

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description The Mixer 6-7 Baldock Street	
Post town Ware, Hertfordshire	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) Mr Joab Archer is the premises owner, believe the licence holder is a company called Klunkies
Number of premises licence or club premises certificate (if known) Not known

Part 2 - Applicant details

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

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

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

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

Mr Mrs Miss Ms Other title (for example, Rev)

Surname
King

First names
Moira

Please tick yes

I am 18 years old or over

Current address

Post Town Ware **Postcode** SG12 9E

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes Y

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

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

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

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

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

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

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

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

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

I would like to see it considered that the licence is reviewed to close the garden if not completely then earlier than 22.00. These residents live on the opposite side of the road to the bar. The licenced close time should apply to the archway as well.

Also, I think that the licence should state that doors & windows should close at the same time as closure of the outdoor areas. This then may help our chances of getting some sleep.

In my mind, there should never have been a licence granted for an outdoor area in the first place. There are too many residents surrounding the bar. Nobody wants to hear a garden party every weekend on a Friday, Saturday & sometimes a Sunday as well.

Please tick γ

yes

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

If yes please state the date of that application

Day Month Year

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

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Sig _____
Date.....
Capacity 17/08/2021

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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



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

Ware
Hertfordshire
SG12 9E

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

Please ask for : Simon Curling
Direct Number : 01992

Dear ,

RE: COMMERCIAL/LEISURE NOISE

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

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

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

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

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

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

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

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

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

Yours sincerely,

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

LIST OF CONTENTS.

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

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

Phone: 01279 655261

Email: environmental.health@eastherts.gov.uk

Fax: 01992 531433

Text: 0773 433 4504

Visit: www.eastherts.gov.uk

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

INTRODUCTION

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

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

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

EAST HERTS COUNCIL

INSTRUCTIONS FOR COMPLETING NUISANCE DIARY RECORD

Please read these instructions thoroughly before completing diary sheets

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

EXAMPLE

NUISANCE DIARY RECORD

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

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

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

Name of Occupant if known Unknown

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

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

Dated the 10th day of January 2016

Signed John Smith.

Signature witnessed by Ann Smith.



21/01348/CN05

NUISANCE DIARY RECORD

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

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

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

Name of Occupant if known

Mr Joab Archer

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

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

Sign

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

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

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

.....

Address at which nuisance is occurring

.....

Name of Occupant if known

.....

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the..... day of

Signed

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

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

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

.....

Address at which nuisance is occurring

.....

Name of Occupant if known

.....

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the day of

Signed

Signature witnessed by



21/01348/CN05

NUISANCE DIARY RECORD

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

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

.....

Address at which nuisance is occurring

.....

Name of Occupant if known

.....

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT

Dated the day of

Signed

Signature witnessed by

GUIDANCE NOTES ON PRIVATE NUISANCE ACTION

APPLICATION

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

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

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

WHICH NUISANCES ARE INCLUDED?

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

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

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

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

WHAT IS THE PROCEDURE?

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

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

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

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

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

WHAT HAPPENS IF THE NUISANCE CONTINUES?

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

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

Data Protection Notice

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

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

We are collecting your personal data in order to:

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

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

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

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

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

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

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



PLAY

02:49



76dB

Quiet office



MIN

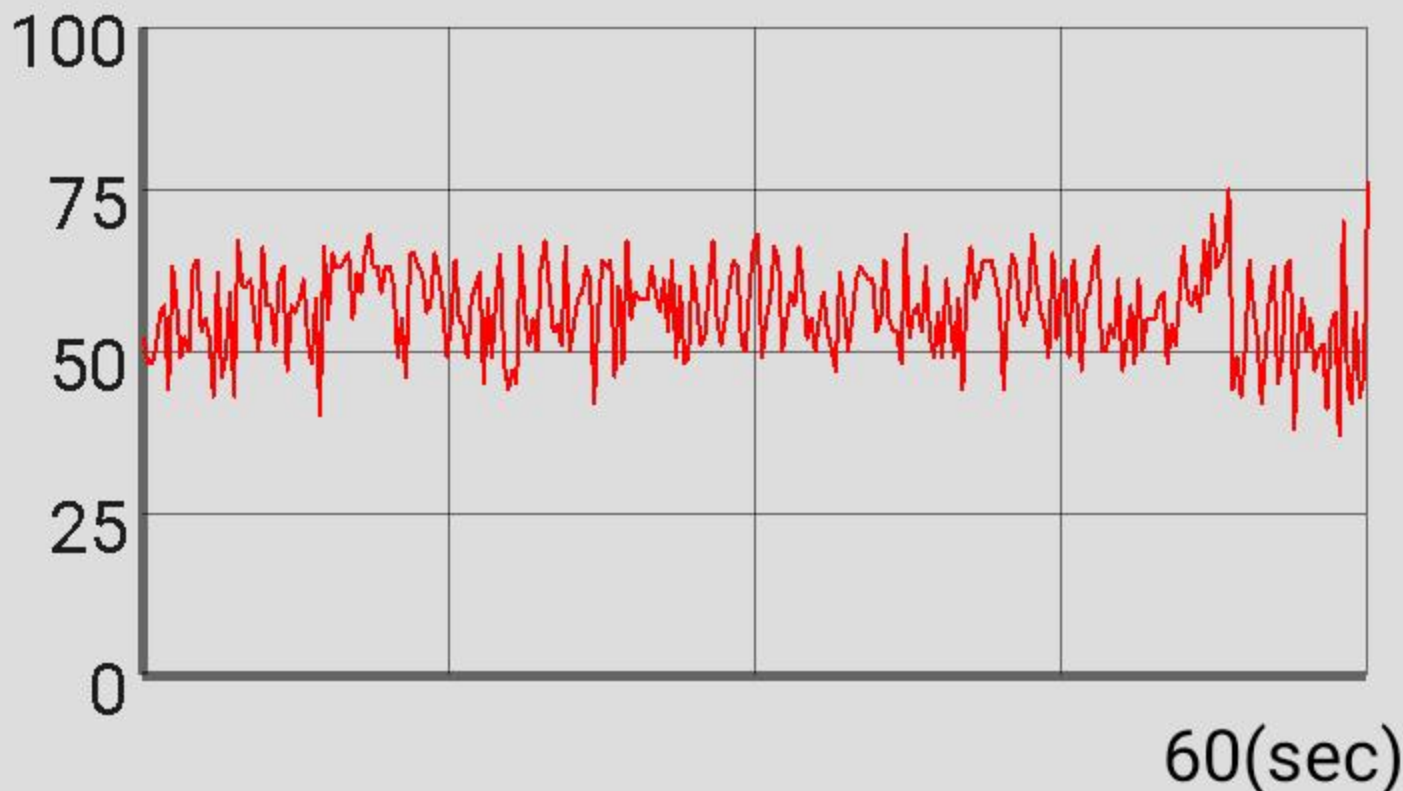
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AVG

