise monitoring equipment and direct observations made by officers from the Council and Police, and have been communicated to the premises. The noise has not amounted to a statutory nuisance previously but I am concerned the provision of an external bar servery and reconfigured external drinking area, terrace and gazebo will have a further detrimental impact of the living amenity of nearby residents as a result of noise therefrom.

I therefore OBJECT to this application being granted in the interests of promoting the prevention of public nuisance licensing objective.

However, if further to submissions made by the applicant / their representative as part of a Licensing Sub-Committee Hearing it is considered appropriate to grant this variation I would recommend the following conditions are attached to any variation:

1. The external bar servery shall operate for the sale and supply of alcohol between 12:00 hours to 21:00 hours only.
2. The external area shall only be used for the provision of regulated entertainment between 12:00 hours to 21:00 hours only.
3. There shall be shall be no regulated entertainment or recorded music played in, or for the benefit of customers in, the external area after 21:00 hours.
4. Signs shall be prominently displayed around the external area reminding customers that there are residents living nearby and instructing them to respect the neighbours while on and leaving the premises.
5. When a microphone is available in connection with any regulated entertainment, an announcement will be made at the end of any entertainment reminding customers that there are residents living nearby and instructing them to respect the neighbours while on and leaving the premises.
6. Noise from the premises and / or the external area shall not be audible at the boundary of the nearest noise sensitive properties.
7. A responsible member of staff shall carry out proactive noise assessments outside the premises at least once an hour during the provision of regulated entertainment to ensure that noise is not audible at the boundary of the nearest noise sensitive properties and remedial action shall be taken where noise is found to be audible.
8. A written record of proactive external noise assessments and, where applicable, remedial actions taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by Council Officers at all times the premises are open.
9. A telephone number for the premises shall be displayed so that it is plainly visible from the public highway for members of the public to lodge complaints.
10. A complaints book shall be maintained on the premises to record details of any complaints received from neighbours. The information to be recorded shall include the date, time and nature of complaint and subsequent remedial action undertaken (if any) and, where disclosed, the complainant's name and location.
11. The complaints book shall be kept for 12 months from the date of the last record made and shall be available for inspection on demand by Council Officers at all times the premises are open.

In addition to the above, I note that as part of this application there is a request to remove embedded conditions (a) to (h) under Annex 2 'Conditions consistent with the operating schedule' and to remove the following conditions:

*Live music to be performed by no more than 2 entertainers.
There will be no amplified music.*

This would appear to be an error on behalf of the applicant's representative because there are no such conditions on the current licence. I suspect this is because they have had reference to an old licence (Premises licence number PL0315, as quoted on the application form for this proposed variation), whereas the current licence number is actually 18/2218/PLDPS.

I have checked this with the Council's Senior Licensing and Enforcement Officer, Brad Wheeler, and he has confirmed to me that the embedded conditions (a) to (h) were in fact removed in a variation of September 2012. The current Annex 2 conditions are as follows:

- 1. Live music to be performed by no more than 2 entertainers.*
- 2. The exterior of the premises and the car park will be well lit during the evening.*
- 3. The premises will be an active member of the Pubwatch scheme.*
- 4. Extract systems in bar, eating area and kitchen will be maintained.*
- 5. Management and staff will encourage customers to leave the premises quietly.*
- 6. There will be no striptease or nudity at the premises.*

In addition to the conditions I have recommended above I would also **recommend against** removing the condition that live music shall only be performed by no more than 2 entertainers, which should therefore remain on any varied licence because I consider this to be a further necessary safeguard against intrusive noise in addition to the conditions I have recommended here.

Finally, I would like to take this opportunity to update the other existing conditions on the licence, such that they would read as follows:

1. Live music shall be performed by no more than 2 entertainers.
2. The exterior of the premises and the car park shall be well lit after dusk.
3. The premises shall be an active member of the Pubwatch scheme.
4. Extract systems in the bar, eating area and kitchen shall be correctly maintained and regularly serviced to ensure they are operating efficiently and with minimal nuisance to neighbours arising from noise or odour.
5. A member of management or responsible member of staff shall actively encourage customers to leave the premises promptly and quietly at the end of trading hours.
6. There shall be no striptease or nudity at the premises.

ENDS

Signed:

Date: 5th February 2021

EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	
Job Title	CSU Sergeant
Postal and email address	Hertford Police Station
Contact telephone number	

Name of the premises you are making a representation about	Maltons Variation
Address of the premises you are making a representation about	Maltons, Cambridge Road, Thundridge, Ware

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
Crime and Disorder Public Nuisance		<p>The Police object to this variation to extend the licensable area and add a bar in the outside gazebo. Police have received a number of complaints in 2020 from residents in relation to noise as a result of the gazebo being used to accommodate customers, a DJ has been used to entertain the customers in the gazebo resulting in a party atmosphere and excessive levels of noise from the music and customers. Police and partner agencies have been working with the applicant to resolve these on going issues however it is felt that the applicant is not recognising the impact on residents and is doing nothing to resolve the issues. He instead seems to believe that he is being harassed by the residents and cannot understand why they are reporting him. Police and partner agencies have witnessed the music being played at the premise and have had to advise the applicant to turn the volume down to which the applicant stated it was not loud.</p> <p>Police have also received reports from residents of issues between them and the applicant. On one occasion the applicant was accused of making threats to a resident over the phone. This was recorded as a crime in relation to malicious communications. There is a concern that the issues could escalate and further crimes could be committed due to the tensions that are arising as a result of how this premise is operating.</p> <p>Adding the gazebo and terrace areas to the licensable area and adding a bar will only exacerbate the current issues around public nuisance and the concerns of further crime and disorder.</p> <p>Full report contained within appendix A and B to follow.</p>

Suggested conditions that could be added to the licence to	
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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.	None
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Signed: PS 2182

Date: 10/2/2021

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

Appendix A

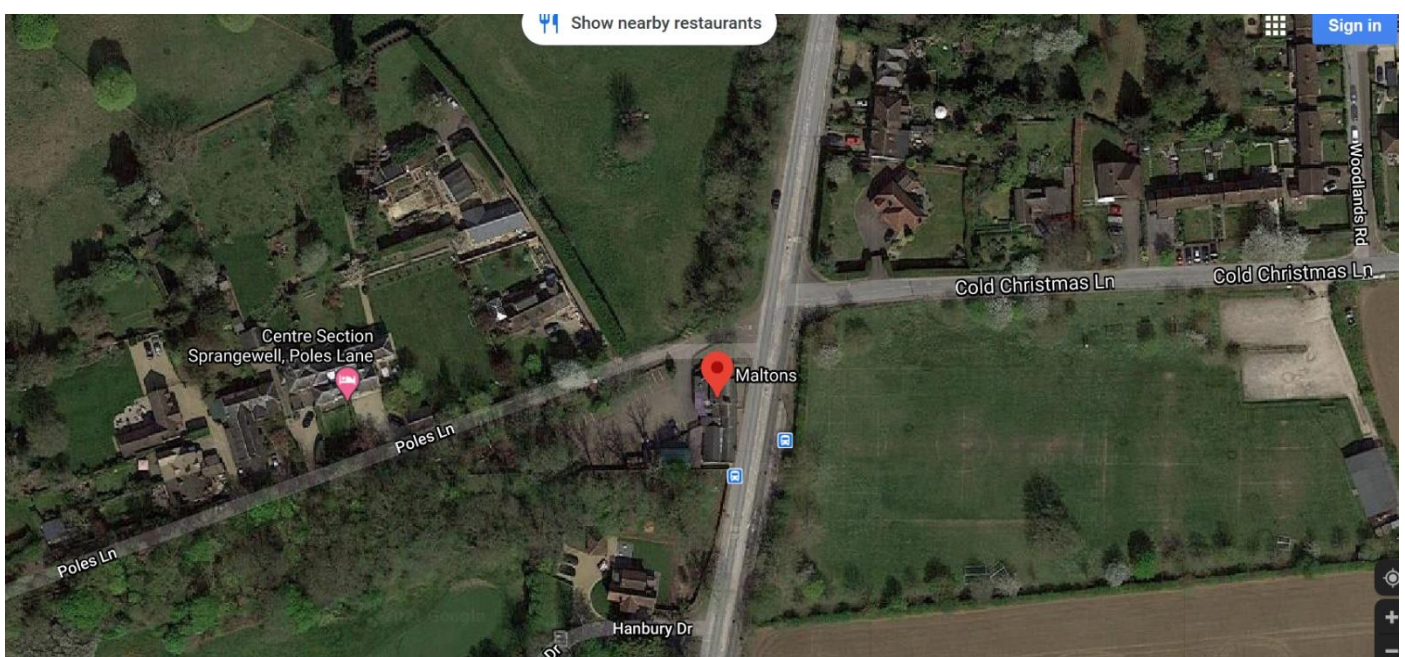
The governing principles of the Licensing Act are the four Licensing Objectives. All organisations and individuals involved in the running of Licensed Premises must do so with a view to promoting these Objectives:

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

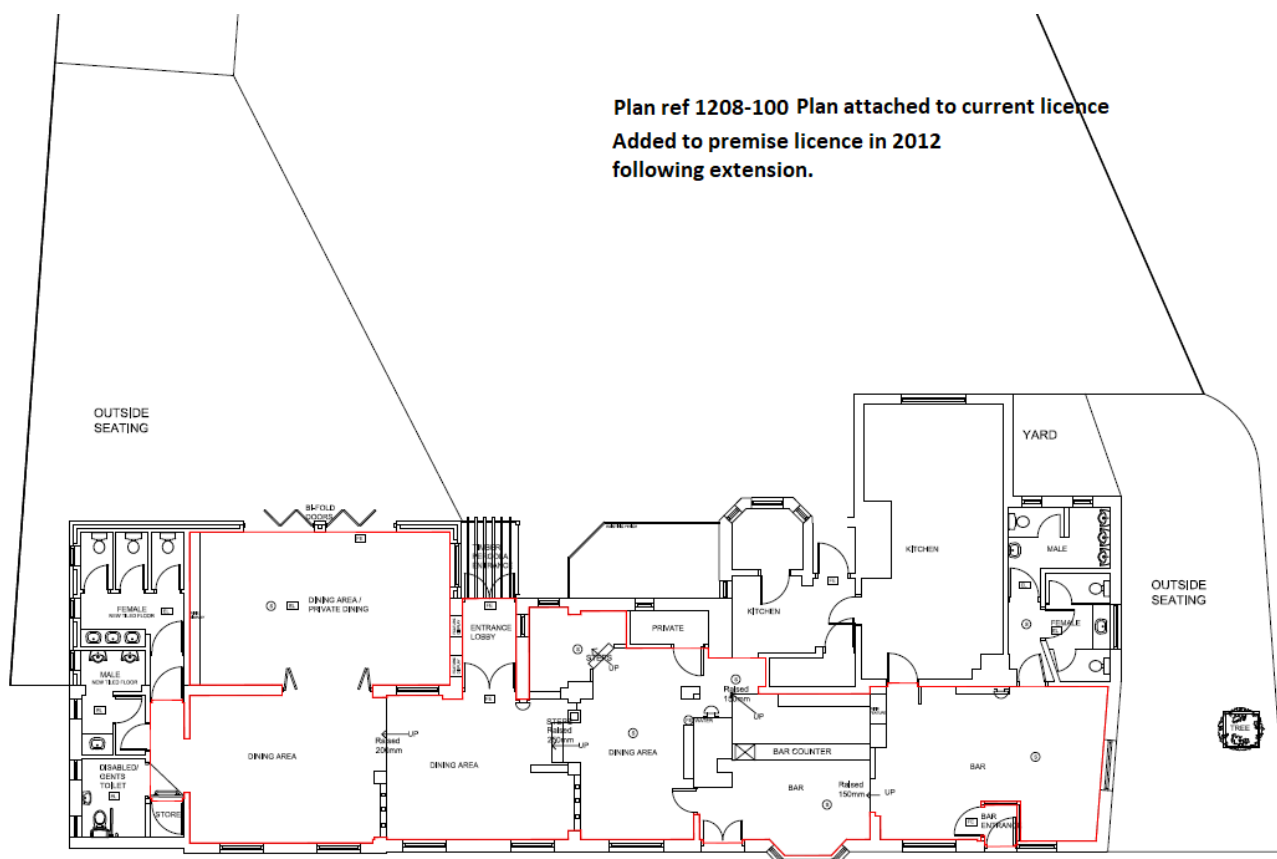
This representation is made in regards to the Prevention of Public Nuisance and the Prevention of Crime and Disorder. These concerns come due to how the outside area has been used during 2020 and the issues this has created between local residents and the applicant.

The applicant, Faizollah Shafiy (who also uses the name Ali) has applied to vary the layout of the premise, called Maltons, by adding the gazebo (as referred to by the applicant), covered terrace area and external terrace area to the plans and licensable area, and adding an external bar serving area. From the plans submitted the proposed bar appears to be located within the gazebo although on the plans it is only referred to as 'serving area'. The area within the main building is remaining unchanged. The application also requests the removal of conditions currently on the licence with proposed conditions to be added.

Maltons was known as the Sow and Pigs until the end of 2018 when Mr Shafiy took over the premise and reopened in December 2018 following a refurbishment. The pub is in a rural location just outside Ware but is within close proximity of a number of residential properties. The below is a birds eye view of the area taken from google.



The business currently has a premise licence that permits the following; The sale of alcohol and live and recorded music (indoors) - **Mon to Sat – 1100-0000 hours** (this time is extended to 0100 hours on some days preceding bank holidays) **and Sun – 1200-2330 hours**. Late night refreshments – (Indoors) - **Mon to Sat – 2300-0000 hours** (this time is extended to 0100 hours on some days preceding bank holidays). The plans (ref 1208-100) attached to the current premise licence shows the licensable area as indoors only and the outside structures are not shown at all. Licensable area is defined by the thin red line.



The conditions currently shown on the licence in Annex 2 are as follows (there are no conditions within Annex 3). Mr Shafiy has requested that all of these conditions are removed. Due to the licence being an old longstanding licence, these conditions are minimal.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. Live music to be performed by no more than 2 entertainers.
2. The exterior of the premises and the car park will be well lit during the evening.
3. The premises will be an active member of the Pubwatch scheme.
4. Extract systems in bar, eating area and kitchen will be maintained.
5. Management and staff will encourage customers to leave the premises quietly.
6. There will be no striptease or nudity at the premises.

Mr Shafiy has proposed adding the following conditions to the licence as part of this variation.

Conditions proposed below to relate to the use of external area and bar only:

- The external bar servery is to operate for the sale and supply of alcohol during the following times;
Monday to Saturday from 12:00h until 23:00h and Sunday from 12:00h until 22:30h.
- When the external area is in use, regular checks of the garden will include the removal of empty glasses and bottles.
- Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area for customer behavior and to monitor noise levels.
- The external area will remain open for customers for the consumption of food/drink only once the external bar has closed, until the terminal hour for licensable activities for the premises, with staff making regular checks during this time.

To also add the following condition to the operating schedule of conditions;

An appropriate risk assessment will take place whenever the premises conducts regulated entertainment events, which will detail the requirement for any doorstaff, monitoring of noise levels and a rota for staff to patrol the external areas to record the noise level.

The gazebo is a structure that has a corrugated plastic roof and material sides that can be removed. The covered terrace area is constructed of similar materials. It is essentially nothing more than a marquee and offers no sound insulation. The pictures below show the covered terrace (left hand picture) and the gazebo (right hand picture) from the outside.



