

NORTH HERTFORDSHIRE DISTRICT COUNCIL



18 December 2020

Our Ref Licensing Sub-Committee - 06.01.21
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To: Members of the Committee: Councillor Daniel Allen, Councillor Elizabeth Dennis-Harburg, Councillor Gerald Morris and Councillor Ian Albert

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE LICENSING AND APPEALS SUB-
COMMITTEE**

to be held as a

THIS WILL BE A VIRTUAL MEETING

On

WEDNESDAY, 6TH JANUARY, 2021 AT 10.00 AM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda Part I

Item	Page
<p>1. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</p> <p>Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings.</p>	<p>(Pages 3 - 4)</p>
<p>2. HEARING PROCEDURE</p> <p>Procedure to be followed at the licensing hearing</p>	<p>(Pages 5 - 6)</p>
<p>3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF THE ORANGE TREE PH, NORTON ROAD, BALDOCK, HERTFORDSHIRE, SG7 5AW</p> <p>REPORT OF THE LICENSING OFFICER</p> <p>The application is for a review of a premises licence following a request from an Other Person under Section 51 of the Licensing Act 2003.</p>	<p>(Pages 7 - 62)</p>

REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

A protocol regarding remote meetings has been devised as a result of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to provide guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations and subsequent changes to the Constitution.

The full Remote / Partly Remote Meetings Protocol has been published and is available to view on the Council's website via the following link: <https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings>

The Council's adopted Constitution will continue to apply to meetings of the Council and its various Committees and Sub-Committees. Where there is a conflict between the protocol and Constitution the Constitution takes precedence.

The protocol applies to this meeting. It outlines processes for conducting remote meetings. Some key points are highlighted here for guidance:

- Prior to the start of a meeting the Committee, Member and Scrutiny Officer/Manager ('The Officer') will confirm the meeting is being streamed live. They will confirm that they can see and hear all participating Members, Officers and/or members of the public at the start or upon reconvening a meeting.
- Any person attending the meeting remotely should join no later than 15 minutes prior to allow for technical checks. They should ensure that their name on screen appears in the agreed format, as indicated in the Protocol. They should mute their microphone when not speaking. Their background should be nondescript or virtual/blurred if possible. Headsets are recommended to reduce audio feedback.
- Remember to stay in view of the camera. While on camera everything you do is visible; please observe as far as possible the etiquette you would as if attending a meeting in person.
- Be careful to prevent exempt or confidential papers being seen within the video-feed. When a meeting is in private session there should be only those entitled to be present in the room. The live stream will continue with a holding card displayed.
- If a Member wishes to speak, they should use the raise hand function. Please wait to be invited by the Chair to address the meeting. The normal procedure rules with respect to debate and speaking times will apply as per the Constitution.
- If a Member has declared a Disclosable Pecuniary Interest and is required to leave the meeting during the consideration of an item, they will be placed in the waiting room. It is the responsibility of the Member in question to remind the Chair at the start of such item. The Officer will remind the Chair to return the Member as appropriate.
- Members will need to use the tools in the "Participants" function to vote: using a green tick to indicate 'for', a red cross to indicate 'against', or the "raise hand" tool to indicate an abstention. Where a Member has had to dial into the meeting by telephone, the Chair will ask for verbal confirmation as to how they wish to vote. Leave the vote in situ until told otherwise by either the Chair or Officer.
- The Officer will clearly state the result of the vote and the Chair will then move on.
- Details of how Members voted will not be kept or minuted unless a Recorded Vote is requested or an individual requests that their vote be recorded, although voting may be seen and/or heard on the video recording.
- If there are Part 2 (confidential) items Members will be invited to join a breakout room for these items. You must accept this invitation.
- Once Part 2 (confidential) discussions have concluded Members will need to leave the breakout room. Please do not leave the meeting.