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MAX

81 db



Get more done with just your voice
on the Google Assistant

Try now

02:50

62 dB

Conversation



MIN

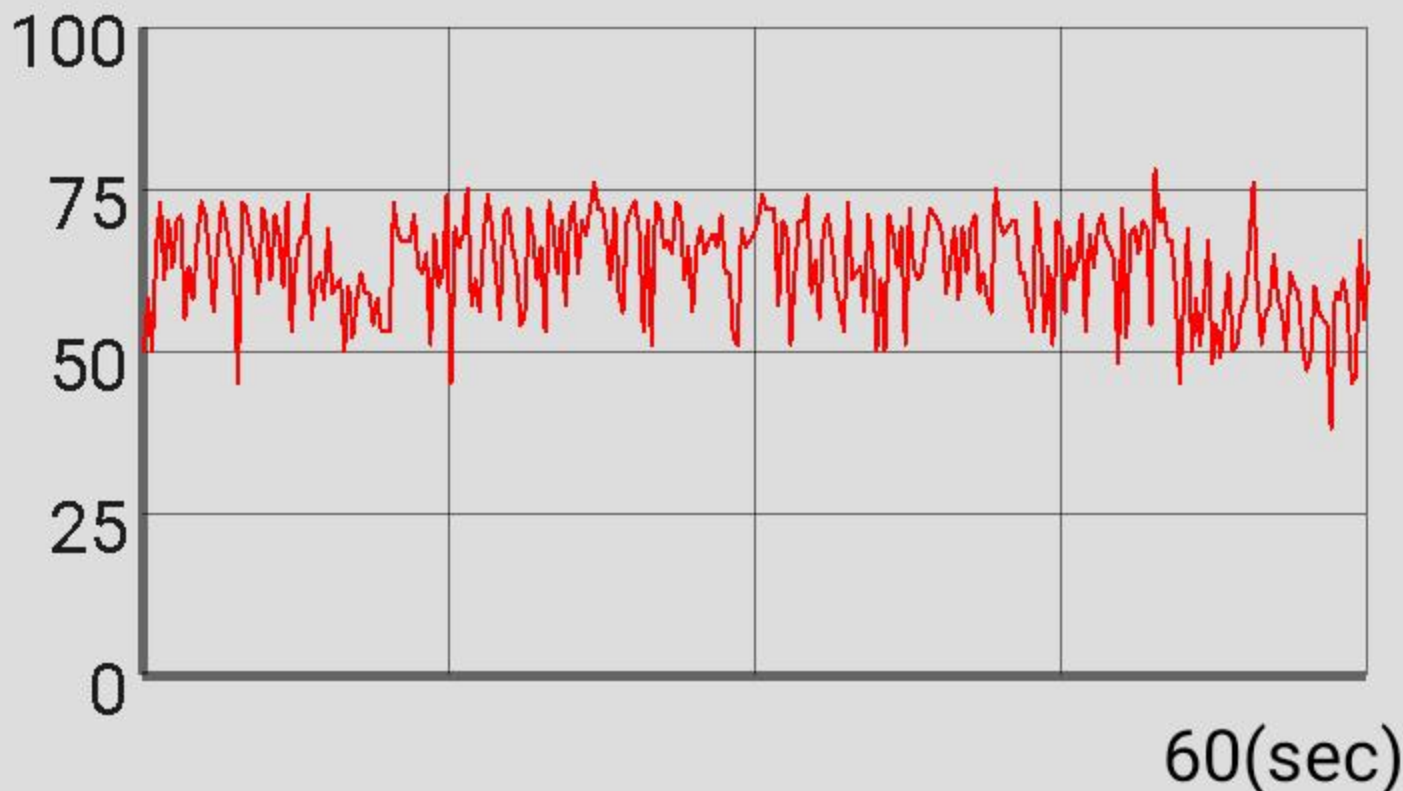
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Joom
Shopping

INSTALL

00 : 54



65dB

Whisper



MIN

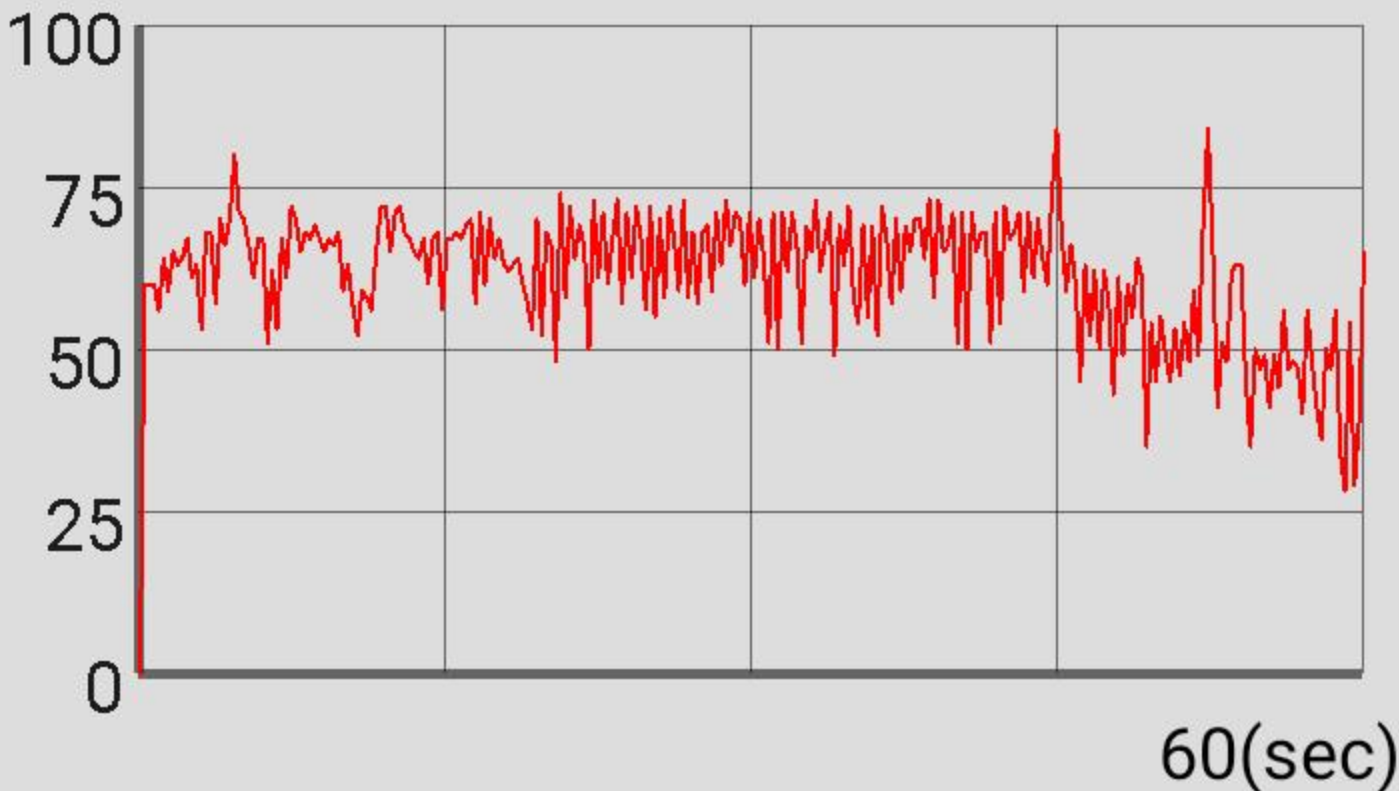
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MAX

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Find the Latest Trends. 20
Best Shopping App.