Police had one complaint in 2019 from a resident in relation to noise from Maltons, this was in July 2019. During 2020 Maltons was using the gazebo and terrace area located at the rear of the premise to accommodate customers. In 2020 a number of reports were received between July and December, there were a total of 12 reports logged to the force control room during this period. They were from 5 different residents who live at 3 different locations. In addition to this, emails were sent direct to officers at times. These reports are in relation to loud music and breaches of COVID regulations at Maltons however they also detail how residents have tried to ask Ali (Mr Shafiy) to lower the volume of the music but have been met with abuse in response.

On one occasion in July 2020 a crime of malicious communications was recorded due to an allegation from a resident that Ali (Mr Shafiy) had made a threat towards him over the phone. No further action was taken at the request of the resident. There is no independent witness to this and so this incident cannot be confirmed one way or another. However, I have included this as it is clear that tensions exist between the parties involved and there is a concern that these tensions could escalate into further incidents of crime and disorder between the parties if the issues around noise continue.

Police and partner agencies have visited Maltons or spoken to Ali (Mr Shafiy) on the phone, on a number of occasions in 2020 following the reports by local residents but also to complete COVID compliance checks. The interactions are as follows;

- In **mid July 2020** Ali (Mr Shafiy) was spoken to by _____ (Police Licensing) and _____ (Environmental Health) following complaints by the neighbours on the 18th and 19th July 2020. He was advised by _____ that due to COVID there should be no DJ at the moment (music that is played too loudly will result in people having to shout to communicate and so the risk of COVID transmission is increased). This advice was not followed.
- On **25th July 2020** PC _____ attended a residents property following a report from them of noise from Maltons. PC _____ witnessed loud music being played from Maltons, and stated that due to the volume and base along with shouting and screaming it was difficult to have a reasonable conversation with the caller in the callers garden. PC _____s drove passed the pub and saw numerous people to the rear of the pub.
Later that same evening (25/7/20) PC _____ spoke with Ali (Mr Shafiy) outside the pub due to another report from a resident. Ali (Mr Shafiy) refused to accept that the music was too loud and was adamant he was doing nothing wrong. The officer felt that Ali (Mr Shafiy) would not listen to him. He eventually agreed to turn the music down.
- On **30th July 2020** a meeting was held during the day time with Ali (Mr Shafiy) by _____ (Council Licensing), _____ (Environmental health) and _____ (Police Licensing). During this meeting _____ advised Ali (Mr Shafiy) that the music levels were too high at 85 decibels. He also advised that the gazebo was not suitable to control noise levels and Ali (Mr Shafiy) should seek professional advice on how to reduce sound travel.
- On **3rd August 2020** a follow up meeting, during the day time, was attended by _____ r _____ (Council Licensing), _____ (Environmental health) and _____ (Police Licensing). CCTV was reviewed in relation to a couple of occasions to check whether social distancing was being adhered to. Ali (Mr Shafiy) reassured those present that the music he was playing was background music only and was not intended to provide entertainment as such.
- On **Friday 2nd October 2020** PC _____ attended Maltons due to a report that the music was loud and people were still on the premise after 2200 hours (In breach of the COVID regulations in place at the time, requiring premises to close by 2200 hours). PC Bell attended at 2320 hours, by which point there were no customers on the premise, CCTV was checked, customers left by 2215 hours.
- On **Saturday 3rd October 2020** I attended Maltons with two environmental health colleagues to complete COVID compliance checks. There had also been a noise and COVID breach complaint that evening. The music was loud, it was not possible to communicate with Ali (Mr Shafiy) in the gazebo without shouting. This was along with the noise of people talking loudly, laughing and at times singing and shouting. Ali (Mr Shafiy) had to be told a number of times to turn the music down. Ali (Mr Shafiy) stated it was not too loud and it was background music. The atmosphere within the gazebo was a party atmosphere, at times people were clapping, singing, cheering and dancing in their seats to the music with their arms above their heads. The DJ, located within the gazebo, had a mic and was communicating with the customers. There were a total of approximately 48 customers between the gazebo and terrace area (36 in the gazebo and 12 in the covered terrace). It was

established that Ali (Mr Shafiy) was breaching COVID regulations by taking bookings for over 6 people. Environmental health officers issued him with a notice in relation to this.

- On **Monday 5th October 2020** environmental health officers completed their follow up visit to Maltons, speaking further to Ali (Mr Shafiy) about the COVID regulations.
- On **Saturday 31st October 2020** PC attended Maltons following the report of loud music. He attended at approximately 2000 hours and stated the music was not too loud while he was there.
- On **Saturday 5th December 2020** PC attended Maltons at approximately 1700 hours on report of there being too many people socialising at the location, in breach of COVID and the music loud. PC was told by the owner that they were hosting a wedding reception for 15 people. All persons were seated. PC did not record any comments in relation to music.
- On **Saturday 12th December 2020** PC and PC attended Maltons at approximately 1825 hours on report of loud music and COVID breaches. They state the music was loud and basey.
- In the evening on **Saturday 12th December 2020** PS and (Environmental Health) attended Maltons to complete COVID compliance checks. They find that mixed households are being allowed in the gazebo (which is considered inside) which is in breach of the COVID regulations.
- On **18th December 2020** (Environmental health) visited Maltons to follow up in relation to the concerns about the gazebo being used to accommodate mixed households in breach of COVID regulations.

A full list of Police reports and actions can be seen in appendix B.

I have established from East Herts Planning Officers that the gazebo structure was given planning consent in 2007 for use as a smoking shelter. This use does not extend to using it as restaurant with a DJ. As a result of it being used in this way planning served an enforcement notice on Faizollah Shafiy and other interested parties on 2nd February 2021. The enforcement notice also states that the structure erected over the terrace area between the smoking shelter and the main building is in breach of planning controls. The notice requires the gazebo to be returned to a free standing smoking shelter and the terrace roof extension to be removed. The enforcement notice takes effect on the 2nd March 2021 unless an appeal is made before this date.

It is also worth noting that a Mr sought pre planning application advice from East Herts Council in June 2019. It is unknown who Mr is. The plans submitted were as per the current structures in place. The conclusion from the Planning Officer completing the report was that the proposal would constitute inappropriate development in the Green Belt. Concerns were also highlighted with regard to the amenities of neighbouring dwellings due to increased noise levels.

Planning documents are shown in Appendix C.

The photo below is taken from google, this image was taken in June 2017 and so shows how the smoking shelter was before the alterations were made.



The new plans submitted with the licence variation are shown in the screen shot on the next page. This plan shows the gazebo area seating 32 customers, the covered terrace seating 24 and the open terrace seating 12. This totals 68 people in the 'outside' areas of the premise. However, I question these numbers and believe the areas will be used to seat a larger number. During my visit to the premise on the 3/10/20 I witnessed at least 36 people within the gazebo (at a time when COVID restrictions were in place). The tables used would seat at least 6 people on each meaning the gazebo area alone could seat at least 48 people.



The noise created by people, especially when under the influence of alcohol is significant, something I witnessed occurring at Maltons during my visit on the 3rd October 2020. Mr Shafiy has shown to me that he is not willing to recognise the issues he is causing by using the gazebo and terrace in the way I witnessed. He is creating a party atmosphere as part of the dining experience, exacerbated by having a live DJ. Even if used only as a dining area with no music I believe there would still be a significant amount of noise created due to the numbers of people that the area can cater for and the ability to use it in all weathers due to the structures in place. Generally, pub gardens are not used in the way that Mr Shafiy has adopted, there may be occasional events held in marquees within pub gardens but the impact on local residents in such cases is reduced to a small number of events through the year. Mr Shafiy has created a business in what is essentially an outside area (when it comes to noise insulation) which can operate every night of the week and is busy on Friday and Saturday evenings and at times during the afternoons at weekends when events are held. It can also be used all year round and in any weather. The use of this area is resulting in an unacceptable impact on the local residents.

The conditions that Mr Shafiy has proposed do not address the concerns. They show that he intends to allow customers to remain in the outside area past 2300 hours consuming food and drink and there is nothing to stop the people in this area from being served further alcohol, delivered to them from the internal bar. The only measures proposed in relation to noise are to have staff monitoring noise levels and supervising the area for customer behaviour. This condition is unlikely to prevent a noise nuisance as monitoring alone will not prevent the noise. In addition, based on Mr Shafiy's view of what is acceptable, it

is unlikely that any action will be taken as a result of monitoring the noise levels and customer behaviour. There are no proposed conditions that actually deal with reducing the noise and the impact on local residents. Mr Shafiy also indicates through the conditions proposed that he plans to hold entertainment events.

The information supplied within this representation shows that Mr Shafiy (Ali) does not follow rules and regulations placed on him. This is evidenced by his failure to follow planning requirements and his failure to ensure he abides by COVID regulations without regular inputs from authorities. He has the attitude of doing as he wishes regardless of the consequences.

Mr Shafiy has on a number of occasions failed to listen to Police Officers who have attended Maltons, when told something is not right he has had to be told a number of times before he will act, for example when asked to turn the music down he has had to be asked a number of times before he will do it and will argue that it is not too loud. This shows that he does not recognise that he is impacting in any way on the local residents. He believes that his actions are reasonable and that he is doing nothing wrong.

Due to the events of 2020 Police are considering in conjunction with environmental health a review of the current licence to restrict the use of the outside area to activities that do not cause a public nuisance to the local residents.

Police believe that the attitude that Mr Shafiy has shown Police and the disregard that he has shown local residents is a concern and if allowed to continue operating in such ways the dispute with local residents is likely to escalate and further crimes may be committed. Mr Shafiy needs to significantly change how he is using this area by returning it to a pub garden or he needs to significantly improve the structure to reduce the level of noise that is escaping. Clearly the latter would not be allowed by planning as they are requesting that the gazebo is returned to a smoking shelter.

The Police strongly object to this variation to extend the licensable area and add a bar in the outside gazebo as it will only exacerbate the current issues around public nuisance and the concerns of further crime and disorder between Mr Shafiy and the residents. There are no conditions that can be attached as part of this variation (this is due to the deregulation of music) that will prevent the area being used in the way that it is currently being used by Mr Shafiy. For the reasons stated the Licensing Sub Committee are asked to refuse this variation in full.

Sgt
Police Licensing Sergeant
Community Safety Unit East Herts and Broxbourne

Date: 12/02/2021

Appendix B

Police records of reports in relation to Maltons detailing complaints and actions taken by Police

Report completed by PS , information taken from Police records. Police and partner agency visits are shown in blue. Caller names and addresses have been removed and replaced with a reference specific to each caller. In total there are 5 callers, labelled A to E. Callers A and B live at the same address and Callers C and D live at the same address.

06072019 – 0946 – 2203hrs. A6D. Caller A reporting loud music at Maltons. Caller has video footage of it. Caller and other neighbours have attempted to speak to staff but they have ignored them and said their customers want it louder. Caller states this is not the first time and it is causing his young child sleep issues. Ongoing since 7pm. Playing music in the car park area. Tonight is the worst it has been but happened last weekend as well and also during the week. No units to attend. Log closed.

26042020 – 458 – 1538 hours – Caller B reporting 5 people sitting outside the pub and music is playing loudly and there are lots of cars in the car park. She believes the pub is open. No unit available to attend at the time. Log closed.

18072020 – 0953 – 2142hrs. A6D. Caller C reporting loud music every Saturday from the Sow and Pigs pub, now called Maltons, caller C also states there is no social distancing. Caller C has a child who can't sleep. Last time it went on til 2am. Inft advised to report to the Council. Not attended, log closed. Linked ISR 236 - 19/7.

19072020 – 0236 – 1001hrs. A6D. Caller D reporting that her partner has called the Sow and Pigs (Maltons) and asked them to keep the music down, spoke to Ali, Ali said it's not loud. Caller C has a video of the noise. Ali threatened the callers partner, stating 'if anything happens to my business you will get hurt'. Attended by PCSO. Footage of loud music from the pub seen by officer. Caller advised that noise issues will be followed up by EH and Police. Crime in relation to threats not crimed until further report on the 25/7.

(Police Licensing Officer) spoke with Ali about the reports from the 18/7/20 and 19/7/20 and also made environmental health aware of the reports. An update was received from Environmental Health Officer, on the **22/7/20** stating that she had spoken to Mr Shafiy on the phone and had agreed there should be no DJ at the moment and no ladies night. COVID measures were discussed and Mr Shafiy was knowledgeable about the regulations and stated he had a risk assessment in place. The noise issue was also discussed and he stated that the music is off by 11pm on Saturday. He felt that he had tried to converse with the neighbours but they can't get along. He felt the previous complaints had been more of a personal dispute rather than noise as the neighbour had also complained about music happening at 6.30pm.

25072020 – 0732 – 1745hrs. A6D. Caller C reporting loud music from Maltons, started at 1445hrs, been getting louder through the afternoon. Issue for last 3 weekends. Inft states the owner (Ali Hussain) refuses to stop and has been threatening to the caller and his family. Caller states the music can clearly be heard in caller's kitchen through the double glazed windows and in caller's daughter's bedroom. Daughter is unable to sleep until around 11pm when the music stops. Caller states that last weekend he asked the owner to turn the music down and the owner became aggressive, he was swearing and stated 'if anything happens to my business you will get hurt'. This was said over the phone. Caller is now afraid for himself and his family's safety and is frightened to go into his garden. PC attended and spoke to the caller that evening. PC stated that the music was very loud and it was difficult to have a reasonable conversation with the caller in the caller's garden due to music volume and base along with shouting and screaming. Another neighbour was present when the officer spoke to the caller. They both stated they had called the pub and asked for the music to be turned down but they received abuse in response. PC drove passed the pub and saw numerous people to the rear of the pub. He described it as being more like a town centre pub than a village gastro pub. A crime was recorded under the offence of malicious communications, to cover dates between 19/7/2020 and 25/07/2020, crime ref 41/58586/20. The victim stated that he did not support a Police prosecution but wanted the incident recorded. The crime was filed with no further action.

Following this further reports were received from residents the same evening, they were as follows.

Appendix B

Police records of reports in relation to Maltons detailing complaints and actions taken by Police

25072020 – 0851 – 1953hrs. A6D. Caller E reporting loud music from Maltons. Playing since 1430hrs, club music, owner refuses to turn it down, ongoing issue. Caller advised to contact EH.

25072020 – 0924 – 2114hrs. A6D. Caller A reporting noise and shouting coming from Maltons, Thundridge. Ongoing issue since they reopened. Caller and children are unable to sleep. PC [redacted] attended the pub at approximately 2150 hours. On parking down in the layby near the pub, the officers were approached by Ali. PC [redacted] stated that Ali refused to accept that the music was too loud and was adamant he was doing nothing wrong. The officer explained that he had heard the music himself and it was too loud but Ali told the officer he was wrong and stated the noise was less than 90dcb and was showing the officer an app on his phone. The officer felt that Ali would not listen to him, after a debate Ali agreed to reduce the volume. Linked to earlier ISR's 732 and 851 – 25/7.

Due to the reports on the 25/7/20 a visit to Maltons was conducted on Thursday **30/7/2020** at 2pm, meeting held with Mr Shafiy (owner), [redacted] (Council Licensing), [redacted] (Environmental health) and [redacted] (Police Licensing). Notes of meeting state - Adhering to COVID regulations with regards to layout and signs, temp control machine in operation and perspex screens between diners inside. Mr Shafiy mentioned applying for a variation to his licence to set up a bar in the outside area Gazebo to enable more space for social distancing. DJ performs in outside area on Saturday nights. EH advised music levels too high (85 decibels too high). The Gazebo area appears to be set up as a function room but not suitable to control noise levels. EH advised to seek professional advice on how to reduce sound travel. Advised complaints have been made and log is being kept.