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ORANGE TREE – PREMISES LICENCE REVIEW HEARING PROCEDURE

1. Chair's Welcome

Introduction of:

- Councillors sitting on Sub-Committee
- legal advisor;
- licensing officer(s);
- Other Persons instigating the review (Mr Miller)
- Other Persons (supporting the review);
- Other Persons (opposing the review);
- the premises licence holder (including any representatives)

2. The Chair will outline the procedure for the hearing
3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.

The Licensing Officer's report

4. The Chair will ask the licensing officer if they have anything to add to their report to the Sub-Committee; if there has been any amendments to the hearing bundle, and if so, if all Other Persons, responsible authorities and the premises licence holder have been made aware of the amendments.
5. The Chair will ask if there are any questions of fact of the licensing officer from:
 - Other Persons instigating the review (Mr Miller)
 - Other Persons (supporting the review);
 - Other Persons (opposing the review);
 - the premises licence holder.
6. The Sub-Committee may ask questions of the licensing officer

The Other Persons requesting the review's case (Mr Miller)

7. The Chair will ask Mr Miller to present his submission to the Sub-Committee.
8. The Chair will ask if there are any questions of fact of Mr Miller from:
 - Other Persons (supporting the review);
 - Other Persons (opposing the review);
 - the premises licence holder.
9. The Sub-Committee may ask questions of Mr Miller.

The Other Persons supporting the review submit their case

10. The Chair will ask the Other Persons, in turn, to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of the Other Persons from:
 - Mr Miller
 - Other Persons (opposing the review);
 - the premises licence holder.
12. The Sub-Committee may ask questions of the other persons

The Other Persons opposing the review submit their case

13. The Chair will ask the Other Persons, in turn, to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the Other Persons from:
 - Mr Miller
 - Other Persons (supporting the review);
 - the premises licence holder.
15. The Sub-Committee may ask questions of the other persons

Closing Statements

16. The licensing officer may make final submissions to the Sub-Committee
17. The Other Persons supporting the review may make final submissions to the Sub-Committee
18. Mr Miller may make his final submission to the Sub-Committee
19. The Other Persons opposing the review may make final submissions to the Sub-Committee
20. The premises licence holder may make final submissions to the Sub-Committee.

Conclusion

21. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
22. The Sub-Committee will close the hearing and retire to make a decision.
23. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

LICENSING AND APPEALS SUB-COMMITTEE
Wednesday 6 January 2021

LICENSING ACT 2003

APPLICATION BY MR F MILLER
FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF
THE ORANGE TREE PH, NORTON ROAD, BALDOCK, HERTFORDSHIRE, SG7 5AW.

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 The existing premises licence was granted by the licensing authority following an application to vary the licence on 6th February 2012.
- 1.2 The current premises licence is attached as **Appendix A**.

2. REVIEW APPLICATION

- 2.1 The application is for a review of a premises licence following a request from an Other Person under Section 51 of the Licensing Act 2003 (“the Act”).
- 2.2 On 10 November 2020, the licensing authority received an application for the review of the premises licence from Mr Miller on the grounds that:

The protection of public nuisance licensing objective is not being adequately promoted causing nuisance to nearby residents, specifically music noise, patron noise and foul language from the outdoor areas of the premises namely the new structures in the garden.

The application relates specifically to the following licensing objectives:

- The prevention of public nuisance

Once an application for review has been made representations can be made for any of the four licensing objectives.

- 2.3 As required by the Act, the licensing authority displayed notices of the review at the premises in accordance with the prescribed regulations. The application was also published on the Council’s website on the Licensing Register.
- 2.4 The application for a review is attached as **Appendix B**.

3. CONSULTATION PROCESS

- 3.1 On 10 November 2020, the licensing authority received an application for a review of the premises licence from an Other Person.

- 3.2 As the application was served electronically, the licensing authority served notice of the application to the premises licence holder and the responsible authorities.
- 3.3 Public notices were displayed on the premises for a period of twenty-eight (28) consecutive days between 11 November 2020 and 10 December 2020 in accordance with the requirements of the Act. Officers visited the premises periodically to ensure that the notices were continually displayed.
- 3.4 A newspaper advertisement is not required by the Act for an application for a review.

4. REPRESENTATIONS

- 4.1 No representations were received from any responsible authority.
- 4.2 As a substantial part of the review application relates to public nuisance, in particular music and patron noise, the licensing officer checked with the NHDC Environmental Protection Officer (“the Noise Officer”) to ensure that she was aware of the review consultation. The Noise Officer confirmed that she was aware and would not be submitting a representation however she confirmed that there is an open investigation into noise from the premises. It is for the sub-committee to determine what weight, if any, to attach to that decision.
- 4.3 Six (6) representations were received from Other Persons supporting the review application and are attached as **Appendix C**.
- 4.4 Seven (7) representations were received from Other Persons opposing the review application and are attached as **Appendix D**.
- 4.5 One (1) representation was received from Other Persons offering mixed views of the review application and are attached as **Appendix E**.
- 4.6 The Council’s Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.7 Where representations include comments that are not relevant to the Act, these comments have been clearly redacted by the licensing officer and should not be considered as part of the determination process. **Other Persons must not refer to these paragraphs in any oral presentation at the hearing.**
- 4.8 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.9 The premises licence holder has been served with a copy of all representations by way of this report.
- 4.10 The applicant for the review, the premises licence holder, the Other Persons making relevant representations have been invited to attend the hearing to present their cases respectively. They have been advised that they may be legally represented and of the hearing procedure.