INSTALL

03 : 23



67 dB

Busy traffic



MIN

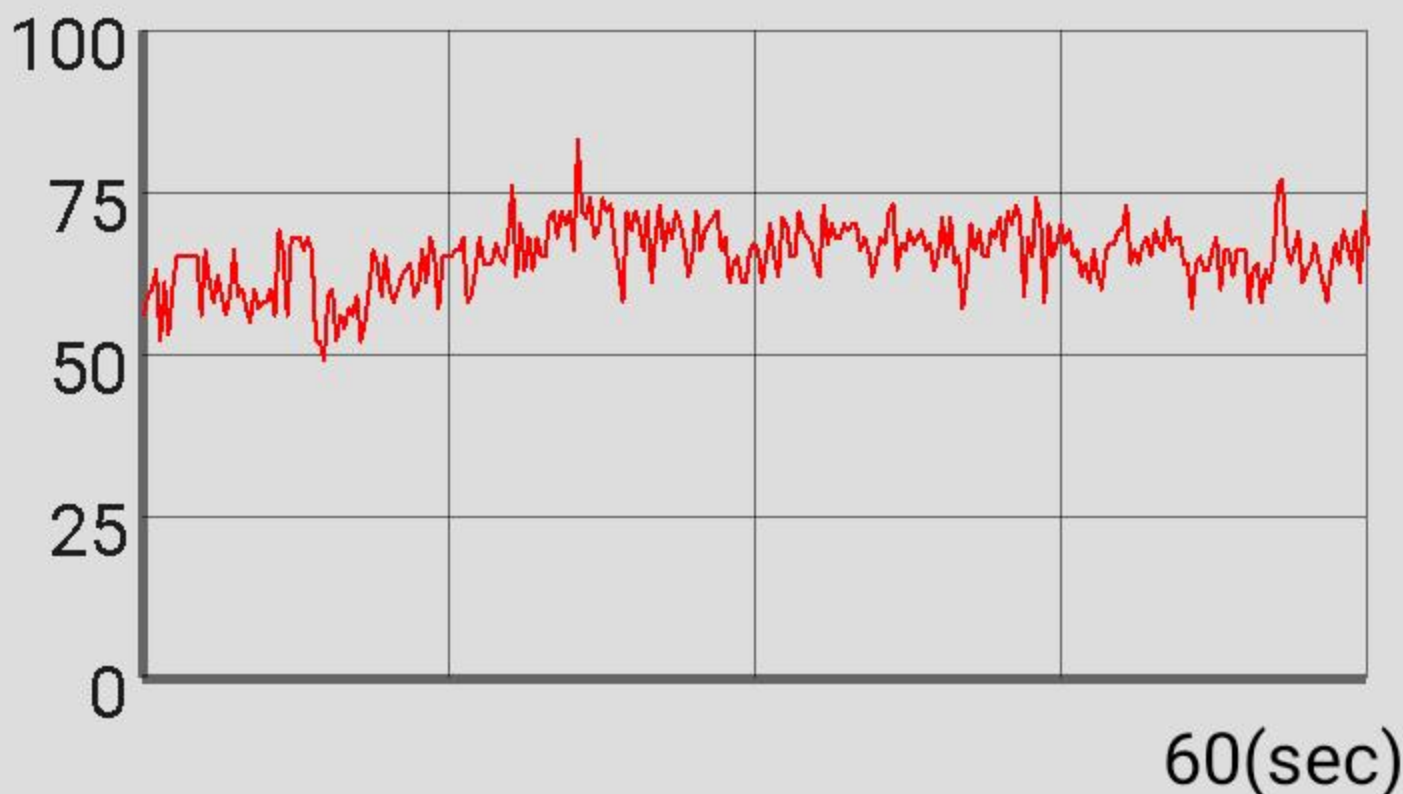
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MAX

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Find the Latest Trends. 20
Best Shopping App.

INSTALL

01 : 07



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Conversation



MIN

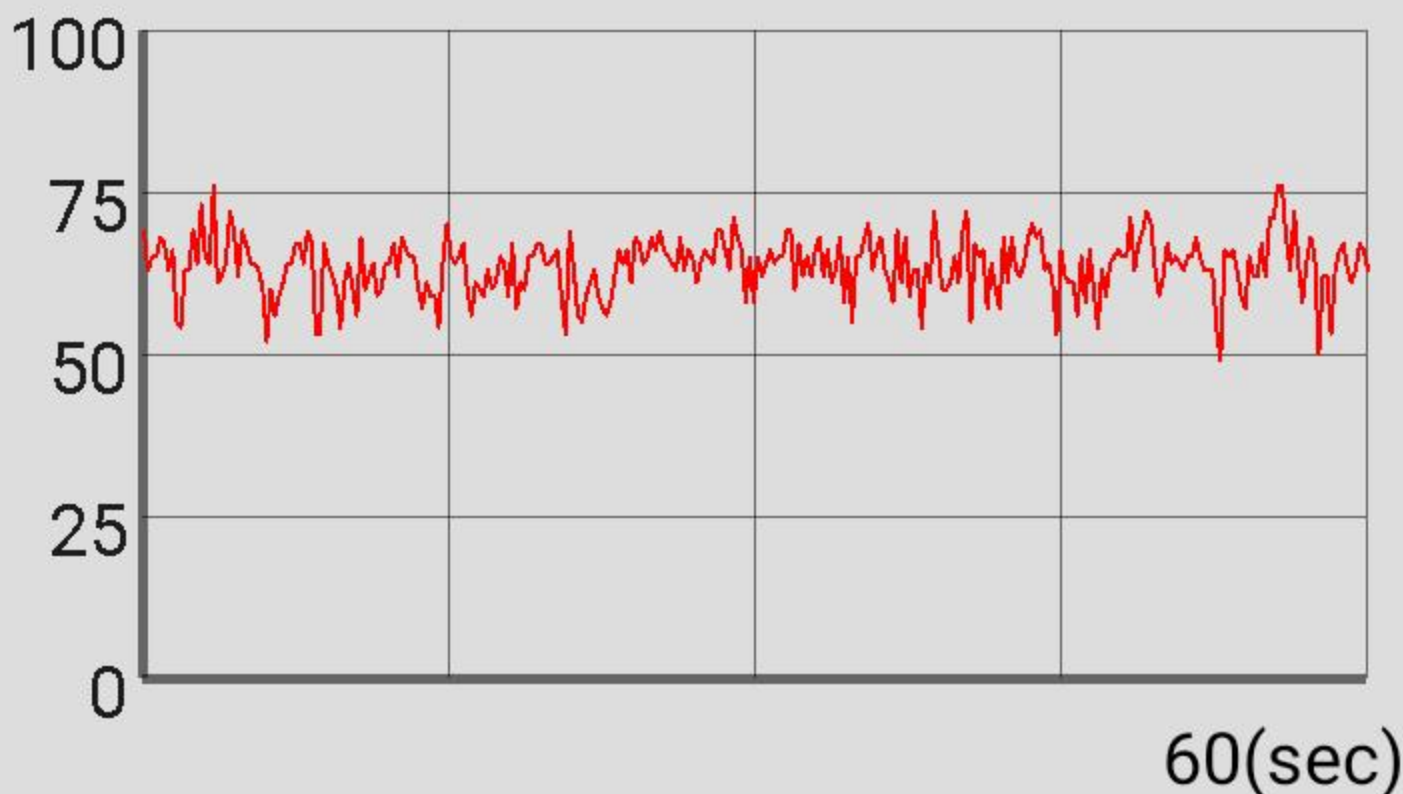
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AVG