A follow up visit was conducted on Thursday **03/8/20** where CCTV was viewed from a prior weekend, from the CCTV it appeared that social distancing was being adhered to. Mr Shafiy stated a DJ played music on Saturday evenings outdoors and assured those present that the music was 'background music' only and was not intended to provide entertainment as such.

15082020 – 0822 – 2113hrs. A6D Caller A reporting that the male at Maltons is playing loud music which is keeping his kids awake. Not attended, caller advised to call EHO.

02102020 – 0808 – 2216hrs. Caller C reporting that there are still patrons within Maltons and the music is still playing. Inft states this also occurred last weekend but he didn't report it. COVID 19 regs being breached.

Attended by PC [redacted] I at approximately 2320hrs by which time there were only staff present at the location. PC [redacted] checked the CCTV (shown CCTV by Ali on his phone) which showed approximately 8 customers on the premise until 2215 hours when they left. PC [redacted] stated Mr Shafiy was quite angry and believes his neighbours are trying to get him into trouble. He stated he was going to get solicitors involved as he feels harassed.

03102020 – 0681 – 1955hrs. Caller C reporting Maltons are not adhering to COVID rules. There are 50-60 people in the pub, overcrowding and ignoring the rules. Music also loud.

This report was attended by myself in company with environmental health officers, [redacted] and [redacted]. We were completing COVID compliance visits at a number of premises that evening. A DJ was playing music in the sheltered area (gazebo) outside. The music is easily heard from the car park along with the noise of people talking loudly, laughing and at times singing and shouting. The music was excessively loud when considering the COVID risk and they were immediately told to turn it down. Ali stated that it was not too loud and it was just normal background music. I was shocked that Ali believe this to be the case. It was not possible to communicate with Ali in the gazebo without significantly raising my voice. I had to tell Ali a number of times that it was too loud and he continued to state it wasn't. I counted approximately 36 customers in the gazebo and a further 12 on the terrace area at the entrance to the gazebo, a total of 48 customers. The atmosphere within the gazebo is not one of a relaxed restaurant but more of a party atmosphere, I observed customers clapping, singing, cheering and dancing in their seats to the music with their arms raised above their heads. At one point all those sat in the gazebo and on the terrace loudly sang happy birthday together. At times the DJ had a mic and was communicating with the customers as if they were an audience that he was entertaining. It was clear that people from different tables knew each other and I observed them communicating between tables. I spoke to Ali about his bookings, initially he told me all the tables were separate bookings but after further questions and viewing his bookings record we established that he had taken

Appendix B

Police records of reports in relation to Maltons detailing complaints and actions taken by Police

bookings for a party of 9 and a party of 15. This was in breach of the COVID regulations in place at the time which stated that it was illegal to take a booking of more than 6 people. Ali stated that he thought it was fine as long as they were sat on separate tables and were in groups of no more than 6. It was explained to Ali that this was not the case and he was warned about being in breach of the COVID regulations.

Environmental Health officers issued Ali with paperwork in relation to breaching COVID regulations and arranged to visit again on Monday 5th Oct due to concerns. Visit recorded on body worn camera which I produce as evidence.

03102020 – 0829 – 2228hrs. Drunk male reporting that he had lots to drink in Maltons, and threw up inside, states the head chef and owner pinned him down – the line cut out, unable to get back in contact. Not attended, log closed by FCR without attendance.

ISR 31102020 - 0746 – 1944 hours - Caller C reporting the premises has music and this is too loud and is disturbing the local residents.

PC 2175 attended at approximately 2000 hours, he stated that while he was there the music was not too loud. He spoke with staff and asked if there were any bookings over 6, they stated there were not.

05122020 – 0448 – 1519hrs. A6D. Caller C reporting Maltons making a lot of noise, playing music loudly, birthday party happening there with people mixing from different bubbles. The music is loud, encouraging people to sing loudly. There are about 20 people there. Party started at 1330hrs, definitely a party as they have balloons. Inft believes they have been there for too long and are not leaving after meal.

Attended by PC at approximately 1700hrs, PC states he spoke with the owner who told him that he was hosting a wedding reception at the venue with 15 people. The officer stated he saw that all persons were seated and COVID measures were in place.

Caller C called back wanting an update, he was not happy with result. He stated the noise had now got worse and stated that he saw 30th birthday balloons earlier which they must have now hidden. The caller was frustrated with lack of action by Police.

05122020 – 0714 – 2105hrs. A6D. Caller A reporting loud music from Maltons and groups of people not following COVID rules. No units to attend, closed.

12122020 – 0566– 1739hrs. A6D. Caller C reporting loud music and COVID breaches at Maltons. Caller states he can hear the music from inside his property. There are people in the marquee area at the pub where the music is being played and people are mixing who are not of the same household. Caller has spoken to the landlord and asked him to turn it down but this gets ignored.

PC and PC attend at approximately 1825 hours, they state that the music is loud and basey. The manager has stated to them that the decibel monitor is showing 79 so believes it is fine as the legal limit is 85. The officers state that the owner is unhappy and he is going to start pursuing the neighbours.

PS and (Environmental Health) attend Maltons later that evening to complete COVID compliance checks. They find that the manager is allowing mixed households in the enclosed outside structure, he is advised that this is against the current COVID regulations. Manager is told that he needs to open the sides by 50% if he wishes to have mixed households within the structure.

Police Appendix C – Planning documents



East Herts Council
Wallfields, Pegs Lane
Hertford, Herts
SG13 8EQ
Tel: 01279 655261

Town & Country Planning Act 1990

D E C I S I O N N O T I C E

App no: 3/07/2528/Fp
THUNDRIDGE

A free standing smoking shelter to the rear of the main building and a walk in fridge located to the rear elevation with a trellis to the height of 2.5m.

Sow & Pigs, Cambridge Road, Thundridge, SG12 0ST

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

GRANT PERMISSION SUBJECT TO CONDITIONS, as undermentioned:-

for the development proposed in your application dated 3 December 2007 and received with sufficient particulars on 3 December 2007 and shown on the plans *as submitted/*as amended-accompanying such application.

1. The development shall, except to the extent that the local planning authority otherwise agrees in writing, be carried out in accordance with the details submitted with the application.

Reason

To comply with the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

Directive/s

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body eg. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

This decision relates to Plan Numbers

Photos 1, Site Location Plan 1:1250, Site Location Plan 1:500, 1224/01, 1224/02

Summary of Reasons for Decision



East Herts Council
Wallfields, Pegs Lane
Hertford, Herts
SG13 8EQ
Tel: 01279 655261

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1 and ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

Director of Neighbourhood Services
(Development Control)
Wallfields
Pegs Lane
Hertford SG13 8EQ

Dated: 28 January 2008

Signed

SEE ATTACHED NOTES

Development Management

☎ 01279 655261

🌐 www.eastherts.gov.uk

📍 East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

📘 EastHertsDC

🐦 EastHerts

📷 easthertscouncil



Our Reference : S/19/0148/PREAPP

Please ask for : Ellis Edmonds

Extension : 1600

Friday, 21 June 2019

Important Advisory Note: Please note that the contents of this letter are given as professional officer advice and are informed by the information submitted and/or held by the Council. The views are given without prejudice to the final determination of any future planning application by the Council. Please be aware that any formal submission will lead to third party consultation which may raise issues not referred to here. The views may be taken as a material consideration in the determination of any planning submissions for the site but shall not be binding on the decision taken by the local planning authority.

Dear M

Maltons (formerly known as The Sow and Pigs), Cambridge Road, Thundridge, SG12 0ST

I write in reference to your letter received 2nd April 2019, with the correct fee received on 10th April, as acknowledged on 16th April 2019, in regard to the above address. I apologise for the delay in responding.

This pre-application appears to have been submitted following an Enforcement enquiry. The form submitted as part of this pre-application advises that the existing smoking shelter has become enclosed with canvas panels and folding glass doors on the front elevation; the walkway between the public house, seating area, and the smoking structure has been covered with a timber and polycarbonate roof post & beam structure; and a polycarbonate roof has been added to the existing.

As per the comments put forward by the Enforcement Officer, these works amount to operational development, and therefore require planning

permission. This pre-application therefore seeks advice as to the acceptability of these works.

Relevant Planning History

- 3/12/1192/FP – Single storey extension with bi-fold doors to rear and reinstatement of previously blocked entrance (Approved with conditions)
- 3/08/1004/FP – Single storey rear extension and alterations to carpark layout (Refused and dismissed at appeal)
- 3/07/2528/FP – A free standing smoking shelter to the rear of the main building and a walk in fridge located to the rear elevation with a trellis to the height of 2.5m (Approved with conditions)
- 3/06/0685/FP – Proposed pergola and patio area (Approved with conditions)
- 3/05/1066/FP – Replacement kitchen, toilets and new bar area (Refused)
- 3/97/1527/FP – Extension of food prep area (Approved with conditions)
- 3/94/0896/FC – Demolition of existing outbuilding and construction of new function hall (Refused)
- 3/93/0852/FP – Modification and extension (Approved with conditions)
- 3/81/1550 – Formation of 15 parking spaces and replacement garage (Approved with conditions)
- 3/79/1373 – Extensions to public house and car park (Approved with conditions)

Planning policy

The relevant policies in the East Herts District Plan are:

GBR1	Green Belt
DES2	Landscape Character
DES2	Landscaping
DES4	Design of development
TRA3	Vehicle Parking Provision
HA8	Historic Parks and Gardens
NE3	Species and Habitats
CFLR7	Community Facilities
ED2	Rural Economy

The National Planning Policy Framework (NPPF) is also a material consideration.

Principle of development

The site lies in the Green Belt, whereby Policy GBR1 states that when considering development in the Green Belt, regard should be had to the NPPF. Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt should be deemed inappropriate, however exceptions to this include extensions to a building, provided that it would not result in disproportionate additions over and above the size of the original building.

Having regard to the plans which were received for the 1979 application, it would appear that the original building had a floor area of 209m², accounting for both the ground floor and first floor. The extensions which have already been carried out (as per the permissions previously listed) have increased the ground floor by 151m², resulting in a total increase of 72%.

Given the extent of the works which previously been carried out, any further extensions (of which the structure would essentially consist of due to the proximity to the public house) would constitute disproportionate additions over and above the size of the original building. Whilst it is noted that the smoking shelter previously existed, this was an open structure which is not considered to constitute a building or an extension to the original building. The proposals would therefore constitute inappropriate development in the Green Belt.

With regard to the other sheltered areas, whilst these do not necessarily constitute further floor area, they do conflict with the purposes of including land within the Green Belt, and would also therefore constitute inappropriate development in the Green Belt.

Para. 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstance. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This will therefore be considered below.

Other harm

The proposed works would add built form, which as a consequence, would result in harm to the openness of the Green Belt, in addition to the harm from being inappropriate.

Design/Layout

Whilst elevations have not been provided with the pre-application, regard is had to the photos taken during the Enforcement Officer's site visit. It is also noted that there is visibility of these structures from Poles Lane. It is deemed that the

structures are out of keeping with the public house, which includes yellow and red brick, weatherboarding, and render, with slate roof tiles, and as the proposal does not constitute good design.

Neighbour amenity

The public house lies adjacent to a number of residential dwellings. If the previous smoking structure is used as a venue space, or similar, whereby music could be played, there could be concerns raised from neighbouring dwellings with regard to noise pollution, given that the canvas would provide little in the way of insulation. Environmental Health would be consulted if a planning application was submitted, however you may wish to contact them prior to any submission.

Parking

The proposal would result in further floor space associated with the public house, and as such it is possible that further parking spaces would be required in order for the development to meet the necessary parking standards. As no details of parking have been provided, it is not possible to confirm whether the standards have been met.

Conclusion

From the information received, the proposal appears to constitute inappropriate development in the Green Belt, as the works would result in disproportionate additions over and above the size of the original building, due to the previous extensions which have been undertaken. Furthermore, the proposals are out of keeping with the existing public house. The proposal therefore fails to accord with policies GBR1 and DES4.

Furthermore, concerns are raised with regard to the amenities of neighbouring dwellings due to increased noise levels, and whether the proposal is meeting parking standards.

I trust you will appreciate that these comments are made at officer level only, and are not binding on any future decisions taken by the local planning authority.

If you require any further guidance, then please do not hesitate to contact me.

Yours sincerely

Planning Officer
Development Management

IMPORTANT: - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE - Operational Development

ISSUED BY: EAST HERTFORDSHIRE DISTRICT COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice under section 172 (1), having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.
2. THE LAND TO WHICH THE NOTICE RELATES

Malton's (Formerly The Sow and Pigs), Cambridge Road, Thundridge, Ware, SG12 0ST shown in red on the attached plan.
3. THE MATTERS, WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL
 1. The structure to the rear of the main restaurant building referred to as a 'free standing smoking shelter' was originally a 'skeletal structure' detached from the main restaurant building. This has now been enclosed with a vinyl awning and fitted with additional external roofing, doors and rainwater goods contrary to the conditional planning permission granted 28.01.08. The structure's intended use is that of an events space and has planning permission only to be used as a 'smoking shelter'.
 2. The roof extending from the rear of the main restaurant building has been additionally extended and joined onto the 'smoking shelter' structure, covering all of the rear patio area, contrary to the conditional planning permission granted on 19.12.12.
 3. The rear patio area has been entirely enclosed with vinyl awning attached to the unauthorised roof extension.

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breach of planning control has occurred within the last four years. The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections as the development undertaken amounts to inappropriate development in the Green Belt.
2. The original 'smoking shelter' was an open 'skeletal' structure not a building and was detached from the original pub. The enclosure of this, together with the enclosure of the rear patio area disproportionately extends the size and footprint of the original building.
3. The enclosure of the patio area with awning, together with the unauthorised extended roof from the rear of the restaurant joining onto the newly developed 'smoking shelter', encloses more space on the site for drinking and dining use and as such is in conflict with the fundamental Green Belt policy of keeping land open.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove all enclosures, doors and additional roofing from the structure to the rear of the main restaurant building referred to as a 'free standing smoking shelter' shown hatched in RED on the attached plan.
2. Remove the roof extension to the rear of the main restaurant building and the awning enclosing the rear patio/walkway area, both of which are shown hatched in BLUE on the attached plan.
3. Remove from the site all resultant materials following compliance with steps 1 and 2.

6. TIME FOR COMPLIANCE: **2 months** after this notices takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **2nd March 2021** unless an appeal is made against it beforehand.

Dated: **2nd February 2021**

Head of Planning and Building Control

On behalf of:-
East Hertfordshire District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

ANNEX (ENFORCEMENT NOTICE)

YOUR RIGHT OF APPEAL

1. There is a right of appeal to the Secretary of State against this enforcement notice.
2. An appeal must be made in writing to the Secretary of State (addressed to the Planning Inspectorate, PO Box 326, Bristol BS99 7XF) before **2nd March 2021** or by sending it in a properly addressed, pre-paid letter posted so as to arrive, in the ordinary course of post, before that date.
3. An appeal may be made under Section 174 of the Town and Country Planning Act 1990, on any of the following grounds:-
 - (a) That planning permission should be granted for what is alleged in the notice.
 - (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
 - (c) That there has not been a breach of planning control.
 - (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
 - (e) The notice was not properly served on everyone with an interest in the land.
 - (f) The steps required to comply with the notice are excessive and lesser steps would overcome the objections.
 - (g) That the time given to comply with the notice is too short.
4. If you intend to plead ground (a) and have the deemed planning application considered as part of your appeal YOU MUST PAY A FEE OF £924.00 to East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, Hertfordshire SG13 8EQ.
5. You must send to the Secretary of State, either when giving notice of appeal or within 14 days from the date imposed by the Secretary of State, a statement of the grounds of appeal and the facts on which they are based.

