

EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITY

Responsible Authority (please delete as applicable):

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

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

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

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

[REDACTED]

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

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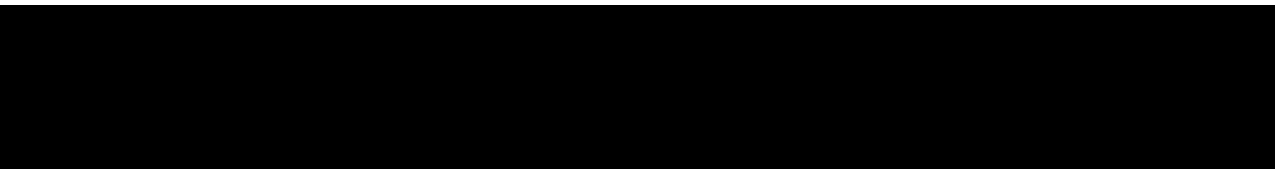
Signed:



Date: **13th October 2021**

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

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



EAST HERTS LICENSING AUTHORITY
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police – Hertfordshire Constabulary

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

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

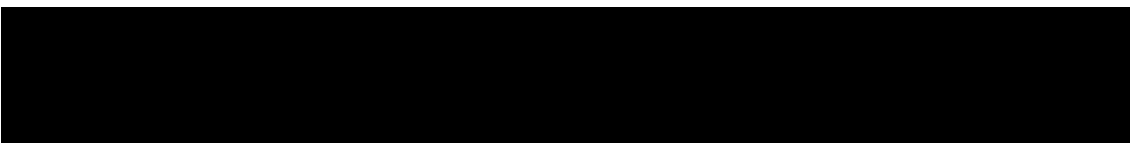
<i>Which of the four licensing Objectives does your representation relate to?</i>	Yes Or No	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent public nuisance	YES	Please see Appendix A
Suggested conditions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

Signed: ██████████

Date: 13/10/2021

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HERTFORDSHIRE

CONSTABULARY

Appendix A

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

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

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

1 The Premise and Licence

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

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

1.3 The licensable hours are as below

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

1.4 The conditions on the licence under Annex 2 are below

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

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

Information known to Police

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

East Herts Community Safety Unit

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

Comments summary

Dear Sir/Madam,

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

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

Application Summary

Address: 6 Baldock Street Ware Hertfordshire SG12 9DZ

Proposal: Review - Premises Licence

Case Officer: [REDACTED]

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED] Ware SG12 0[REDACTED]

Comments Details

Commenter Type: Councillor

Stance: Customer objects to the Licensing Application

Reasons for comment:

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

Kind regards

[REDACTED]

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

Sent from [Mail](#) for Windows

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

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

[REDACTED]
Town Councillor
Ware Christchurch Ward



Virus-free. www.avg.com

[Redacted]

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

To whom it may concern.

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

Yours Sincerely

--

[Redacted]

Director

[Redacted]

[Redacted]
[Redacted] Baldock Street
Ware
Hertfordshire
SG12 9D [Redacted]

[Redacted]

[Redacted]



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

Comments summary

Dear Sir/Madam,

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

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

Application Summary

Address: 6 Baldock Street Ware Hertfordshire SG12 9DZ

Proposal: Review - Premises Licence

Case Officer: [REDACTED]

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

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

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 06/09/2021 11:27 AM The mixer is a great friendly place to go to not just as a venue but a restaurant also. I have never witnessed any trouble and it always has a great atmosphere. It is one of the nicer bars/venues in the area

Kind regards

[REDACTED]

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

Dear Sirs,

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

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

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

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

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

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

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

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

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

Yours faithfully

[REDACTED]

[REDACTED]

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

To east Herts.C.P.

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

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

Yours sincerely,

[REDACTED]

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