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MAX

76 db





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

Open

05:04



58dB

Quiet office



MIN

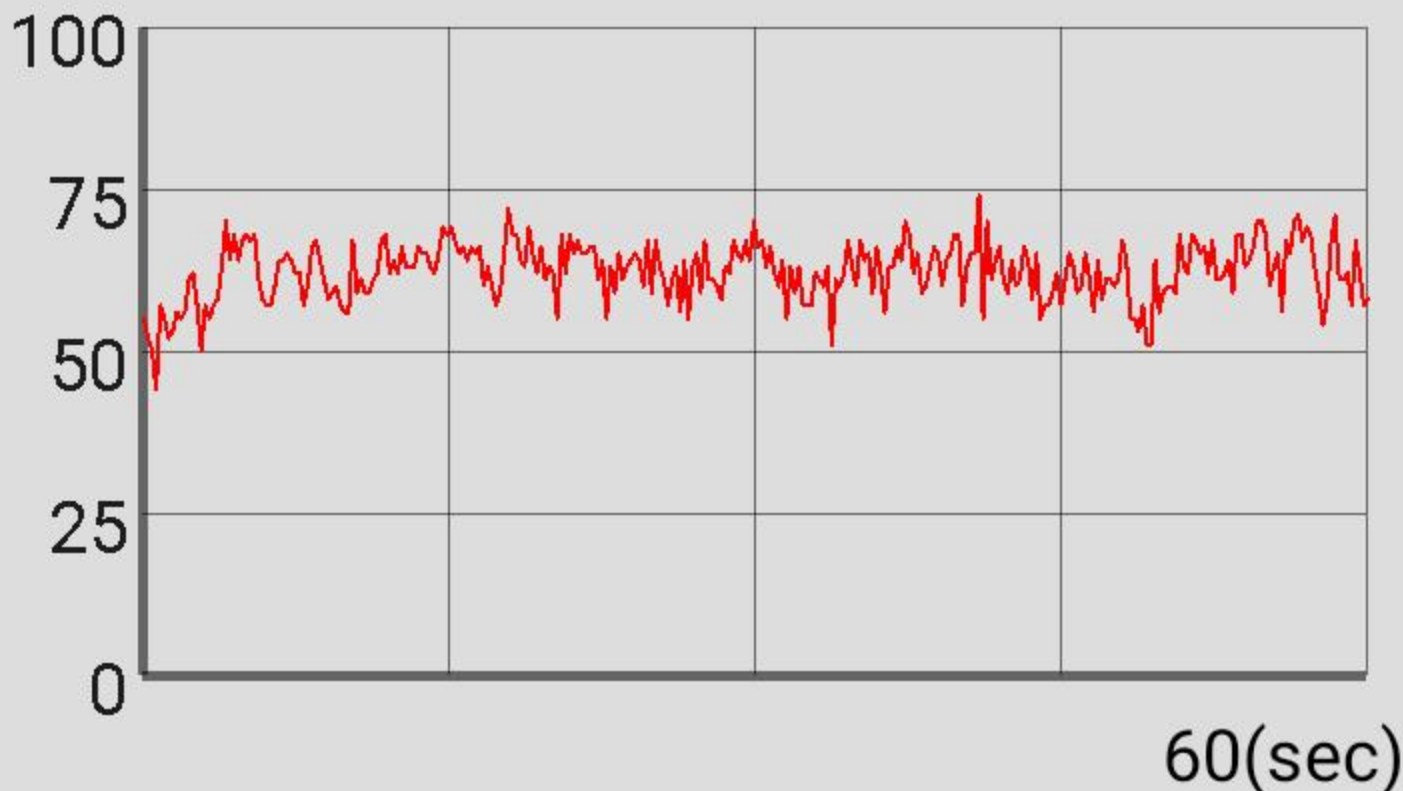
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MAX

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Wish

Google Play

INSTALL

01 : 21

58dB

Quiet office



MIN

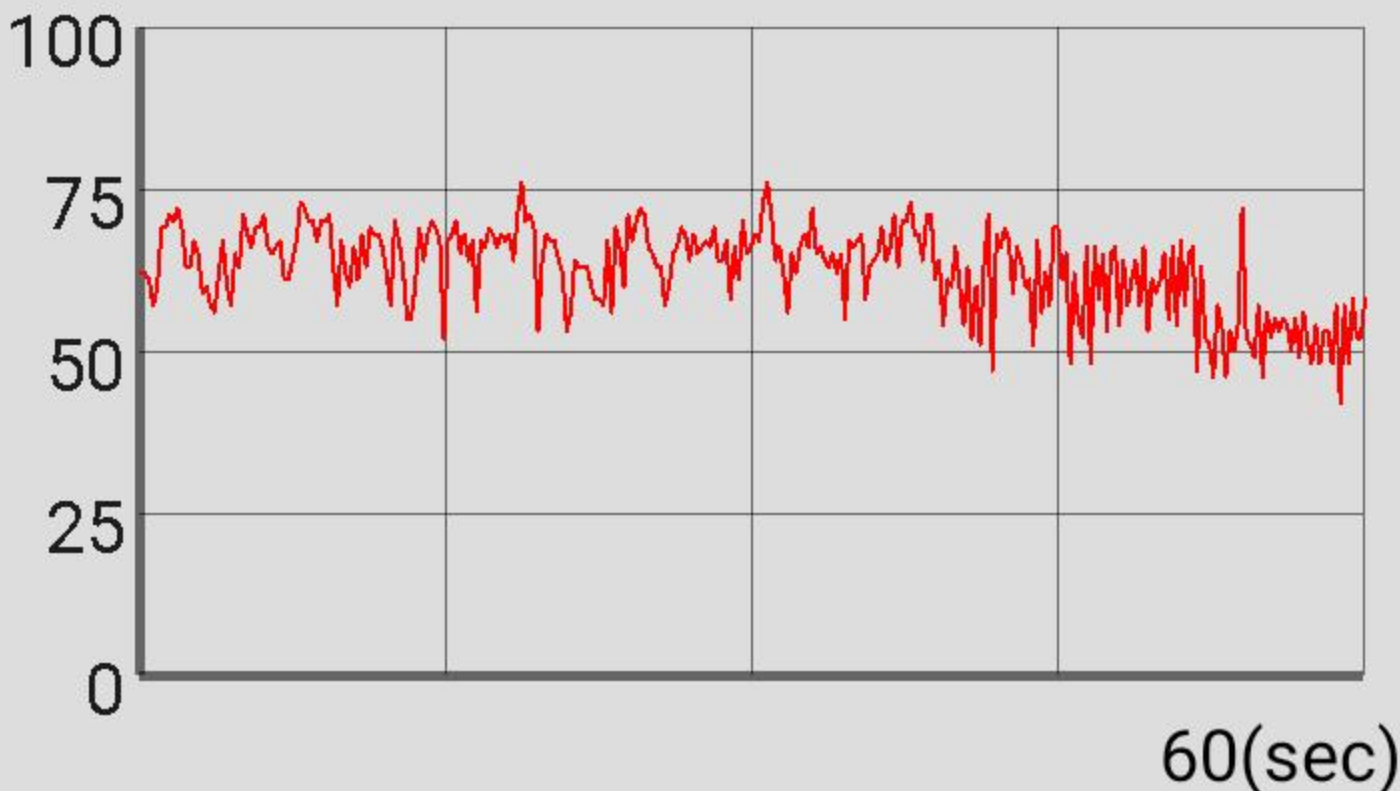
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MAX