6. The names and addresses of the persons on whom a copy of this notice has been served are as follows:-

Owner/Occupier,
Malton's Restaurant,
Cambridge Road,
Thundridge,
SG12 0ST

(Proprietor – Title Absolute)

(Proprietor – Charge on the Land)

(Proprietor – Lessee)

(Proprietor – Lessee)

7. The enclosed letter from the Planning Inspectorate gives details of the appeal procedure.
8. Appeal forms are available online from the Planning Inspectorate. One should be sent to the Planning Inspectorate, one to the Council.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **2nd March 2021** and you must then ensure that the required steps for complying with it for which you, and/or any other persons on whom this notice has been served, will be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

The and Pigs (PH)

1 - Smoking Shelter

2 - Roof extension &
Awning enclosing the rear patio

This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
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East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

**Address: The Sow And Pigs (Now Known As Maltons), Cambridge Road,
Thundridge, Ware, Hertfordshire, SG12 0ST**

Reference: E/18/0367/ENF

Scale: 1:250

O.S Sheet: TL3516

Date of Print: 01 February 2021

From:
Sent: 10 February 2021 11:08
To: Housing & Health Services - Community Protection
Subject: [External] Maltons, Cambridge Road, Thundridge Ref 21/0010/PLB

Dear Sirs,

I have received copies of a number of representations from local residents against this licensing application and I hope you will take a full account of the points raised.

I understand that one main issue is to do with public safety, with this venue being more like a nightclub than a village gastropub. Apparently, the venue is attracting a great deal of traffic, which parks in the narrow Poles Lane and Cold Christmas Lane, including on the footpath. Residents also say that the licence holder does not take kindly to concerns being raised.

Public nuisance has also been raised with me with live outdoor electronic music being proposed late into the night. I believe residents are pleased that the pub has re-opened and I am sure it would gather a strong clientele in due course as a village pub with a good food offer.

Yours faithfully,

UK Parliament Disclaimer: this e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not permitted. This e-mail has been checked for viruses, but no liability is accepted for any damage caused by any virus transmitted by this e-mail. This e-mail address is not secure, is not encrypted and should not be used for sensitive data.

From:
Sent: 09 February 2021 18:01
To: Housing & Health Services - Community Protection
Subject: Comments for Licensing Application 21/0010/PLV

]

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 09/02/2021 6:01 PM from .

Application Summary

Address:	Cambridge Road Thundridge Nr Ware Hertfordshire SG12 0ST
Proposal:	Variation - Premises Licence
Case Officer:	Brad Wheeler

[Click for further information](#)

Customer Details

Name:	
Email:	
Address:	

Comments Details

Commenter Type:	Councillor
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	09/02/2021 6:01 PM I have serious concerns regarding this application in regard to 2 of the Licensing Objectives:- Public Safety Many residents have raised with me over time, issues around how these premise are being run and the behaviours of the clientele it attracts. I have been told that the Licence Holder has

been dismissive of concerns when raised, and has reportedly adopted an aggressive attitude. I understand that the Police have been called and have indeed attended on more than one occasion.

The clientele now seem to be attracted from some distance away and what was formerly a food led Village Pub that did well and highly thought of by Village and its local Farms and Hamlets and was the venue for many a local function or get together, is now described by residents as more resembling a Clubbing Venue, with partying extending out into the car park. This attracts a great deal of car borne traffic and clogs up the very narrow Poles Lane and with regular reports of considerable on-Footway parking in Cold Christmas Lane forcing users of Cold Christmas Lane to have to walk in the road to get past the inconsiderately parked cars. Neither this stretch nor any part of Poles Lane, a quiet narrow and very tight country cul de sac, but frequently used foot and Bridle path, have street lighting.

Prevention of Public Nuisance

It is the view of the residents that I have spoken with that the return of this business is most welcome and that if run as Country Pub would be once again successful in that format and would cater for a clientele that would be very happy with 23:00 closing (perhaps to 24:00 Friday and Saturday evenings) and indoor ambient music, if any. The Application seeks to remove the restriction on acoustic only (non-amplified) music and the limit on the number of live musicians, which currently is set at 2. It also seeks to hugely increased the Licensed area with the increase largely being in the open air. There is an area that as I understand can be enclosed with fabric sides however that does not appear to have the benefit of planning permission. Fabric is not likely to be effective attenuation of chatter, much less music.

Residents are of the view, which I share, that the disturbance & nuisance they have already experienced at unacceptable levels, can only increase many fold, if this application is granted.

I ask the Sub Committee take careful note of, and give due weight to, the location of these premises, the many comments from residents, the submissions from the Parish Council and the Police and the concerns I have expressed when making their determination.

Kind regards



THUNDRIDGE PARISH COUNCIL

East Herts Council Licensing Committee
Wallfields
Pegs Lane
Hertford
SG13 8EQ

By email to:
cc

28th January 2021

Licence Application 21/0010/PLV: Maltons, Cambridge Road, Thundridge

Thundridge Parish Council makes the following comments on this Licence Application as an interested party representing parishioners who are likely to be affected by the objectives of this application.

It does so following the representations of a significant number of residents, including (but not limited to) those who attended the Parish Council Meeting held on 19th January 2021. Thundridge Parish Council therefore requests that East Herts Council Licensing Committee takes the following into account when determining Licence Application 21/0010/PLV, and does so with reference to the Licensing Act, 2003.

Prevention of crime and disorder

It is understood that local residents have reason to be concerned about the conduct of some customers being involved in drunken outdoor partying and that evidence exists that this concern has been raised with the Police.

Public Safety

The application is obviously intended to enhance and expand the attraction of the business and to attract more customers. Parking is already a problem and therefore further reducing the capacity of the car park will inevitably result in yet more vehicles having to park on neighbouring roads, increasing potential safety issues. The problem of on-street parking in the village is a well-established fact due to the capacity and layout of local roads with no alternative public parking availability. Obviously, evidence of the impact on safety for this particular application can only be provided after the fact, but for public safety reasons its potential cannot be ignored, especially considering that there is already overflow parking outside of the car park.

Prevention of Public Nuisance

There is evidence that local residents have raised issues arising from activities under the current licence with Licencing Enforcement Officers and the Hertfordshire Constabulary. It is clear that this licence application will increase the level of those issues. Specifically, the current nuisance of noise levels being so great as to severely impede property owners and their families in the neighbourhood from being able to enjoy their own homes and gardens. This has been described as "making life miserable", "having a significant [negative] impact on family life", of "needing protection for the family", of "having never previously experienced this since moving here in 1984", of "being threatened" (reported to the police, a crime reference number being provided).

, Clerk to the Parish Council,
Tel:



THUNDRIDGE PARISH COUNCIL

Police have visited neighbours to discuss these problems and the facts have been recorded in Police logs.

The protection of children from harm

There is an assertion that the noise currently created is so loud and so late into the night that children are kept awake to an unreasonable hour. Due to the nature of this complaint, the evidence can only be provided by those families concerned. However, the Parish Council does have a duty to represent the complaints of those parishioners.

Thank you for considering these concerns when deliberating this application.

Yours faithfully

East Herts Council
Wallfields
Pegs Lane
Hertford
Hertfordshire
SG13 8EQ

Date: 09 February 2021
Our ref: DI/DI/L12785-1
Doc Ref: 2147798446
Your ref:
E-mail:
Direct line:

By email only

Dear Sir/Madam

**MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST - APPLICATION REF.
21/0010/PLV**

We are instructed by _____ who lives at _____ in the immediate vicinity of Maltons. Cambridge Road, Thundridge, Nr Ware, Hertfordshire, SG12 0ST. We are instructed by _____ to make written submissions on his behalf in respect of the application submitted by _____ (the Applicant) to vary the premises licence for Maltons.

Our client requests that their name and personal information remain confidential and are not disclosed to the Applicant.

Our client submits that if the application is granted it would adversely affect the Licensing Objectives, in particular the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

In summary, the variation application seeks:

1. To vary the layout of the premises. The proposed changes to the layout plans amount to the extension of the licensed area to include the external area and to retrospectively seek permission for the structures in this area noted as 'covered terrace', 'gazebo', 'terrace', 'serving area', 'store' and 'bins store' on the proposed plans;
2. To add conditions to the premises licence relating to the use of the external area and external bar;

3. To add a general condition regarding a risk assessment for regulated entertainment events to apply to the entire premises; and
4. To remove conditions from Annex 2, including conditions that prohibit amplified music and restrict live music to no more than two entertainers.

Maltons is located just off the A10 at the bottom of Poles Lane. As can be seen from the enclosed Google Map image, there are a number of residential properties in the immediate vicinity on Poles Lane, Hanbury Drive and Cold Christmas Lane.

Maltons operated for many years as a traditional pub until the Applicant took over the business in December 2018.

Our client submits that the premises has caused a significant increase in crime, noise and nuisance in the locality that were not problems associated with this premises before the Applicant took over. In fact, local residents were about to initiate a review of the premises licence as a result of these issues.

As detailed below, it is our client's submission that the premises has been operating in breach of the premises licence and these breaches have contributed to the issues caused by the premises. Aspects of this application effectively seek to legitimise the manner in which the premises has been trading. Granting this application will only exacerbate the dire current situation.

Accordingly, our client objects to this application in the strongest possible terms and ask that East Herts Council Licensing Committee refuses this application in full. In order to illustrate the impact that this application will have on the Licensing Objectives and local residents it is important to put it in the context of the Applicant's recent historical operation of the premises.

Background

It is our client's submission that since the Applicant has operated Maltons the premises has made local residents' lives a misery due to unacceptably loud music emanating from the premises and anti-social behaviour by both staff and intoxicated customers. Much of the issues relate to the use of the external customer area, which is comprised of the 'covered terrace', the 'gazebo' and the 'terrace' on the proposed layout plans that are the subject of this application.

Speakers were installed in the external area in 2018 and since June 2019 the premises has hosted regular events with DJs and live musicians playing loud music until late at night, sometimes as late as 2:30am. The volume of the music and noise from customers has caused significant disturbance to the residents in the vicinity, particularly on weekends but also on Friday and Thursday nights. The noise means that residents are unable to use their gardens and their sleep is often interrupted, including that of children and elderly family members.

The residents have made numerous complaints to the Licensing Authority, the Environmental Health Team and the Police about the noise and other issues arising from the premises. We are aware that the residents' noise complaints have been substantiated via formal noise monitoring equipment installed by Environmental Health and we understand that Officers from the Environmental Health Team and Police Licensing Team are submitting representations objecting to the application, which include a record of the complaints received.

The premises has been attended a number of times by the police in the last year. In particular, PC [redacted] attended the premises during the summer of 2020 and reported to one resident (crime refs. HC-25072020-732 and HC-25072020-851): "It was difficult to have a reasonable conversation in their garden due to the volume of the music, along with the shouting and screaming, coming from the pub garden. The bass from the music seemed to be bouncing off the walls of their house. This apparently goes on from mid afternoon to late at night, every day. When I went past the place the pub garden was rammed with people and it was more like a town centre pub/club rather than a village gastro pub garden surrounded by houses. There was clearly no social distancing encouragement or enforcement from the owners and a total disregard for the impact the noise is having on local residents".

Our client submits that when residents have made complaints directly to the Applicant he has failed to take any steps to mitigate the issues and at times his response has been hostile. The residents have reported to the Police that on one occasion the Applicant threatened to "break" them if they continue to complain about the noise. Our client also submits that a number of local residents have experienced vandalism to the exterior of their properties by intoxicated patrons since the Applicant took over the premises.

Some of the licensable activities that have caused these issues have been carried out by the Applicant unlawfully, without appropriate permission under the premises licence. In particular, the Applicant has been playing recorded music in the external area without permission. The external area is not licensed under the current layout plans and the premises licence states that recorded music is only permitted indoors. The loud volume of the music means that it could not be considered 'incidental' or 'background' music for the purposes of the exemptions under the Licensing Act 2003. Furthermore, the Applicant cannot claim to rely on the de-regulation of recorded music under the Live Music Act 2012 in this area, as this only applies in areas that are licensed for on sales of alcohol, which the external area is not.

Our client also understands that the Applicant has on occasion been using the external bar to serve alcohol to customers since as early as 2019. As stated above, this area is not included within the licensed area and therefore any sales of alcohol from this bar were unlicensed. The provision of this external bar has contributed to the general issues of noise nuisance and disorder from customers experienced by the residents.

Furthermore, the new structures shown on the proposed licence plan, including the external bar, the 'covered terrace', 'gazebo' and 'terrace', have been constructed and in use by the premises over a period starting in 2019. These structures are legally required to be shown on the licence plans under The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. The continued operation of licensable activities at the premises with inaccurate plans is a further instance of the Applicant trading in breach of their premises licence.

Following significant complaints from local residents, we are aware that officers from the Licensing Authority, Environmental Health and Police Licensing Team attended the premises and met with the Applicant on 6 August 2020. The Applicant was made aware at this time of the requirement to submit an application to update the layout plans and should have been subject to enforcement action in relation to the unlicensed activities that were being carried out. The Applicant should have immediately stopped carrying out any unlicensed activities and applied to update the layout plans or removed the relevant structures. However, as the date of this application shows, the Applicant continued to trade for several months in full knowledge that they were doing so in breach of the premises licence.

COVID has of course meant that the premises was unable to trade for periods over the past year or had significant restrictions on how it could trade. However, when the premises has been able to trade during this time the issues experienced by residents have arisen and the impact is noticeable. Had the premises been allowed to trade throughout this time our client has no doubt that it would have led to a very significant number of further incidents.

Impact of Proposed Variations

As stated above, this application seeks to permit the unacceptable manner in which the premises has been operating. The additional conditions proposed by the Applicant are wholly insufficient to ensure the promotion of the Licensing Objectives. Addressing each of the Licensing Objectives specifically in relation to this application:

Prevention of Public Nuisance

Licensing the external area for on sales of alcohol as proposed on the application would mean that the Applicant could rely on the Live Music Act 2012 to play de-regulated recorded music in that area from 08:00 hours until 23:00 hours each day. Granting this application would effectively allow the applicant to operate a nightclub in the garden of a village pub.

In addition, the applicant is seeking to remove conditions that restrict live music to no more than two entertainers and prohibit amplified music. These conditions would have originally been attached to the premises licence to mitigate the risk of noise nuisance based on the nature of the premises as a village pub in a residential area. The impact on public nuisance of playing amplified music at the premises has already been established. Removing these conditions to allow amplified music and larger live bands would clearly increase the risk of the premises causing noise nuisance.

We understand from the Licensing Authority that the condition prohibiting amplified music may have already been removed under a historic application. Notwithstanding this, our client submits that the prohibition of amplified music is an entirely appropriate condition for this premises licence given the location and nature of the premises.

The proposed additional conditions included in the application to carry out “regular checks” of the external area and to employ “a sufficient number of staff” to monitor and supervise the area on a risk assessment basis are vague, unenforceable and are the bare minimum of what would be expected of any appropriately managed licensed premises. Given the proximity of local residents and the evidence of noise nuisance caused from the playing of recorded music here, it is inconceivable that this application will not have the effect of causing public nuisance.

In relation to the external bar, the external area has historically been adequately serviced via off sales from the existing internal licensed bar. Permitting an external bar would encourage customers to congregate in the external area and add to the noise nuisance caused by loud customers outside the premises.