4.11 This report and all appendices have been published on the Council’s website and all hearing invitations required to satisfy paragraph 4.12 above have included a link to the relevant web page.

5. OBSERVATIONS

5.1 In determining this application, the sub-committee must have regard to the representations and take such steps as it considers appropriate for the promotion of the licensing objectives.

5.2 In making its decision, the sub-committee must act with a view to promoting the licensing objectives. It must also have regard to the licensing authority’s Statement of Licensing Policy and National Guidance.

5.3 The sub-committee has the following options when issuing the Decision Notice:

- i) to take no action;
- ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, removing live and recorded music deregulation, or altering permitted timings of licensable activities);
- iii) to exclude a licensable activity from the premises licence;
- iv) to remove the designated premises supervisor from the premises licence;
- v) to suspend the premises licence for a period not exceeding three months; or
- vi) to revoke the premises licence.

5.4 National Guidance Section 11.20 states:

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

6. LICENSING POLICY CONSIDERATIONS

6.1 The following paragraphs from the Council’s Statement of Licensing Policy 2021 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate:

B6

Our vision is:

“To ensure that North Hertfordshire continues to offer a diverse range of well managed licensed venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy.”

B7

The Council recognises that national and worldwide events may impact on its ability to promote this vision, particularly during pandemics and the impact of exiting the EU. The vision detailed in paragraph B6 will always underpin licensing policy however the Council may need to adapt to measures introduced by Government to stimulate the economy or protect public safety. Under these circumstances, temporary measures may not always be within the control of the licensing authority however the Council will always seek to strike a reasonable balance between achieving its vision and promoting the licensing objectives.

B8

The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.

B9

The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.

B10

In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy, but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to, and impacts on, the community as a whole and will take a proportionate view on the weight to apply to representations.

D2.1

Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.

D2.4

In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.

D2.5

The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.

D2.6

Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.

D2.8

The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.

D2.9

The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

D6.2

The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

D6.3

Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.

D6.8

It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.

D6.9

Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a Licensing Sub-Committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.

D8.1

The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.

D8.2

Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.

D8.3

The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

D11.1

Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the licensing sub-committee are:

- (i) to take no action;*
- (ii) to modify the conditions of the licence;*
- (iii) to exclude one or more licensable activities from the scope of the licence;*
- (iv) to remove the designated premises supervisor;*
- (v) to suspend the licence for a period not exceeding three months; or*
- (vi) to revoke the licence.*

D11.2

In determining whether or not an application for a review is relevant, the Council will have due regard to the Guidance in relation to whether an application is frivolous, vexatious or repetitious. The Council acknowledges that the Act precludes a representation by a responsible authority from being deemed frivolous, vexatious or repetitious.

D11.9

NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

E1.4.1

The Council encourages the use of CCTV recordings, with appropriate warning signage, where they would assist with the promotion of the licensing objectives.

E1.4.2

Equally, the Council is mindful that a blanket CCTV requirement without assessing its appropriateness and proportionality to the individual premises would be an unnecessary financial burden on the premises.

E1.4.3

Where there is insufficient evidence to demonstrate that CCTV is an appropriate and proportionate requirement at a premises, or where CCTV is sought for problems not related specifically to the licensable activities at the premises, CCTV conditions will not be imposed by a licensing sub-committee.

E1.4.4

Where there is evidence of disorder or likely disorder, the Council may deem it appropriate to impose conditions relating to CCTV in order to promote the licensing objectives. Each case will be determined on its own specific circumstances however, considerations may include, but are not limited to:

- the type of camera and number of cameras*
- the locations of the cameras*
- the recording capability of the cameras in terms of providing evidence quality images*
- the times during which the cameras should be operational*
- procedures for repairing the cameras should they become inoperable*
- staffing requirements in respect of a working knowledge of the equipment*
- storage requirements for recordings*
- date/time stamping of recordings*
- provision of recordings to the police on request*

Consideration will be given to the minimum requirements for CCTV to limit the financial burden on a business whilst ensuring the system remains fit-for-purpose.