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Shop Anytime, Anywhere.
Retail Therapy App.

INSTALL

03 : 05



54dB

Quiet library



MIN

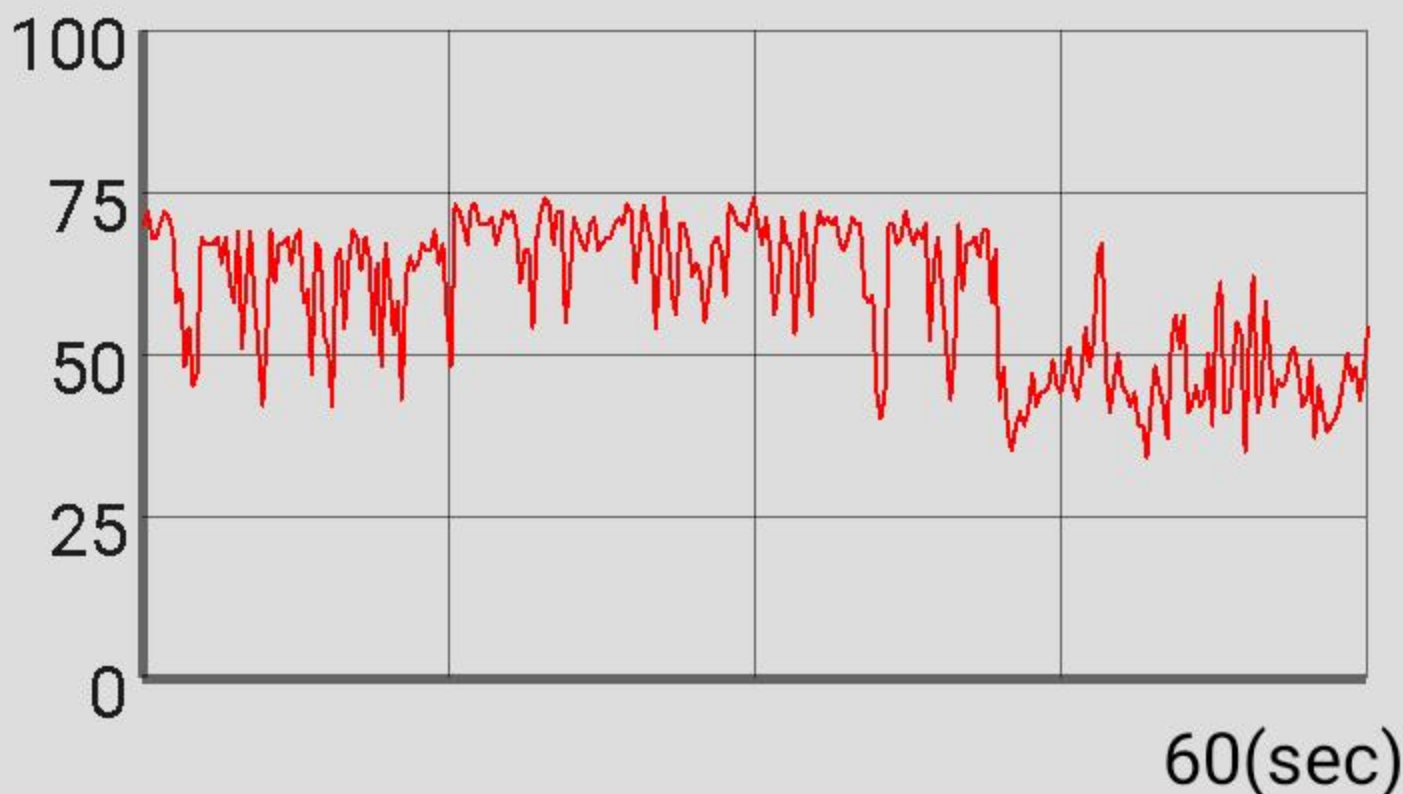
32 db

AVG

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MAX

79 db





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

Wish on Google Play

INSTALL

01 : 30



52 dB

Quiet library



MIN

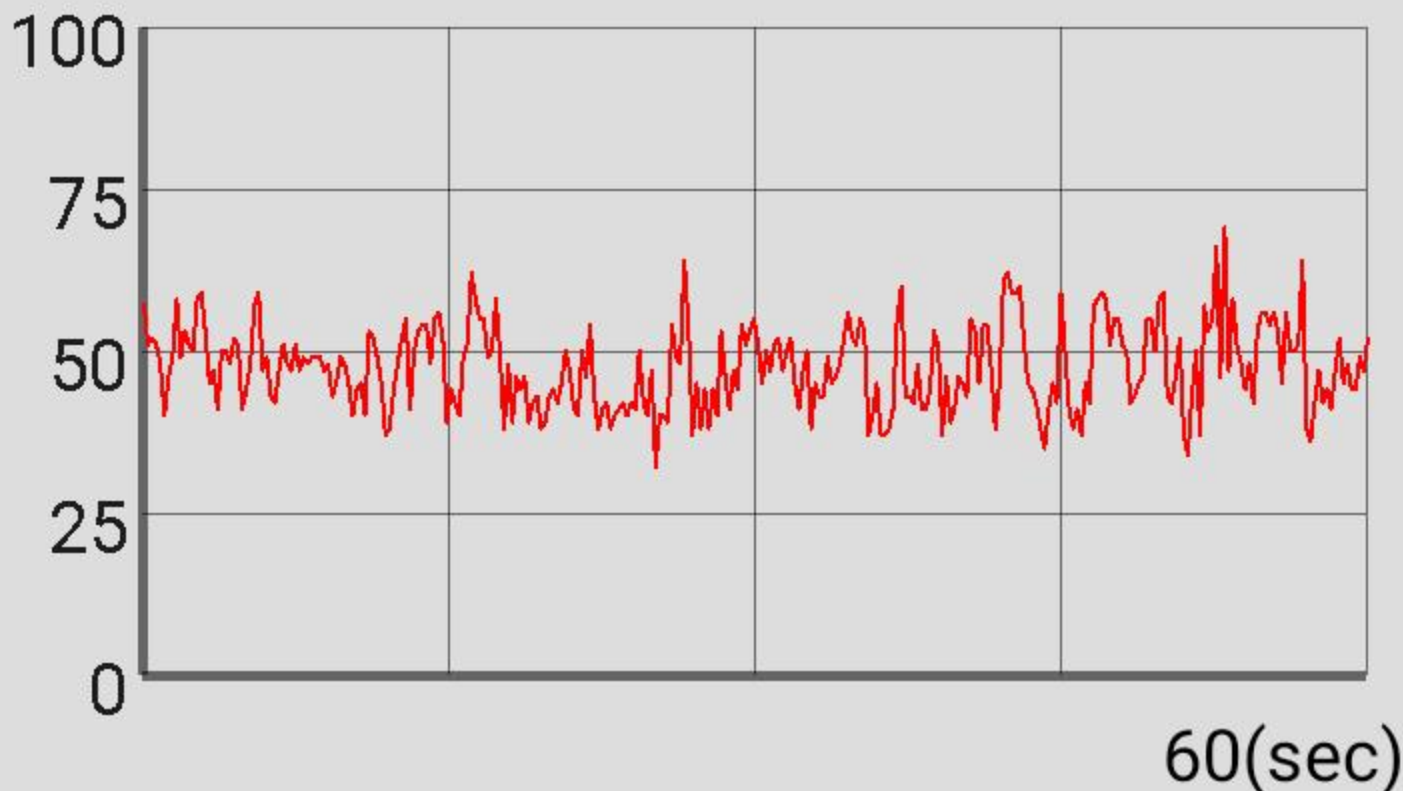
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MAX

69 db



And freebies.



02:01

62dB

Conversation



MIN

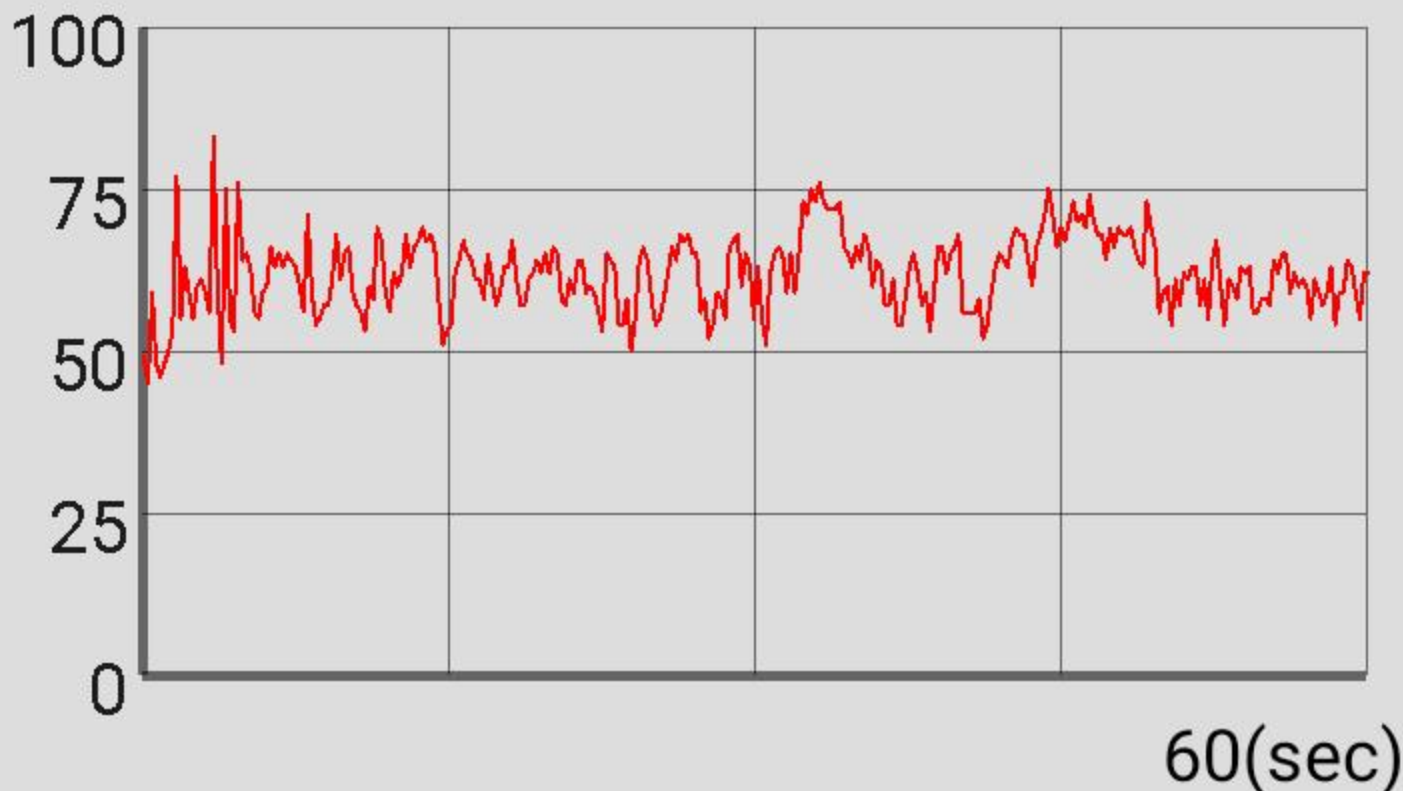
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AVG