In the event that the Committee decides to grant an external bar, we would highlight that this does not require the entire external area to be licensed. An external bar structure alone can be licensed for off sales. This would avoid the need to licence the entire external area and therefore prevent the area from being used for de-regulated recorded music under the Live Music Act 2012.

We note that the capacity for seated covers stated on the proposed plans is a total of 68 for the covered terrace, the terrace and the gazebo combined. There is no condition on the premises licence for customers to be seated so we can only assume that the premises may accommodate more standing customers in addition to these numbers. Our client submits that the potential for 68+ customers to be permitted to drink until the terminal hour for licensable activities (midnight Monday to Saturday and 11:30pm on Sunday) in an external area abutting residential properties will undoubtedly cause noise nuisance.

Our client is also concerned that there is nothing preventing an overspill of customers from congregating in the car park and the premises effectively increasing their external capacity by use of this space. Our client is adamant that the application should not be approved, however if the Committee were to grant the application then off sales from the premises should be restricted so that customers cannot take drinks beyond the boundary of the building or the external customer area.

Prevention of Crime and Disorder

Our client submits that there has been a continuous pattern of disorder associated with the premises. Residents report that there are often loud arguments and disturbances from patrons and sometimes staff at all times of the day, but particularly at closing time. The noise

and behaviour of drunk patrons dispersing from the premises is already an issue, as observed by the police and others. Our client submits that the applicant has done nothing to prevent or stop this.

As explained above, the external bar has been operated on occasion since as early as 2019 and this has contributed to noise and disorder from customers. The application seeks to formalise the use of this external bar and the other external structures seven days a week in perpetuity. These structures provide the premises with more usable space to accommodate more customers and therefore granting this application will exacerbate the issues of crime and disorder that residents have already experienced.

Social distancing and associated COVID-secure measures are likely to be required for some considerable time until any herd immunity occurs, and the breach of these requirements is a criminal offence. The application would permit louder music in a greater, enclosed area, for more people. As per the report of PC Jenkins above, our client has serious concerns regarding the Applicant's adherence with COVID-secure measures and our client believes that the grant of this application can only lead to the commission of further offences under the COVID-related legislation.

Public Safety

The external structures noted in the licence plan as the 'covered terrace', 'terrace' and 'gazebo' have been constructed or developed by the applicant without planning permission, adapting an open 'smoking shelter' and linking it to the main building. The original 'smoking shelter' was only approved previously as development in the green belt, as it was considered to be "very special circumstances" to accommodate the change in the law which prohibited smoking indoors. As it is now enclosed, our client submits that such circumstances do not apply and the use of these structures is and would be unlawful.

On 2 February 2021 the Planning Authority served an enforcement notice requiring the removal of all enclosures, doors and additional roofing from the 'free standing smoking shelter' and for the removal of 'the roof extension to the rear of the main restaurant building and the awning enclosing the rear patio'. This application seeks permission for the use of structures which do not have valid planning permission and our client submits that these are therefore a risk to public safety.

In addition, our client submits that since the applicant took over and increased the usable space and capacity of the premises by virtue of the external structures, the car park has filled easily and an overflow of cars have repeatedly been parked along the narrow Poles Lane. This has obstructed traffic generally and would prevent emergency services from attending. Equally, our client submits that cars have been parked on the surrounding pavements, which would prevent disabled and elderly people from being able to go about their daily lives. As we have already outlined, granting this application will formalise the increase in usable space and structures for the premises and mean that the number of patrons driving to the premises will add to the present significant public safety concerns.

Protection of Children from Harm

There are children living in the houses immediately surrounding this pub as well as children who use the playing fields opposite the premises. Our client submits that the loud music and shouting, including regular use of obscenities, as well as the traffic noise from customers' cars dispersing from the premises, prevents their children from sleeping.

Our client is also concerned about the risk of customers being able to purchase drinks from the external bar and take them to the playing fields opposite which are regularly used by children and for organized team sports.

Our client submits that the anti-social nature of the loud music and shouting from customers also means that children in the vicinity are unable to reasonably enjoy the use of their own gardens. This application will harm children in the area by subjecting them to greater noise and anti-social behaviour for longer periods and from more people.

Conclusion

The variation of the layout plans seeks permission for structures that have been unlawfully erected and already used to the serious detriment of the Licensing Objectives. The licensing of the external area would have the hugely damaging impact of allowing recorded music to be played outside the premises and permitting an external bar presents a number of risks outlined above. The conditions proposed by the applicant are vague, unenforceable and wholly inadequate for the promotion of the Licensing Objectives.

Our client knows that officers from the Council have attended the premises and they appreciate the efforts made by the responsible authorities through enforcement visits to the premises. However, whilst the residents are grateful for the efforts of the Council officers to assist, the officers have only been able to see the premises and monitor noise on a handful of occasions as opposed to residents who are there 24/7. Therefore, our client believes that a full noise assessment would be necessary to explore the full impact of the premises, not just what has been witnessed on occasion.

East Herts Council has recently approved The Thundridge Neighbourhood Plan for referendum. The Plan can be given significant weight in relation to Planning decisions and we consider that the objectives and community policies set out in the Plan are equally relevant to local Licensing decisions and should be taken into account by the Committee in this case. In particular, the vision and objective of the community is to "conserve the traditional and tranquil character of the parish and be inspirational in planning its future and so ensuring an attractive, safe, sociable and sustainable community in which to live and work". Our client submits that the Applicant's historical and proposed use of this premises is inimical to the Thundridge Neighbourhood Plan and the Licensing Objectives.

Our client requests that the Committee refuse this application in full. Our client submits that the applicant has shown complete disregard for the law, both in terms of knowingly breaching their existing premises licence as well as other legal obligations, such as the planning matters noted above, and therefore our client has concerns regarding how the Applicant is likely to interpret and adhere to the proposed conditions on this application and any additional conditions that the Committee might apply.

The proposed use of the external area, the additional structures and the removal of conditions relating to live and amplified music changes the entire nature of this premises as a whole. Our client maintains that the application should be refused on the basis of the Licensing Objectives, however they also submit that the application stands to vary substantially the premises to which it relates and therefore should be refused in accordance with section 36(6)(b) of the Licensing Act 2003.

The current premises licence conditions relate to the previous operator and the more limited use of the external space. Whilst our client, in the strongest possible terms, has asked for a full refusal of the application, purely to reserve their position with regard to all eventualities fully, we have enclosed a list of conditions which we would ask the Committee to consider attaching to the premises licence if they are minded to approve this application. As stated above, the proposed variations would change the nature of the premises as a whole and therefore this application requires a full review of the premises licence conditions relating to the inside and outside of the premises. Our client would request that the details of any such conditions are consulted on with the residents before they are finalised.

Our client reserves their position to raise additional matters at the Committee hearing in relation to this representation.

All correspondence relating to this representation and the Licensing Committee hearing should be addressed to

Yours faithfully



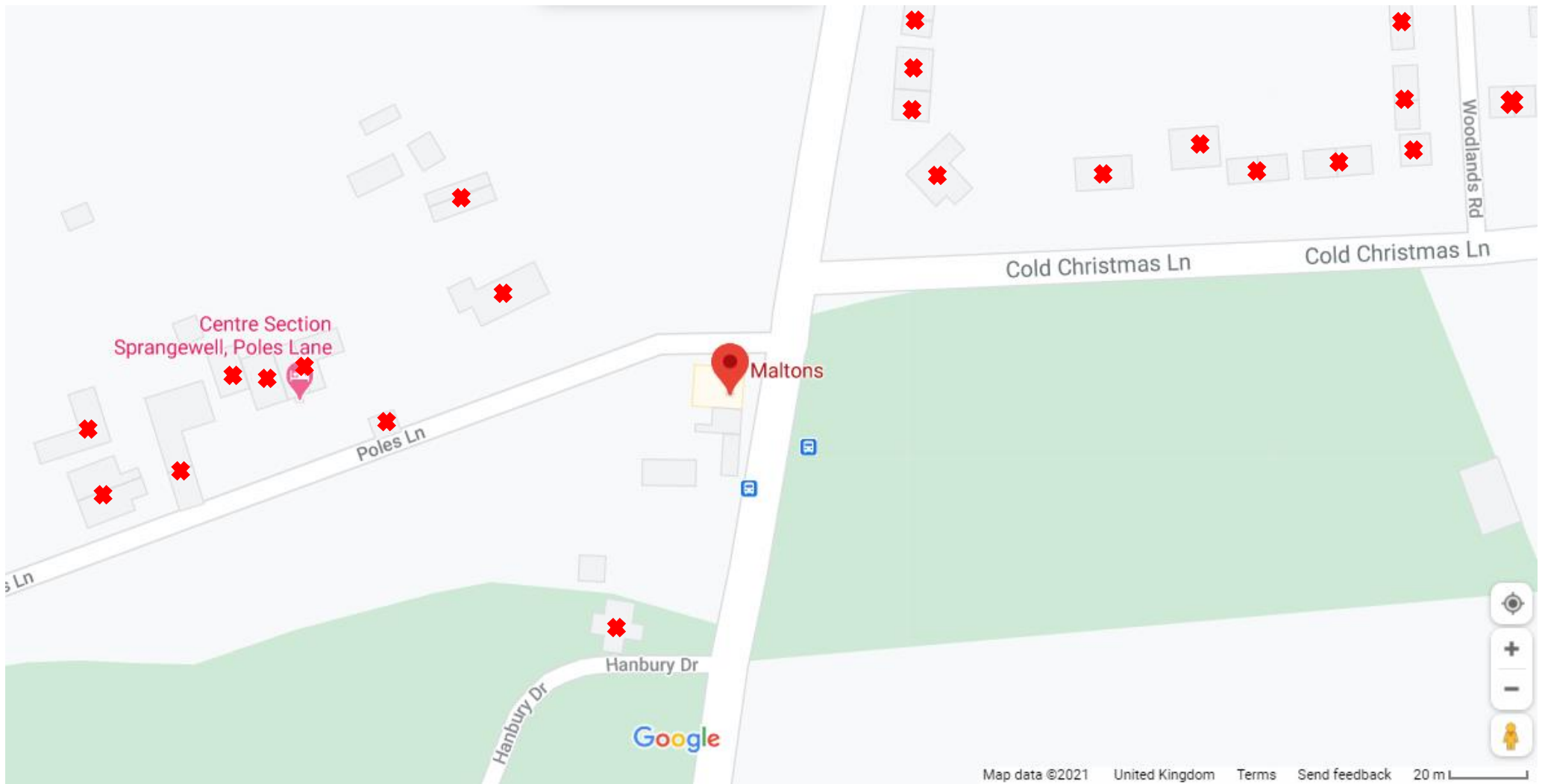
Poppleston Allen

Conditions

Whilst our client, in the strongest possible terms, has asked for a full refusal of the application, purely to reserve their position with regard to all eventualities fully, we have included below a list of conditions which we would ask the Committee to consider attaching to the premises licence if they are minded to approve this application:

1. A terminal hour of 9pm for any external bar and closing time of 10pm for the external area and any structures located in that area based on its residential location.
2. After 10pm customers permitted to temporarily leave and then re-enter the premises to smoke shall be limited to 4 persons at any one time.
3. Use of the external area and structures shall not commence until 6pm to prevent the area from being used in such a way that children and residents from neighbouring premises cannot enjoy their gardens.
4. Alcohol shall not be sold or supplied to customers for consumption in the external areas otherwise than to persons who are seated and who are taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. An appropriate capacity limit to be imposed on the external area.
6. Customers shall not be permitted to take drinks to or smoke in the car park.
7. A professional acoustic company to be instructed by the Applicant to advise on appropriate noise level and all speakers to operate through a noise limiting device set at an appropriate level measured by the Environmental Health Authority internally and externally and for the Applicant to agree a noise management plan.
8. The premises shall not be used under the terms of the premises licence until all internal areas have been insulated so as to prevent the transmission of sound from the premises to neighbouring residential dwellings and details thereof have been submitted and approved in writing by the Council's Environmental Health authority. The insulation works shall only be installed in accordance with the details so approved and shall be maintained.
9. Perimeter noise checks to be carried out every 30 minutes from 6pm until closing at weekends and bank holidays.
10. The premises licence holder to be required to plant and maintain a substantial mature natural native hedge to provide dense noise screening along the car park boundary on Poles Lane and the boundary with North Lodge and any other boundary where this is possible and to renew the wooden fence along Poles Lane.
11. Doors and windows to remain closed when regulated entertainment is taking place.
12. CCTV to be installed throughout the premises to the satisfaction of the Police to cover all customer areas. Recordings to be kept for a minimum of 31 days and made available to the Police on request.
13. Prominent signage to be displayed around the external area, car park and buildings requesting patrons keep the noise down and avoid use of foul and abusive language as it is a residential area.

14. Prominent signage to be displayed in the premises and external area emphasising that customers parking in the area must not block roads, pavements or leave their vehicles in hazardous locations.
15. Prominent signage to be displayed in the premises encouraging customers not to drink and drive and the licence holder shall enter into an agreement with a dedicated taxi firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
16. A dispersal policy to be provided and agreed with the relevant officers from the Environmental Health Authority and the Licensing Authority and copies to be provided to residents.
17. Off sales to be limited to the external area and only in plastic containers.
18. All tables and chairs in the external area to be fitted with rubber feet.
19. Specific provisions for a minimum of two SIA registered security staff to be employed on key trading days such as Friday, Saturday, Bank holiday weekends, New Year's Eve etc and at all times the external bar is in operation.
20. A contact telephone number to be provided to the local residents, the Environmental Health Authority and the Licensing Authority for direct contact to the on-duty manager at all times.
21. A log of residential complaints to be maintained at the premises and available for inspection by the responsible authorities.
22. Lighting in signs, planters and in car park to be turned off outside of trading hours.
23. Staff members to receive appropriate training in respect of their duties under the licensing objectives and refresher training to be provided at regular intervals.
24. Challenge 25 policy to be implemented and prominent notices around the premises notifying customers of the policy.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.



✖ : Residential dwellings

Strictly Private & Confidential

East Herts District Council
Wallfields
Pegs Lane
Hertford

Dear Sir or Madam

Subject: Maltons, Cambridge Road, Thundridge – Licence Extension Application 21/0010/PLV

I refer to the above licence extension application that has recently been submitted for approval to EHDC.

My wife and I purchased from the owners of in September 2019 and after significant refurbishment we moved into the property in February 2020. This is our permanent residence with our 3 children aged 14, 11 and 9. Maltons sits directly to our house and the area subject to licence extension is and

Since the re-opening of public houses and restaurants in June 2020 following the first period of lockdown we have suffered consistent nuisance, anti-social behaviour and noise pollution due to the patrons and nightclub level music from a live/amplified DJ every Saturday from approx. 12.30pm onwards until late and some other random evenings including Sundays.

Leaving the nuisance aside for a moment it has developed greater problems with our children in that they now suffer anxieties at playing in their own garden at the weekend. Come Friday when school is finished you can see their anxiety levels already increasing from knowing what is coming the next day. My wife is a qualified Psychotherapist and specialises in anxiety and stress – which is particularly relevant with the children she is seeing at this current time.

There have been ongoing complaints from us and other local residents to the Licensing team, Police authorities and Environmental Health all have which have failed to successfully contain any of this problem for us and other village residents. Even when advised by the licensing team on the current boundaries of the existing permissions relating to music being played outside this has been flatly ignored given the continuation of activities upto the current lockdown.

