

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**Minutes of a meeting held at the Council Offices, Letchworth Garden City  
on Tuesday 17 May 2005**

**PRESENT** Councillors P.C. Burt (Chairman), Mrs Joan Kirby and Lawrence McNamara.

**IN ATTENDANCE:** Licensing and Enforcement Manager, Licensing and Enforcement Officers, District Environmental Health Officer and Committee & Member Services Officer.

**ALSO PRESENT:** **Bushell and Strike:**  
M. Stier: Applicant, M. Maseri: Applicant's Representative.  
Hertfordshire Constabulary.  
Objectors: S. Greenbank, D. Greenbank, P. Whitby and M. Whitby.

**Sunrunner:**  
J. Hanning and J. Harvey: Applicants.  
Hertfordshire Constabulary.  
Objectors: F. Bowditch, P. Banks and S. Southall.

**(1) PROCEDURE**

The Chairman ascertained that all parties present were satisfied to adhere to the suggested procedure as circulated with the agenda for the meeting.

**(2) APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE – THE BUSHELL AND STRIKE PUBLIC HOUSE, 15, MILL STREET, ASHWELL, BALDOCK**

In accordance with the agreed procedure the Chairman established that the below-mentioned people were appearing before the Licensing and Appeals Sub - Committee.

Applicant:	Mr. A.P. Doggett
Applicant's Representative :	Ms M. Maseri
Officers:	Licensing and Enforcement Manager Assistant Licensing and Enforcement Officer Legal Advisor
Objectors:	Mr and Mrs Greenbank, Misses Whitby.
Hertfordshire Constabulary:	Police Officers Camp and Marina.

The Licensing and Enforcement Manager presented her report and advised the Committee that the applicant had confirmed that the closing time for Monday to Saturday should be 2300 and not 2400 as stated at Paragraph 4.1.1. The applicant, objectors and Members were given the opportunity to ask questions.

The objectors expressed their concern over noise that would disturb their quality of life and in particular from two individuals who live next to the premises and have a joining wall. Reference was made to the considerable number of elderly people in Ashwell and that music could be heard outside the premises and had on occasions gone on well beyond the cut off time of 2300. The objectors also advised that Ashwell was a quiet village and they were concerned about the change in character that more musical events and attendant customers would make to the village. Also the noise made by customers leaving the premises was very disruptive late at night and that a notice inside the premises asking for 'due care and respect for local residents' should be included in the conditions if the application was granted. The objectors advised that it was often difficult to contact the licensee and that a telephone number placed on the outside of the premises would be helpful.

The applicant confirmed that entertainment would be at the rear of the premises and for restaurant users. Promotion of musical events at the premises would be in Ashwell village only, leaflet drops, and via local clubs and societies, and local musicians would be encouraged to provide workshops. The Licensing and Enforcement Manager, Objectors and Members were given the opportunity to ask questions. The Applicant confirmed that there would be no use of amplified music and that air conditioning would be installed in the summer of 2005. The Applicant agreed to display a contact telephone at the outside to the premises and place a polite notice inside the premises adjacent to exits.

The Licensing and Enforcement Manager, applicant, and objectors were invited to make closing statements and the sub-committee retired to consider the application and points raised by those present. On their return the sub – committee:

**RESOLVED:**

- (a) That the application for a Public Entertainment Licence be granted as per the conditions stated in the report;
- (b) The licence to include the statement of hours as follows:  
  
Monday to Saturday 1200 to 2300  
Sunday 1630 to 2200
- (c) A notice shall be displayed in a prominent position inside the premises which would remind patrons to give due consideration to local residents and leave the premises in a quiet manner;
- (d) That a contact telephone number for the licensee be displayed in a prominent position on the outside of the premises.

**REASON FOR DECISIONS:**

To permit the grant of a Public Entertainment Licence which considered the needs and requests of local residents in Ashwell village.

**(3) APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE – THE SUNRUNNER PUBLIC HOUSE, 24 BANCROFT, HITCHIN.**

In accordance with the agreed procedure the Chairman established that the below-mentioned people were appearing before the Licensing and Appeals Sub - Committee.

Applicant:	Mr J. Hanning and Ms J. Harvey
Officers:	Licensing and Enforcement Manager Assistant Licensing and Enforcement Officer Legal Advisor
Objectors:	Ms F. Bowditch, Mr P.Banks and Mr S. Southall
Hertfordshire Constabulary:	Police Officer Legrande

The Licensing and Enforcement Manager presented her report and advised the Committee that the applicant had confirmed that the hours for Monday to Thursday should be 1200 to 2300, Friday and Saturday should be 1200 to 0030 the following morning and Sunday from 1630 to 2200 and not as stated at Paragraph 4.1.1. The Manager advised that an additional inspection by the Fire and Rescue Service would be necessary to confirm notified work had been carried out and then a maximum number of occupancy would be determined. The applicant, objectors and Members were given the opportunity to ask questions.

The principle objector lives in a property that has a party wall with the premises and the application allowed for music every evening would be intolerable for sleeping.

Prior to attending the meeting this objector was unaware that music would be played in a room in the premises immediately adjacent to her lounge. Current arrangements were just about acceptable on the two nights when music was played but on the cessation of music a lot of noise was made by the moving of furniture and closure of the premises, and sometimes it was difficult to hear the television without recourse to a loud volume.

The representative of the letting agents for the adjacent apartment to the Sunrunner claimed that rental values would fall if music was played every evening and that it would be difficult to let this property even at reduced rental. Also the letting agents were very concerned as to the effect on their tenant by the proposed increase in music evenings and that the landlord would see a fall in the value of the property.

Another objector who had experience of acoustics confirmed that he had visited the premises and the adjacent accommodation and that in his opinion the sound levels from music currently played were intrusive and would in his opinion constitute a public nuisance.

The applicants clarified their experience in the licensed trade and that they had recognised an increase in trade which could be enhanced by an increase in the number of evenings with musical entertainment. This would be more in keeping with the current later arrival of customers and would allow the Sunrunner to attract customers who could otherwise visit other premises in Hitchin that had later opening hours. Should the application be granted then the musicians would play away from the party wall and unfortunately the premises was a listed building and it was not possible to install permanent sound insulating in this public house. The applicants advised that there would be no admittance after 2300 and all doors would be closed and music could be stopped at 2200. The applicants also advised that they had not been able to submit a noise management scheme but would be able to address this omission in consultation with officers. The applicants noted that there should be no large bands or large equipment, demonstrate how there would be control of noise from the music area to the adjacent dwelling and must provide a written statement on noise limitations.

The Licensing and Enforcement Manager, applicant, and objectors were invited to make closing statements and the sub-committee retired to consider the application and points raised by those present. On their return the sub – committee:

**RESOLVED:** That the application for a Public Entertainment Licence be **REFUSED** as the applicant had not satisfied the Sub-Committee that local residents in the neighbourhood would not be unreasonably disturbed by noise and that no terms or conditions, or restrictions on hours, would address the concerns of the Sub-Committee.

- In particular a noise management control scheme had not been provided as requested by the Environmental Health Department;
- The Sub-Committee also heard evidence that there was inadequate sound insulation to adjacent properties;
- The Sub-Committee had not been satisfied that the applicant had taken appropriate action to mitigate noise.

**REASON FOR DECISIONS**

To permit the grant of a Public Entertainment Licence, which considered the needs and requests of local residents in Sun Street, Hitchin.

The meeting closed at 8.49 p.m.

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Chairman