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MAX

83 db





Wish

4.4 ★

INSTALL

02:36



32 dB



MIN

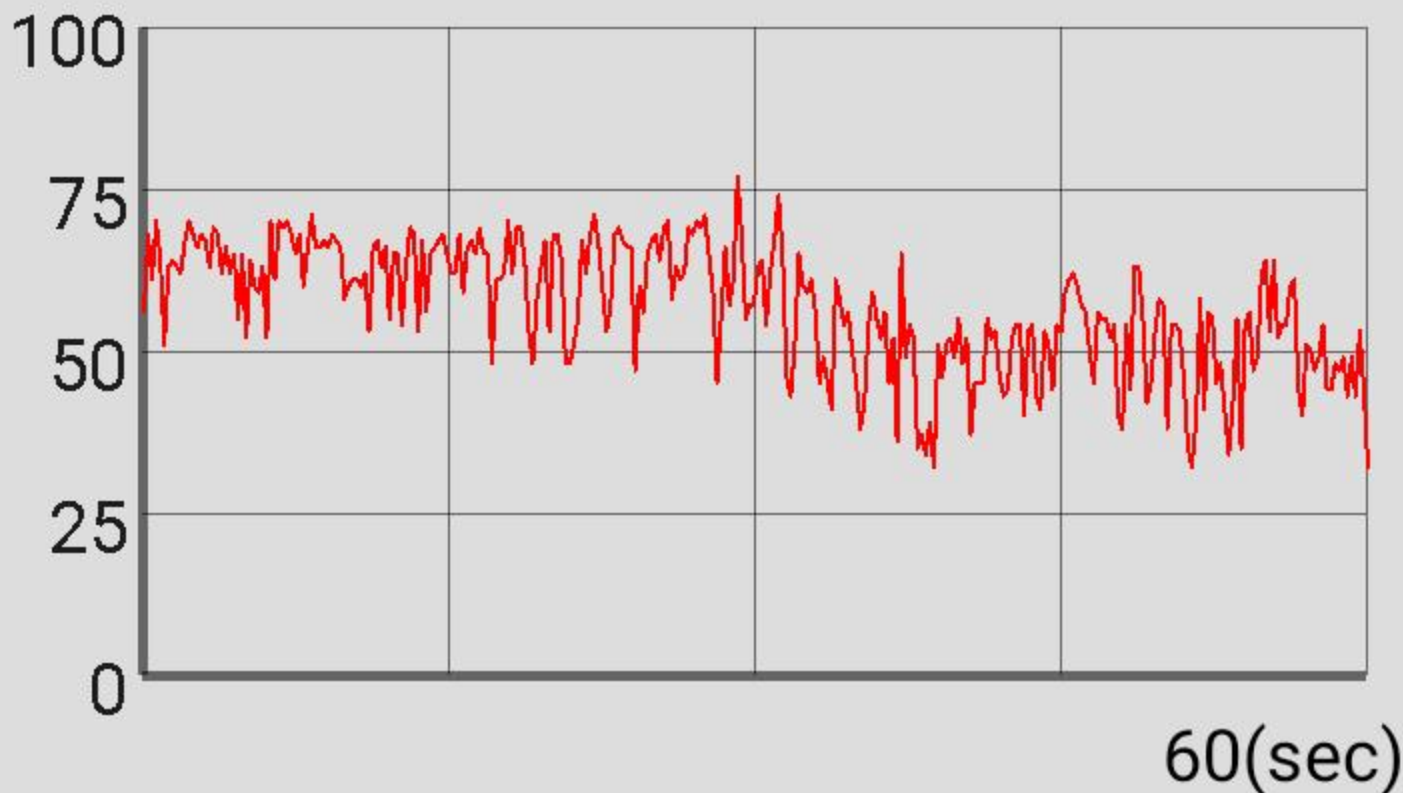
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AVG