Following one specific visit by PC the following email was written to the aforementioned authorities;

'We are getting complaints of excessive noise from the Maltons pub, Thundridge from the residents of . Todays logs are HC-25072020-732 and HC-25072020-851.

I went to visit

of Maltons. It was difficult to have a reasonable conversation in their garden due to the volume of the music, along with the shouting and screaming, coming from the pub garden. The bass from the music seemed to be bouncing off the walls of their house. This apparently goes on from mid-afternoon to late at night, every day.

When I went past the place the pub garden was rammed with people and it was more like a town centre pub/club rather than a village gastro pub garden surrounded by houses. There was clearly no social distancing encouragement or enforcement from the owners and a total disregard for the impact the noise is having on local residents.

One of their neighbours was at the same address discussing the very matter when I arrived and they each stated they have called the pub asking for the music to be turned down and they have only received abuse and veiled threats in return.

While I appreciate that noise complaints are the responsibility of Environmental Health, is there anything in their licencing that prohibits them from causing a noise disturbance and can a CPW be issued to pubs?

Kind regards,

East Herts Rural Neighbourhood Team

Buntingford Police Station.'

If you require a copy of the original email I am happy to provide this to you.

The same set of circumstances were also witnessed by _____ on visiting our property later in the year. The _____ specifically commented to my wife and I that the music levels were 'not background music'.

On both occasions the licensee was verbally abusive to both the police officer and two members of the licensing committee.

Throughout summer we have been unable to enjoy the privacy of our garden due to the nightclub level music played by the venue and the nuisance that comes from the patrons being entertained. Grandparents and friends have all avoided our residence as a result of this nuisance. At any request to the owner to reduce noise levels there has never been any compromise, the requests have been ignored and at certain times music levels have even increased.

A case in point is that my middle son suffers from a disability (Ehlers Danlos Syndrome) which often gives him migraines with the only cure being sleeping it off in his room in darkness with fresh air. Numerous times this occurred during the summer of 2020 and each time we attempted to speak with the owner to make a polite request to reduce the noise levels and it was declined rendering the ability for him to recover impossible.

The noise levels have been such that they vibrate in our kitchen through double glazed windows, also making the simple job of sitting at our kitchen table as a family to eat dinner a double negative.

These events have occurred out of scope of the existing licence (EHDC licensing team have advised him formally that music beyond background level is not permitted in the outdoor area) so the proposals that have been put forward, if approved, will make the above issues totally intolerable for my family and other local residents.

In addition to these issues we have also witnessed or been subject to the following;

1. Patrons of the premises congregating adjacent to our garden on the Cambridge Road in drunken conversation without regard for the noise being made late at night and keeping our children awake.
2. Patrons of the pub returning to Hanbury Manor beyond midnight and knocking on our front windows waking us and our children up.
3. Patrons of the pub returning to Hanbury Manor beyond midnight numerous times having group discussions and arguments on our driveway – one of those can only be described as a drunken cat fight between two female friends that lasted approx. 5-10 minutes at gone midnight.
4. Cars leaving the venue beyond midnight raising their horns and revving engines several times.
5. Security lights remaining on all night and providing significant glare to our property and others on Poles Lane.
6. Drink driving – most patrons arrive by car and leave by car. It is only a question of time before there is a tragic incident by a person leaving the establishment who has been unable to leave the premises through safer means.
7. Off road parking on Poles Lane often leaving cars abandoned overnight impacting access to the residential area to emergency services and the like.

Recent precedent

We would also like to draw your attention to a mirror image recent precedent for a rejection in full without conditions being approved by Welwyn and Hatfield District Council regarding the variation of the Hope & Anchor's premise licence - PA29562/11/102019.

The applicant proposed similar conditions to be imposed in order that the variation be allowed. Nevertheless the council refused the application in its entirety (due to it being: "surrounded by residential properties... and that the pub was in a village... surrounded by houses where some were quite close to the premises and as a result there had been some noise issues... there would be a loss of amenity to the residents... and that there would be a risk of anti-social behaviour which would undermine the licensing objectives").

The approval/extension of the licence will only deteriorate the situation further for the residents as it would have in the above example hence the decision on that application.

Fit and Proper Person

Our experiences with the current licensee are such that we would question if he is indeed a fit and proper person to be operating an alcohol licence, because;

1. There have been 2 verbal threats 1) July 2020 which was violent stating that 'I would be hurt if his business is damaged' which was reported to the police see crime ref 41/58586/20 2) later in 2020 that he would 'break my family if anything happens to his business'.
2. Further verbal threats to other residents.
3. Abusing a police officer and members of the licensing committee.
4. Regularly ignoring existing licensing permissions.
5. Building an extension to the property without proper planning consent, note an enforcement notice has now been issued for its removal.
6. Not being compliant with Companies House filing procedures.
7. A multitude of negative comments on Tripadvisor citing aggressive behaviour to customers.

Enforcement Notice

You will no doubt know that there is a current enforcement notice to remove the actual area that this licence extension is proposed for. The current structure has been built without any planning approval, ignoring change of use and listing requirements. Therefore we deem that the application is irrelevant as the buildings will be removed in effect deeming the 'nightclub' area defunct.

Value to the community

There is no long-term value to the community in extending the licence as appealed for – it is only being requested so he can encourage and supply group excess drinking outside for long hours to protect the diners of his restaurant indoors from the noise and rabble. This is not a nightclub, this is a village pub/restaurant, which for a long time prior to the new owners occupancy has been trading as a valuable member of the village amenities.

The owner and the large majority of the patrons do not live in the area and at no time has the owner even attempted to make any kind of relationship with the local residents or support the community, if anything his continued anti-social and threatening behaviour has driven this in the other direction.

In all of the above we strongly believe that these actions contravene all of the 4 basic principles that licensing is aiming to prevent e.g.

1. Prevention of public nuisance
2. Prevention of crime, disorder and anti-social behaviour
3. Promotion of public safety
4. Protection of children from harm

Any approval to extend the licence and further promote the activities will only deteriorate these key principles as the licensee has demonstrated scant regard for rules so will only push the boundaries further. Any conditions that could be applied will in our opinion will not be complied with as has been shown with his existing licence parameters and the village residents will be the victims.

Yours sincerely

Thundridge

From:
Sent: 09 February 2021 19:15
To:
Subject: [External] MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST - APPLICATION
REF. 21/0010/PLV
Attachments: Maltons - Map.pdf; Conditions.pdf; Representation.pdf

Hi

I have been sent the attached representation by lawyers at Poppleston Allen who are representing a group of residents on this matter including my wife and I. We would like it to go on record that we fully endorse the attached in addition to our earlier letter of objection on the above licence variation application.

Trust this is in order.

Rgds

STRICTLY PRIVATE AND CONFIDENTIAL

East Herts Council
Wallfields
Hertford
Herts

28 January 2021

Dear Sir/Madam

MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST APPLICATION NO 21/0010/PLV

We are writing concerning the above mentioned application to vary Maltons existing licence.

We request that our identity is kept private and confidential in view of the threatening behaviour of the applicant.

We have lived in our house for 37 years. We have always enjoyed a good relationship with the previous pub owners and licensees over these years. The pub has provided the village with a vibrant meeting point and has been extremely popular and busy. It has until now been a real asset for our village.

Unfortunately, the applicant has turned the country pub into a venue which no longer caters for the local residents. Rather than a place to go with family and friends we have loud invasive music blaring out, shouting, screaming and anti social behaviour. The Thundridge Neighbourhood Plan was drawn up with contributions from villagers. It was one of the main criteria was that we should continue to preserve the tranquil, peaceful and rural qualities of this area.

We and other residents were in the process of putting in place an application to review the existing licence because of the planning, environmental health, and licensing contraventions that have been taking place since the applicant started running the pub. The applicant has now submitted this application to vary the licence to which we object in the strongest possible way. The reasons for our objections are as outlined below.

Planning Law Contravention

The applicant has breached planning laws including those applicable to green belt conservation by covering in an outside area which is where he intends to hold events as detailed in his application. There has not been planning permission granted to allow a change of use or building in this area.

Public Nuisance

The proposed variations to the licence would cause a considerable public nuisance. The applicant has already been carrying out a number of the activities included in this application without being licensed to do so. We are, therefore fully aware of the impact these activities have had and would continue to have if the application was granted. The disturbance to us and the surrounding families from such events would be significantly detrimental to the enjoyment of our homes and gardens. We are in no doubt as to the extent of disturbance these events would cause as they have been happening on a regular basis during 2019 and 2020. On these occasions we are unable to use our garden because the DJ amplified music is so loud as to prevent normal conversation. It is invasively loud even inside our house with double glazed doors and windows closed. We are in contact with Environmental Health Department regarding these issues and have supplied them with diaries and evidence. There are often people staying on later than the regulated licensing times which results in

extremely late night disturbance with customers and staff shouting and screaming when leaving. We have had our grandchildren woken up when they have stayed for sleepovers leading to a disturbed night for us all and a spoilt weekend with them. This has impacted on us by not feeling comfortable about inviting them here to enjoy time with us as we are not happy about them having their sleep detrimentally affected. These incidents indicate how the proposed activities have already been a major nuisance and this would only be exacerbated if the variation is granted.

I would, therefore, request the Licensing Authority refuses the application in the light of this information.

PROTECTION OF CHILDREN and FAMILIES. DISORDER

The area that the application applies to is within view and open to Poles Lane. This is a country lane which is frequented by families walking and cyclists from the village and local areas. It is not desirable that families should be subjected to club style music and partying in a green belt country environment. People from the pub congregate in the car park area to smoke now that there is no designated smoking shed area and the shouting and bad language is not appropriate for children to hear. Tranquil country pastimes are very precious to families and we should preserve them wherever and whenever we are able. I would ask the Authority to refuse this application in the light of these facts and that it is central to their Licensing Policy to protect local residents and avoid nuisance from disturbance and anti-social behaviour.

We have been subjected to aggressive verbal encounters with the applicant on a number of occasions when we have attempted to talk to him. He becomes very agitated and takes over the whole conversation telling us how we should behave and move on. He has become very heated and threatened our family and other neighbours and their families. These have been reported to the Police.

PUBLIC SAFETY

We have very serious concerns regarding the parking of customers cars. There is only just enough car parking to facilitate the pub now and when there are music events and parties there is not enough. Patrons park cars along Poles Lane, severely hindering other drivers attempting to access and exit along the Lane. As mentioned before, families enjoy walks along the lane and car parking would make a quiet walk a very hazardous one with parked cars obscuring the clear vision of drivers and pedestrians alike. I have grave concerns that if there was an emergency at one of the houses further along the Lane the response vehicles may not have room to pass by the parked cars. There is also a safety issue with cars parking at the entrance to Poles Lane thereby restricting the view of traffic on the main road for drivers attempting to exit. People wishing to cross the road also have their view of oncoming traffic restricted even when using the safety crossing islands in the road. We know these matters to be real problems. They have already been shown to be serious concerns on the occasions the applicant has held events such as applied for now. We would, therefore request that the Licensing Authority refuses this application for Public Safety reasons.

Conditions

We are very concerned that the proposed conditions regarding "risk assessment, provision of door staff, monitoring of noise level and a rota of staff to patrol the external areas to record noise level" as well as the conditions relating to food/drink consumption times, sale and supply of alcohol times, will not be adhered to. The applicant has shown no concern at all for his neighbours even when we

have asked him. The operating hours proposed are extremely late to be serving drinks in this area. It means that people would be staying for much later than those times and the disturbance will be increased. Again we would be relying on the applicant to adhere to such conditions and we do not have faith that he will, in view of what we have experienced thus far. He has shown no inclination to abide by licensing laws. These conditions will not be enforceable without us going through lengthy consultation procedures with Environmental Health Department and Licensing Department all over again.

For the all of the reasons given here we would request that this application be rejected in its entirety.

Yours faithfully

CC

Sent: 09 February 2021 16:53
To: Housing & Health Services - Community Protection
Subject: [External] MALTONS CAMBRIDGE ROAD THUNDRIDGE SG12 0ST Application
21/0010/PLV

PRIVATE AND CONFIDENTIAL

Dear sir/madam

We have already submitted objections to the above application by letters sent with email dated 28 January. We would again request that our names and personal information remain confidential and are not disclosed to the Applicant.

In addition to those objections we would like to register that we fully endorse the representations made to the Licensing Authority by of Poppleston Allen, his reference DI/DI/L12785-1 Doc ref 2147798446.

Please acknowledge receipt of this email.

Thank you

Regards

STRICTLY PRIVATE AND CONFIDENTIAL

East Herts Council
Wallfields
Hertford
Herts

28 January 2021

Dear Sir/Madam

MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST APPLICATION NO 21/0010/PLV

We request that our identity is kept private and confidential in view of the threatening behaviour of the applicant.

I object most strongly to the application to vary the licence at Maltons. My reasons for my objection are as follows:

Public nuisance

The applicant causes public nuisance to us and local residents by playing loud DJ music from noon to 11.30, sometimes later. This is in an outside area for which he has no licence to do so. Also, he has no planning permission to do so. This situation would worsen if the application was granted.

Public Safety

The applicant is requesting permission to increase the licensable area to include the outside. Doing this would increase his seating/covers for dining from 62 to 130 places. Thus doubling the overall footprint of the existing square footage of the premises for which he has no planning permission. This would lead to a shortfall of parking provisions. The pub already struggles with 62 let alone 130. We have problems with customers parking in Poles Lane making it difficult to enter/exit our property. Safety of residents and their properties in Poles Lane is already jeopardised in that emergency vehicles could not be able to get through and this proposal would make it even worse.

Protection of Children and Families

We have family and young grandchildren who come to visit and stay over regularly. On occasions they have asked "Why do they play music so loud and people are shouting so loudly? It makes us frightened." We have to go indoors where we are still subjected to the loud DJ music reverberating off the walls inside our house. On asking the applicant to please turn down the volume of the music he becomes very angry and agitated. On one occasion he verbally threatened me by saying, "Back off or I will break you". I would ask the Licensing Authority to reject this application based on these events.

Crime and Disorder

On several occasions during Covid restrictions where numbers of people eating together were limited to 4 and 6, he has held party nights of very large numbers of people and again excessively

loud DJ music. The police have been called on a number of occasions by us and neighbours. Their reports have been made available to the various Council Departments.

I would request that the Licensing Authority rejects this application totally.

Yours faithfully

CC

Strictly Private & Confidential - addressees only

East Herts Council
Wallfields
Pegs Lane
Hertford
Hertfordshire

Dear Sir/Madam

MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST; APPLICATION REF. 21/0010/PLV

Due to the threatening behaviour of the applicant, we ask that our identity be protected from disclosure.

The premises are located within a close, residential area. The Thundridge Neighbourhood Plan's vision is to preserve the tranquil, peaceful and rural qualities of this area.

We would greatly welcome an appropriately managed pub here (like those which have operated successfully for over 200 years). However, the Maltons' current business model and this application are far from that. Crime, noise, nuisance, traffic issues, etc. were not problems on this site before the applicant took over. In fact, local residents were about to initiate a review of the existing licence. This application will only exacerbate the dire current situation.

Accordingly, **we (supported by, notably, all levels of political representation here: the Thundridge Parish Council, Cllr. [redacted] and [redacted] MP) object to this application in the strongest possible terms. We ask that East Herts Council follows the same approach as Welwyn & Hatfield Council, in a very similar case in 2020 regarding the Hope & Anchor pub in Welham Green, and rejects this application in full, rather than granting it with conditions:** conditions will not work with this licensee and this business model.

Licensing objectives and aims

Prevention of public nuisance: since taking over, the applicant has made local residents' lives a misery due to incredibly loud music and anti-social behaviour by the staff and drunken patrons. We have made numerous complaints to the Environmental Health officers and the police licensing team about the noise from the premises. When PC [redacted] attended the premises during the summer of 2020, he reported (crime refs. HC-25072020-732 and HC-25072020-851): "It was difficult to have a reasonable conversation in their garden due to the volume of the music, along with the shouting and screaming, coming from the pub garden. The bass from the music seemed to be bouncing off the walls of their house. This apparently goes on from mid afternoon to late at night, every day. When I went past the place the pub garden was rammed with people and it was more like a town centre pub/club rather than a village gastro pub garden surrounded by houses. There was clearly no social distancing encouragement or enforcement from the owners and a total disregard for the impact the noise is having on local residents.". It is inconceivable that the application will not worsen this, given there will be louder music, for longer, with more people, closer to houses.

Prevention of crime, disorder and anti-social behaviour: the premises have been attended a number of times by the police in the last year. When PC [redacted] attended the premises during the summer, he reported (crime refs. HC-25072020-732 and HC-25072020-851): "There was clearly no social distancing encouragement or enforcement from the owners.". Social distancing and associated COVID-secure measures are likely to be required for some considerable time until any herd immunity occurs, and the breach of these requirements is a criminal offence. The application is for louder music, for longer periods, in a greater area, for more people. It can only lead to the commission of further offences under the COVID-related legislation.

The applicant has also threatened violence against residents and to “break [us]” if we continue to complain about the noise from the Maltons.

A number of local residents have experienced vandalism to the exterior of their properties by intoxicated patrons since this applicant took over.

There has been a continuous pattern of disorder (loud arguments and disturbances by both patrons and sometimes staff at all times of the day, but particularly at closing time) and the applicant has done nothing to prevent or stop this. The application will only make this worse because patrons will be able to drink for longer periods and noise will be able to occur later and in more areas, closer to houses. The immediate vicinity is entirely residential apart from a children’s playing field opposite the premises. The noise and behaviour of drunk patrons is already an issue, as observed by the police and others. The premises are so close to houses that it will be impossible to reduce the risk of anti-social behaviour if the proposals in the application are approved.

Promotion of public safety: the pub is based on a small site and the car park therefore fills easily. As a result, since the applicant took over, when the car park has been full, cars have repeatedly been parked along the narrow Poles Lane. This has obstructed traffic generally, and in particular, would prevent emergency services from attending. Equally, cars have been parked on the surrounding pavements which would prevent disabled and elderly people from being able to go about their daily lives. Increasing the licensed area and therefore the number of patrons will undoubtedly add to this traffic problem and present significant public safety concerns. Furthermore, there is limited public transport available, given how rural the area is. There will be no provision for much of the licensed hours in the proposal, and the application will therefore increase traffic and put pressure on the limited services when public transport is available.

Protection of children from harm: there are children living in the houses immediately surrounding this pub as well as children using the playing fields opposite. The loud music and shouting (including regular use of obscenities) as well as the traffic noise prevents our children from sleeping and being able to use our garden. This application will harm all children nearby by subjecting them to greater noise and anti-social behaviour for longer periods, from more people and from more sources.

The promotion of public health and reduction of alcohol misuse: these issues are dealt with clearly in the East Herts’ Licensing Policy, and extended drinking hours and loud music, as the application envisages, significantly undermine these objectives.

Conditions: the conditions proposed are wholly inadequate because:

- (1) they focus on risk assessments and monitoring activities carried out by Maltons’ staff members. In light of the licensee’s record in complying with the current conditions and applicable laws, it is highly unlikely that these conditions would be effective. The applicant has shown complete disregard for the law, both in terms of keeping to the current conditions as well as other legal obligations, such as the planning matters noted below, and the fact that Maltons Restaurant Limited (of which he is the sole director) is in default of its statutory filing obligations;
- (2) conditions cannot be devised which will be enforceable and effective to manage the proposals given the tranquil and extremely close residential area;
- (3) conditions would place an additional burden on the local authority and police in monitoring noise, traffic, public safety, crime, etc.; and
- (4) any conditions that are likely to be produced within the application or in any subsequent negotiations, are likely to be subject to challenge. The conditions must be precise, unambiguous, enforceable, capable of being met and tailored to the specific venue, amongst other things. We have been informed by the relevant officers that a previous condition imposed by the authority, may be invalid as it was unenforceable. Given the subjective and qualitative nature of many of the measures, it is open to challenge and therefore likely to be a further burden on the council’s time.

There is a very similar recent precedent for a rejection in full without conditions being approved by Welwyn and Hatfield District Council regarding the variation of the Hope & Anchor’s premise

licence - PA29562/11/102019. The applicant proposed similar conditions to be imposed in order that the variation be allowed. Nevertheless the council refused the application in its entirety (due to it being: "surrounded by residential properties... and that the pub was in a village... surrounded by houses where some were quite close to the premises and as a result there had been some noise issues... there would be a loss of amenity to the residents... and that there would be a risk of anti-social behaviour which would undermine the licensing objectives").

Invalid application

The application should also be dismissed as:

- (1) it seems to be made with an incorrect christian name;
- (2) there is no valid planning permission for the outdoor structures to be used. Accordingly, the licence plan submitted with the application is invalid. The buildings noted in the licence plan as the 'covered terrace', 'terrace' and 'gazebo' have been constructed or developed recently by the applicant without planning permission, adapting an open 'smoking shelter' and linking it to the main building. The original 'smoking shelter' was only approved previously as development in the green belt, as it was considered to be "very special circumstances" to accommodate the change in the law which prohibited smoking indoors. As it is now enclosed, such circumstances do not apply and their use is and would be unlawful.

Accordingly, I ask that the application be rejected in its entirety.

Yours faithfully

CC:

Strictly Private & Confidential - addressees only

East Herts Council
Wallfields
Pegs Lane
Hertford
Hertfordshire

Dear Sir/Madam

MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST; APPLICATION REF. 21/0010/PLV

Due to the threatening behaviour of the applicant, we ask that our identity be protected from disclosure.

The premises are located within a close, residential area. The Thundridge Neighbourhood Plan's vision is to preserve the tranquil, peaceful and rural qualities of this area.

We would greatly welcome an appropriately managed pub here (like those which have operated successfully for over 200 years). However, the Maltons' current business model and this application are far from that. Crime, noise, nuisance, traffic issues, etc. were not problems on this site before the applicant took over. In fact, local residents were about to initiate a review of the existing licence. This application will only exacerbate the dire current situation.

Accordingly, **we (supported by, notably, all levels of political representation here: the Thundridge Parish Council, Cllr. [redacted] MP) object to this application in the strongest possible terms. We ask that East Herts Council follows the same approach as Welwyn & Hatfield Council, in a very similar case in 2020 regarding the Hope & Anchor pub in Welham Green, and rejects this application in full, rather than granting it with conditions:** conditions will not work with this licensee and this business model.

Licensing objectives and aims

Prevention of public nuisance: since taking over, the applicant has made local residents' lives a misery due to incredibly loud music and anti-social behaviour by the staff and drunken patrons. We have made numerous complaints to the Environmental Health officers and the police licensing team about the noise from the premises. When PC [redacted] attended the premises during the summer of 2020, he reported (crime refs. HC-25072020-732 and HC-25072020-851): "It was difficult to have a reasonable conversation in their garden due to the volume of the music, along with the shouting and screaming, coming from the pub garden. The bass from the music seemed to be bouncing off the walls of their house. This apparently goes on from mid afternoon to late at night, every day. When I went past the place the pub garden was rammed with people and it was more like a town centre pub/club rather than a village gastro pub garden surrounded by houses. There was clearly no social distancing encouragement or enforcement from the owners and a total disregard for the impact the noise is having on local residents.". It is inconceivable that the application will not worsen this, given there will be louder music, for longer, with more people, closer to houses.

Prevention of crime, disorder and anti-social behaviour: the premises have been attended a number of times by the police in the last year. When PC [redacted] attended the premises during the summer, he reported (crime refs. HC-25072020-732 and HC-25072020-851): "There was clearly no social distancing encouragement or enforcement from the owners.". Social distancing and associated COVID-secure measures are likely to be required for some considerable time until any herd immunity occurs, and the breach of these requirements is a criminal offence. The application is for louder music, for longer periods, in a greater area, for more people. It can only lead to the commission of further offences under the COVID-related legislation.

The applicant has also threatened violence against residents and to “break [us]” if we continue to complain about the noise from the Maltons.

A number of local residents have experienced vandalism to the exterior of their properties by intoxicated patrons since this applicant took over.

There has been a continuous pattern of disorder (loud arguments and disturbances by both patrons and sometimes staff at all times of the day, but particularly at closing time) and the applicant has done nothing to prevent or stop this. The application will only make this worse because patrons will be able to drink for longer periods and noise will be able to occur later and in more areas, closer to houses. The immediate vicinity is entirely residential apart from a children’s playing field opposite the premises. The noise and behaviour of drunk patrons is already an issue, as observed by the police and others. The premises are so close to houses that it will be impossible to reduce the risk of anti-social behaviour if the proposals in the application are approved.

Promotion of public safety: the pub is based on a small site and the car park therefore fills easily. As a result, since the applicant took over, when the car park has been full, cars have repeatedly been parked along the narrow Poles Lane. This has obstructed traffic generally, and in particular, would prevent emergency services from attending. Equally, cars have been parked on the surrounding pavements which would prevent disabled and elderly people from being able to go about their daily lives. Increasing the licensed area and therefore the number of patrons will undoubtedly add to this traffic problem and present significant public safety concerns. Furthermore, there is limited public transport available, given how rural the area is. There will be no provision for much of the licensed hours in the proposal, and the application will therefore increase traffic and put pressure on the limited services when public transport is available.

Protection of children from harm: there are children living in the houses immediately surrounding this pub as well as children using the playing fields opposite. The loud music and shouting (including regular use of obscenities) as well as the traffic noise prevents our children from sleeping and being able to use our garden. This application will harm all children nearby by subjecting them to greater noise and anti-social behaviour for longer periods, from more people and from more sources.

The promotion of public health and reduction of alcohol misuse: these issues are dealt with clearly in the East Herts’ Licensing Policy, and extended drinking hours and loud music, as the application envisages, significantly undermine these objectives.

Conditions: the conditions proposed are wholly inadequate because:

- (1) they focus on risk assessments and monitoring activities carried out by Maltons’ staff members. In light of the licensee’s record in complying with the current conditions and applicable laws, it is highly unlikely that these conditions would be effective. The applicant has shown complete disregard for the law, both in terms of keeping to the current conditions as well as other legal obligations, such as the planning matters noted below, and the fact that Maltons Restaurant Limited (of which he is the sole director) is in default of its statutory filing obligations;
- (2) conditions cannot be devised which will be enforceable and effective to manage the proposals given the tranquil and extremely close residential area;
- (3) conditions would place an additional burden on the local authority and police in monitoring noise, traffic, public safety, crime, etc.; and
- (4) any conditions that are likely to be produced within the application or in any subsequent negotiations, are likely to be subject to challenge. The conditions must be precise, unambiguous, enforceable, capable of being met and tailored to the specific venue, amongst other things. We have been informed by the relevant officers that a previous condition imposed by the authority, may be invalid as it was unenforceable. Given the subjective and qualitative nature of many of the measures, it is open to challenge and therefore likely to be a further burden on the council’s time.

There is a very similar recent precedent for a rejection in full without conditions being approved by Welwyn and Hatfield District Council regarding the variation of the Hope & Anchor’s premise

licence - PA29562/11/102019. The applicant proposed similar conditions to be imposed in order that the variation be allowed. Nevertheless the council refused the application in its entirety (due to it being: "surrounded by residential properties... and that the pub was in a village... surrounded by houses where some were quite close to the premises and as a result there had been some noise issues... there would be a loss of amenity to the residents... and that there would be a risk of anti-social behaviour which would undermine the licensing objectives").

Invalid application

The application should also be dismissed as:

- (1) it seems to be made with an incorrect christian name;
- (2) there is no valid planning permission for the outdoor structures to be used. Accordingly, the licence plan submitted with the application is invalid. The buildings noted in the licence plan as the 'covered terrace', 'terrace' and 'gazebo' have been constructed or developed recently by the applicant without planning permission, adapting an open 'smoking shelter' and linking it to the main building. The original 'smoking shelter' was only approved previously as development in the green belt, as it was considered to be "very special circumstances" to accommodate the change in the law which prohibited smoking indoors. As it is now enclosed, such circumstances do not apply and their use is and would be unlawful.

Accordingly, I ask that the application be rejected in its entirety.

Yours faithfully

CC:

**THUNDRIDGE
HERTS**

E Mail

18 January 2021

East Herts Council
Wallfields
Pegs Lane
Hertford SG13 8EQ

Ref: Licensing Application 21/0010/PLV

Dear Sir/Madam,

We would like to comment on the above application as follows:-

- Granting of the application would substantially change the nature and environment of what is now a quiet local village pub and eatery.
- The proposed development changes would increase the provision required for parking cars. There is insufficient at the moment. This in turn would overflow into Poles Lane to the detriment of residents, cyclists and dog walkers.
- Some residents already suffer noise pollution from weddings etc at Hanbury Manor. This noise pollution would be substantially increased from the addition of amplified music proposed in the application.
- There is also a concern regarding late night customers behaviour when leaving and the detritus that maybe being disposed.

The owners of Maltons have worked hard and succeeded in establishing a well supported pub and restaurant, The proposed changes may convert this to a, noisy, light polluted, roadside, rowdy meeting point?

Yours Faithfully

From:
Sent: 10 February 2021 16:54
To:
Subject: Comments for Licensing Application 21/0010/PLV

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 10/02/2021 4:53 PM from

Application Summary

Address:	Cambridge Road Thundridge Nr Ware Hertfordshire SG12 0ST
Proposal:	Variation - Premises Licence
Case Officer:	

[Click for further information](#)

Customer Details

Name:	
Email:	
Address:	

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	10/02/2021 4:53 PM To Whom it concerns object for the following reasons 1, To excess noise pollution within vacinity of the Golf course 2, Concern of extra people leaving the venue passing over the golf course returning to Ware resulting in damage or injury to themselves or the course . 3, Would not wish to increase the pedestrian traffic walking along the Hanbury Drive late at night resulting in injury

Kind regards

From:
Sent: 07 February 2021 10:52
To:
Subject: Comments for Licensing Application 21/0010/PLV

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 07/02/2021 10:51 AM from .

Application Summary

Address:	Cambridge Road Thundridge Nr Ware Hertfordshire SG12 0ST
Proposal:	Variation - Premises Licence
Case Officer:	

[Click for further information](#)

Customer Details

Name:	Mr
Email:	
Address:	Thundridge

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	07/02/2021 10:51 AM Fully object to licence variation for the reasons provided in letter dated and sent to community protection email address on 06/02/2021.

Kind regards

From:

Sent:

04 February 2021 16:38

To:

Subject:

[External] Reference: - Application for Malton's Restaurant/ Fiazollah Shafiy

East Herts Council

Wallfields,

Peg Lane,

Hertford

Herfordshire

Dear sirs,

Reference: - Application for Malton's Restaurant/ Fiazollah Shafiy

(formally Sow & Pigs public house) Cambridge Road, Village of Thundridge.

With reference to the aforementioned application received on 7th January 2021. As you will appreciate from our address below, we are residence in Poles Lane (joining the Cambridge Road) and approximately 800 meters from the applicant's premises. Due to the threatening behaviour of the applicant, we ask that our identity be protected from disclosure

Having reviewed the list of "proposed licensable activities" we would like to object to the request on the following basis.