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MAX

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Wish

4.4 ★

INSTALL

00 : 41



58dB

Quiet library



MIN

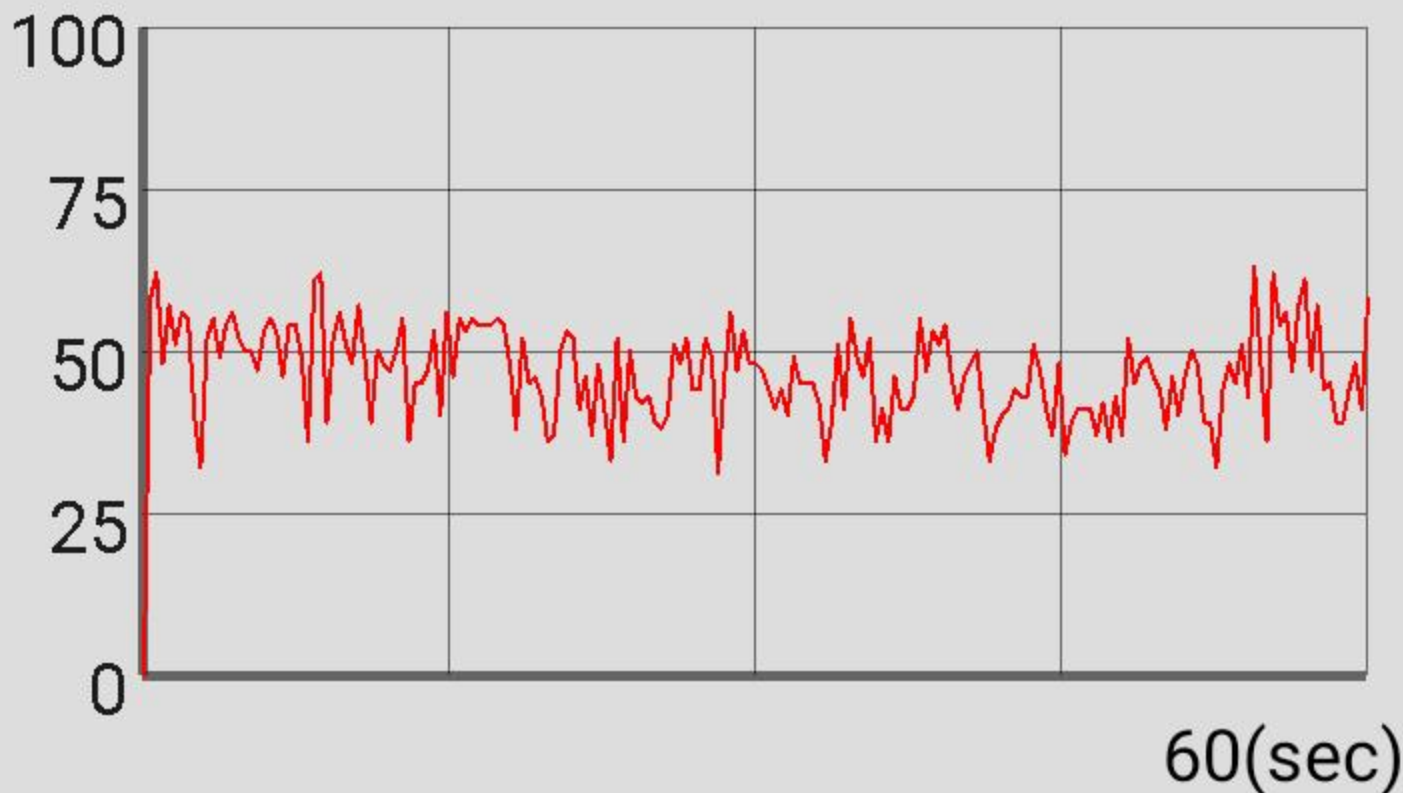
31 db

AVG

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MAX

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Google Pay

Google Pay

4.5 ★

DOWNLOAD

01 : 43



34dB

Whisper



MIN

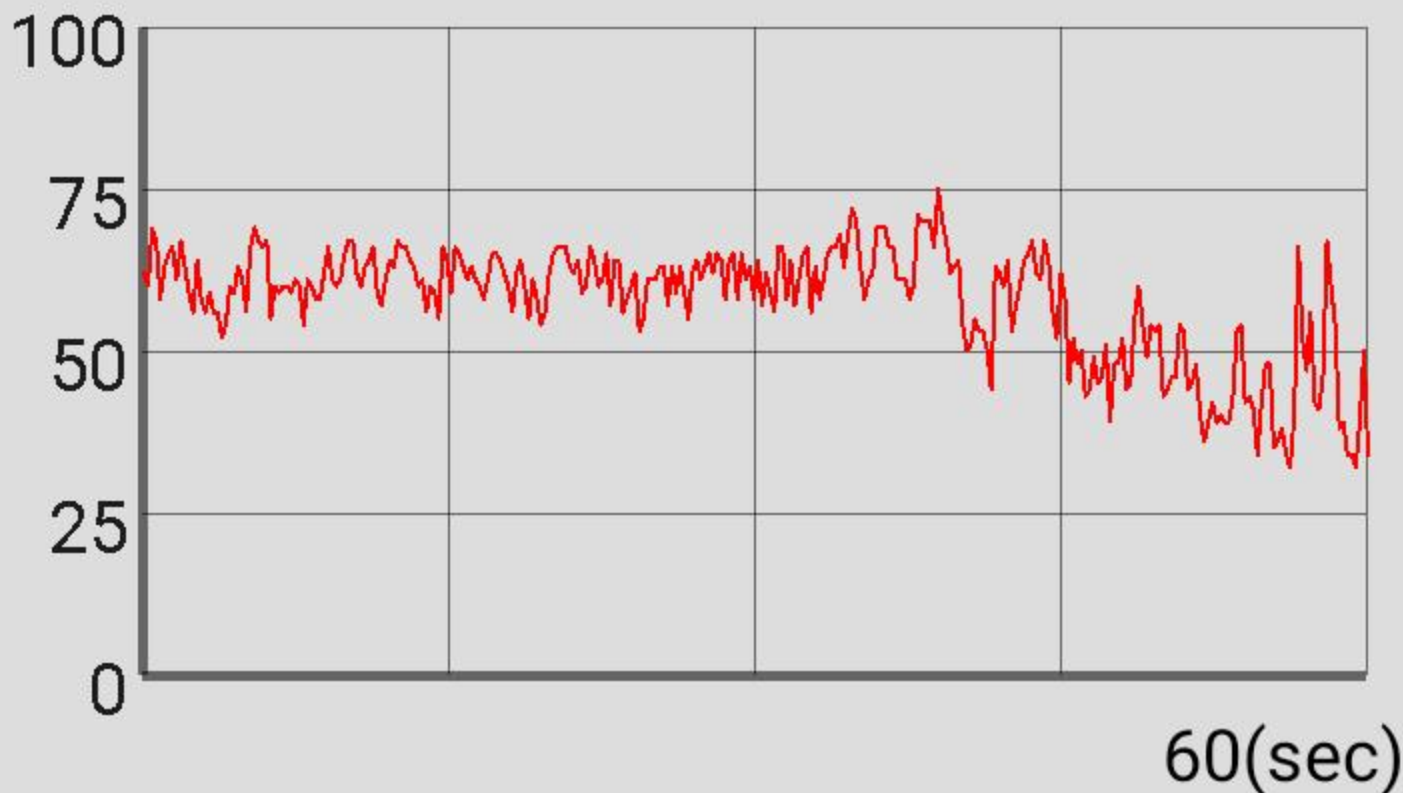
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AVG