(1) Public nuisance and safety.

- a. Poles Lane is a very narrow country lane with no ability to park vehicles that will not cause a nuisance and safety issues allowing a right of way to the general public.
In the past summer season the Maltons restaurant opened the previously labeled "smoking shelter" to be an outside function area which has doubled the size of their premises and transposing a previously authorized smoking shelter into a fully furnished area to be used as either a restaurant or on many occasions a party function area.
This transition from a "smoking shelter" to an extension of the previous Sow & Pigs

premises has resulted in additional seating area therefore attracting additional head count and in proportion additional car activities. The end result has been for cars having no alternative other than parking in Poles Lane or directly opposite in Cold Christmas Lane, and on many occasions there has also been parking in Cambridge Road itself including in the bus stop area.

This has caused significant nuisance along with safety issues within the Poles Lane and within the adjoining Cambridge Road /Cold Christmas Lane

- b. The transition from smoking area to function room has also on many occasions been utilized to hold “party evenings” especially in July time when the “lock down” was released. This change attracted a significant increase in the local noise level where by the music level increased considerably causing a number of local complaints from both the music and the noise from the attendees when leaving the premises.
- c. The application for a lifting of the current limitation of two entertainers, performance of dance, outside bar will cause additional nuisance and safety to the local community in the whole village of Thundridge where a historical public house is being transposed to an open-air night club. The doubling of the size of the foot print, extending an outside area for dancing, the outside sale of alcohol along with extended hours will attract more customers which will only cause local public nuisance and safety issues for the village. The extension of an open-air dancing and bar will no doubt also limit the amount of parking space and will only add to the nuisance already stated in (a) above. This certainly would not be in keeping with the historical village of Thundridge.
- d. It is our understanding there has in the last 24 months been a history of disruption at the location causing complaints from customers and the local community relating to the reaction of staff and management at the premises. Personally, we have not seen this directly other than that has been circulated on “social media”. However, it is reasonable to anticipate an increase in size will only attract further disruption.

Yours faithfully

Pole Lane

Thundridge

From:

Sent:

03 February 2021 10:09

To:

Subject:

Re: [External] NOTICE OF APPLICATION 21/0010/PLV - MALTONS

Dear Sir:

I am a local resident affected by the above application, to which I OBJECT.

The applicant is currently exceeding the current terms of his license by playing amplified music in the gazebo area, contrary to the information you provided in (4) below. The gazebo has little sound insulation. This is affecting the lives of nearby residents on a regular basis, late into the evening.

Requests to turn down the volume have been ignored, and met with hostility.

The applicant seems to have little interest in attracting local residents, and is seeking to bring large groups from further afield. This is out-of-keeping with a normal village pub, located as it is near residential properties and with limited parking space.

I would therefore urge you to reject this application, and take steps to ensure that the applicant abides by the terms of his current licence, and if he fails to do so, take steps to revoke the licence.

Poles Lane, Thundridge, Ware

From:
Sent: 01 February 2021 18:22
To:
Subject: [External] Objection to an application to vary premises license

Plan no. 388/03

Faizollah Shafiy
Maltons
Cambridge Road
ThundridgeSG12 0ST

Sir

I object to the above proposal to allow temporary buildings at Maltons to be used for the following reasons.

If permission is granted to extend the trading area it will bring extra traffic into the parish at unsociable hours, which will increase noise disturbance in the area.

If Maltons is allowed to use temporary buildings (which are not soundproofed) it may set a precedent for other nearby pubs and restaurants to apply to do the same.

Maltons is located in a rural area and the pub has become more akin to a nightclub with loud music, accompanied with noise disturbance from their customers.

The premises are a village public house and should not be turned by stealth into a larger late night entertainment area.

From:
Sent: 01 February 2021 14:30
To:
Subject: [External] Maltons, Cambridge Road, Thundridge.

Dear Sir/Madam

Maltons, Cambridge Road, Thundridge, SG12 0ST: application Ref.21/0010/PLV

Due to the unpredictable behaviour of the applicant we ask our identity be protected from disclosure.

The Sow and Pigs (now Maltons) has for the past 200 years been a friendly village pub and eating establishment well used by the residents of Thundridge and nearby. As long term residents of Poles Lane it is only in the past couple of years we have witnessed very loud music, shouting and swearing making it unbearable for some and a thorough nuisance for all. Parking has also been a major problem, we believe most customers at weekends come from out of the area using the lane as a car park, making it impossible for emergency services to access Poles Lane.

We are not entirely sure permission has been granted for some of the existing outside areas, and more would be unreasonable, unwelcome and is already an eyesore.

We can see no reason for Maltons to carry on trading as if the were a large town nightclub or an outside Ibiza party venue..

We therefore ask that the application be rejected in its entirety.

Yours faithfully

Poles Lane,
Thundridge,

Sent from my iPad

From:

Sent:

31 January 2021 12:22

To:

Subject:

[External] Variation of premises licence 21/0010/PLV Maltons

Dear Sirs,

I wish to register my objection to this application as a local resident of Poles Lane. Whilst I am generally very supportive of the pub and the value it adds to the local community, this extension will significantly compromise the nature of the village and quality of life for locals.

The pub is clearly very successful already and today generates overspill parking down Poles Lane at weekends, and significant noise as people leave. Having the ability to generate more custom and have outdoor music will turn these from bearable issues to highly disruptive for those that live near the pub. The area is a quiet small village, where residents deliberately seek that type of environment. This extension to the licence will undermine this further and is inappropriate for this area.

Yours faithfully,

Poles Lane,
Thundridge,

Sent from my iPhone

From:
Sent: 25 January 2021 15:31
To:
Subject: [External] Maltons

TO – Community Protection Department, East Herts District Council

Re – Licensing Act 2003
Notice of Application 21/0010/PLV – MALTONS

I am a resident of Thundridge Hill which is located off Cold Christmas Lane. I have received notice of a request from Maltons for a licence variation.

I am very concerned to note that Malton's application seeks approval for removing two restrictions:

- (i) on live outside music to a maximum of two participants and
- (ii) all music shall not be amplified

In addition Maltons seeks approval for an outside bar.

I understand that in particular the noise factor has become a real concern to many local residents and it appears the music is already amplified – I am not sure how that complies with their current licence approval. This has always been a country pub. In fact for several hundred years it was run as such a pub under its historical name of The Sow and Pigs. Having removed that connection to its history which had served the community well over many years it has been changed into a brasserie and appears to be pursuing customers from further afield and is now much less of a community asset. In fact the transition to setting up outside services whilst moving with current Covid 19 restrictions has also established loud music until late into the evening. This attracts a much younger age group and therefore is not really a Covid 19 service for older people.

Fully amplified music until 11pm (or is it later?) is not a proposition from a country pub 'fitting in' with its local community. Unfortunately it resembles a self-fulfilling strategy of seeking crowds of customers, lots of outside drink and noise and partying with a carefree attitude to locals. This is not fair on our community and therefore the licensing authority needs to establish a fair sense of proportion. Also if the representations from residents are listened to, the publican seems prepared to disregard requests for a sense of fair play. In those circumstances permitting an extension of a licence to which strict adherence currently appears to be ignored would reward such behaviour.

In conclusion I would object to the licence being extended for amplified music and that groups exceeding 2 persons can play there. There are ways of improving revenue by establishing high standards of food and drink and becoming once again a community hostelry.

Regards

From:
Sent: 24 January 2021 13:28
To: Housing & Health Services - Community Protection
Cc:
Subject: [External] Maltons Application 21/0010/PLV

Dear Officers

Maltons Application 21/0010/PLV

We are writing to object to this "Variation of Premises licence". We live at the western end of Poles Lane.

Public Safety

Poles Lane is a narrow, rural lane used by local residents, and for leisure by those who come to walk themselves, their children and dogs. The houses on Poles Lane by Maltons have entrances opening on to the Lane and already have limited room for manoeuvring their vehicles. This plan would double the number of covers and reduce the size of the carpark, forcing many more vehicles to park along Poles Lane, which is already a problem with Malton's current usage. It can feel like negotiating a slalom at times which will get much worse, compromising public safety for vehicles and pedestrians.

The Lane's reduced width because of a line of unbroken parked cars, means it is doubtful that emergency vehicles will be able to access the properties along Poles Lane. This is a serious concern.

Customers returning to their parked cars after drinking and dining at Maltons will need to drive further down the lane, find a resident's drive in which to turn their cars around (often after dark), and drive back to exit the lane. This is a recipe for accidents.

Public nuisance

The points already raised constitute public nuisance for local residents and regular users of the lane, but there are other concerns.

Maltons draws the majority of its customer base from outside the area (hence the number of cars), and positions itself as being especially attractive for groups. Its desire to increase covers, have an outside bar, and be able to play amplified music by more than two musicians, represents a huge intrusion into the locality. What was once a local country pub is transforming itself into an outdoor venue for partying, drinking and loud music for large numbers. It is now, and will be exponentially more so, a significant public nuisance for us all in the area. Those living adjacent to it will have little quality of life and serious disturbance.

Protection of children from harm

Children are at risk from this extra vehicle usage of Poles Lane. They walk and cycle along the lane, often unaccompanied by adults, since this is a leisure area with local residents driving slowly and looking out for them.

Already we experience Malton's customers sweeping off the main road and turning into Maltons without stopping to see if there is oncoming traffic, and exiting out of Maltons assuming they have right of way. With extra street parking and vehicles manoeuvring to turn round it will be much worse.

Some children who live adjacent to Maltons are already having their sleep disturbed by the music at weekends.

In summary we are really apprehensive about this development on many grounds. It will fundamentally diminish public safety for all users of Poles Lane. The noise will be a blight on the area constituting a major public nuisance to us all. We request that this unnecessary overdevelopment of the site be resisted.

Kind regards

Poles Lane
Thundridge

From:
Sent: 22 January 2021 09:17
To:
Subject: [External] Maltons Licence Application 21/0010/PLV

Dear Sirs,

It has come to our attention that Maltons have applied to vary their premises and licensing hours.

We consider that any extension will only put pressure on this area of the village. Already the noise from there is a problem to the surrounding properties to extend that to 1am is in our view totally unacceptable.

We live in a village not a town. The licence extension will change the premises from a Public House into a Night Club. The clientele they attract are not locals, which is a shame for such a nice local public house, that has stood for a hundred years.

The parking is hazardous when they are busy, overflowing into Cold Christmas Lane and along Poles Lane. Causing us unable to get in or out of our driveway.

Any future development needs to be stopped, as the premises and area is at its full capacity now. Please consider a rejection of this application.

Kind regards

Sent from my iPad

From:
Sent: 19 January 2021 23:55
To: Housing & Health Services - Community Protection
Cc:
Subject: [External] Licence application 21/0010/PLV F Shafiy, Maltons, Cambridge Rd, Thundridge

Dear Sirs

We write in respect of the proposed variation of premises licence at Maltons pub in Cambridge Rd, Thundridge, SG12 0ST and would like to object.

The noise levels and vehicle traffic will present public safety concerns and cause a public nuisance. The activities are not in keeping with a country pub in a small village.

Residing in Poles Lane, there are already issues with noise from music, revellers and vehicles which are a nuisance to local dwellings. In addition, patrons of the pub park in both Poles Lane and up on the kerb over the pavement in Cold Christmas Lane causing blockages and therefore safety problems. Relaxing of licensing terms will only serve to make these issues worse.

We are pleased that the pub appears to be a successful business however we have huge concerns now on how it is affecting residents of the area and urge you please to decline the application.

Yours faithfully

Poles Lane,

Please note that we are aware of threats made to local residents and therefore do not want our personal details shared with the applicant.

From:
Sent: 19 January 2021 13:04
To:
Cc:
Subject: [External] Maltons proposed change of licence

Dear ,

I am writing to lodge an objection to the proposed change of licence to Maltons, Poles Lane, Thundridge, SG12 0ST.

I understand that the owner has requested changing his licence agreement to include outdoor entertainment in the car park area. As the allocated space for parking already overflows into Poles Lane and the surrounding roads on a regular basis, especially throughout the weekends, this will make Poles Lane even more busy and dangerous for the many walkers and cyclists who access this route. There are already too many cars parking in Poles Lane, effectively closing the car park will make this worse. The road is narrow and the clientele already make use of the passing places to park and use peoples drives to turn in as the road is too narrow to turn round in.

The noise from any outdoor entertainment will be intolerable for the residents that live close by, exacerbated by the increased number of people enjoying themselves outside.

This public house used to serve the village of Thundridge, the proposed entertainment venue is not in keeping with village life and will not serve the local village. It is totally against the ethos of the village community.

Please keep me informed of the developments of this proposal.

Regards

Poles Lane

From:
Sent: 18 January 2021 12:12
To:
Subject: [External] 388/03 - Maltons public house - SG12 0ST

Sir/Madam

With reference to the above application

I live sufficiently far from the establishment to be unaffected by noise or nuisance – so I feel it's not my place to comment on these matters

However, I do need to drive past at various points in the day. On occasions there have been cars parked outside of their car park and on Poles lane which is unsuitable for the extra vehicles. If they are extending the social area, this will lessen space for parking. My concern is with extra traffic, the problem could get worse and limit access for emergency services who may need to get past.

At the very least this needs to be monitored and clearer signage in place

Regards

**Poles Lane
Thundridge
Hertfordshire**

From:
Sent: 14 January 2021 19:49
To:
Subject: [External] Application 21/0010/PLV : Variation of Premises Licence

As a resident and regular user of Poles Lane, I wish to register my concern about the above application which seeks to vary the terms of the Premises Licence for the Maltons restaurant. Maltons (formerly the Sow & Pigs public house) has already brought changes to what was a quiet, traditional pub in a pleasant rural environment, but has done so in a way which does not appear to have caused serious concern to local residents. However the new proposals, with extended external bar and dining facilities, amplified music and a seven all-day licence would result in an establishment quite inappropriate and out of keeping in its Poles Lane environment. Nearby residents would be severely affected. Furthermore, Maltons is already very limited in the space it has to offer for its existing activities and car parking, and it is difficult to see how any further extension can be accommodated and how car traffic can be managed properly and safely.

I therefore oppose the proposed Variation.

Thundridge, Ware, Herts

Sent from my iPad

Sent: 09 February 2021 19:33
Cc:
Subject: [External] Re: MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0ST -
APPLICATION REF. 21/0010/PLV

Dear Sir/Madam

Please see the attached endorsements to this representation from every house in the immediate vicinity, objecting.

The signatories have asked that their names be kept confidential due to the threatening behaviour of the applicant.

Many thanks.

CONFIDENTIAL

MALTONS, CAMBRIDGE ROAD, THUNDRIDGE, SG12 0SQ

APPLICATION REFERENCE 21/0010/PLV

I, the undersigned, object most strongly to the application submitted by Faizollah Shafiy to vary the premises licence for Maltons.

If this application is granted it would adversely affect the Licensing Objectives, in particular the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

I fully endorse the representations being made to the Licensing Authority by David Inzani, a leading licensing lawyer, who is representing local residents.

NAME

ADDRESS

DATE

08/02/2021

Poles Lane

SG12

Land owner Poles Lane

SG12

Poles Lane, SG12

SG12

Poles Lane SG12

Poles Lane SG12

Cambridge Road SG12

Due to COVID 19 restrictions and inclement weather I have been unable to get signatures, however everyone on list I have spoken to personally and have gained there permission to add them to the list

[REDACTED]

[REDACTED]

[REDACTED]

08/02/2021

[REDACTED]