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MAX

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Google Pay

Google Pay

4.5 ★

DOWNLOAD

01 : 29



41 dB

Quiet library



MIN

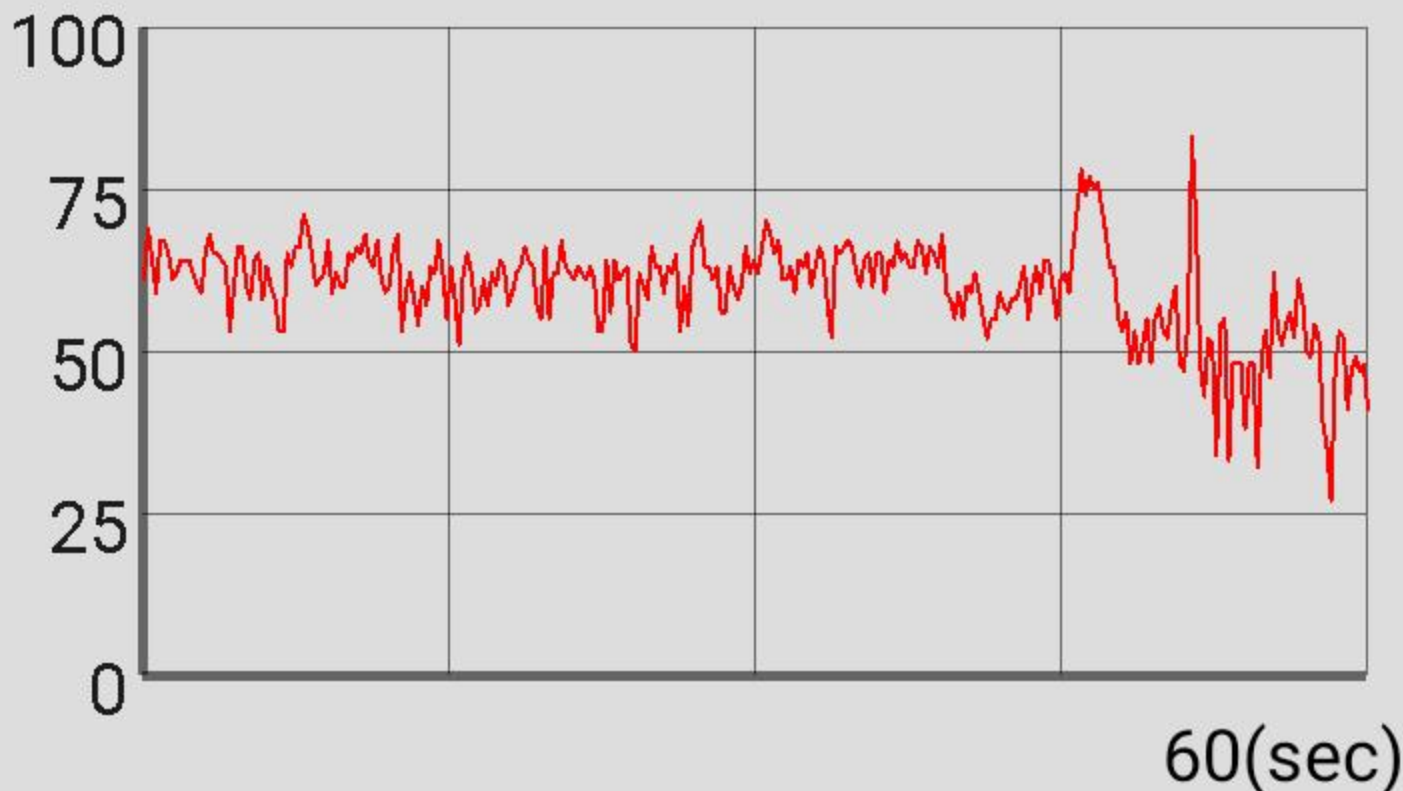
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Wish

4.4 ★

INSTALL

02:40



47 dB

Conversation



MIN

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AVG

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MAX

76 db