E1.4.5

The Council acknowledges that licence holders using CCTV recording equipment have responsibilities for handling the data appropriately and must be satisfied that any request for recordings meet any Data Protection responsibilities.

E1.4.6

Ordinarily, the provision of CCTV should be restricted to the minimum requirements to cover entrances, exits and till areas to a standard enabling facial recognition. Higher levels of coverage, based on factors such as the type and location of the premises, premises history and risk of serious crime and/or disorder may be appropriate at specific premises. In such circumstances, before imposing conditions requiring a higher level of coverage, the Council would expect the police to indicate why the higher CCTV requirements were appropriate to the individual premises and details of the suggested CCTV solution.

E2.1

The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

E3.1.1

Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.4

The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.2.1

This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;*
- installation of noise-limiting devices;*
- provision of acoustic lobbies;*
- no externally played music;*
- restrictions on the times and types of entertainment;*
- keeping windows and doors closed (i.e. with self-closing devices).*

E3.2.4

The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.

E3.2.5

A licensing sub-committee will not impose restrictions or licence conditions on a licence/certificate that relate to deregulated entertainment in order that they can automatically apply if deregulation is subsequently removed. At a review hearing where it is decided to remove deregulation, the licensing sub-committee should tailor any restrictions and/or conditions based on the evidence submitted to them at that time.

E3.3.1

This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);
- cessation of the use of certain areas of the premises;
- supervision of outdoor areas, entrances and exits;
- suitably worded, clear and prominent signage;
- restriction of seating in outdoor areas of the premises;
- restriction of times that drinks can be taken in specified outdoor areas of the premises;
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time.

E3.9.1

The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however, will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant daytime and night-time economy.

E3.9.2

The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule.

E3.9.3

Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

E4.1

The Council recognises that the protection of children from harm objective relates primarily to children accessing or using licensed premises, or being exposed to activities taking place without having to access the premises (for example, underage alcohol sales, exposure to performances or advertising of an adult nature whether within or outside a premises).

F4.1

In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.3

Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.

F8.1

The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2

That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

O1.1

The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:

- (i) *Crime and Disorder Act 1998*
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.
- (ii) *Human Rights Act 1998*
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.
- (iii) *Equality Act 2010*
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

O2.2

Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

- 7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (April 2018 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document:

1.3

The licensing objectives are:

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*

- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.*

1.17

The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

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.

2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But 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 and additional conditions may be appropriate.

2.19

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.22

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to

2.26

Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the

licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable

activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

11.10

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.23

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

16.55

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

8. LICENSING OFFICER COMMENTS

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

Case law

- 8.2 As the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.3 The Guidance states at paragraph 2.20 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.4 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.
- 8.5 The magistrates court case of *Kouttis v London Borough of Enfield, 9th September 2011* considered this issue.
- 8.6 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that "beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right" (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the Hope and Glory case.
- 8.7 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

Evidence not to consider

- 8.8 References have been made to temporary structures not in keeping with an historic building however this is a matter for Planning, not Licensing.
- 8.9 Numerous references were made in respect of the contribution the DPS has made to the local community particularly in relation to lockdown and supporting local musicians

however this is not relevant to the review hearing. The sub-committee are considering the impact of the premises in relation to the narrow remit of the licensing objectives.

New evidence

- 8.10 Other Persons must restrict their oral submissions to the relevant issues raised within their representations although they may expand on their written submission by way of examples or further linked information. They cannot raise new issues not mentioned within the written representation, for example if they have only raised issues of crime and disorder, they cannot introduce issues of public safety orally at the hearing.

Unlike the Other Persons, the premises licence holder is not restricted to advanced written representations and may raise any relevant issues orally at the hearing.

- 8.11 Any new documentation not circulated in advance of the hearing to all parties within the hearing paperwork cannot be introduced during the hearing or presented to the sub-committee without all party consent.
- 8.12 New documentation received in advance of the start of the hearing may be accepted at the discretion of the licensing manager provided:
- (i) it is circulated to all parties present prior to the start of the hearing
 - (ii) adequate time is given prior to the start of the hearing for parties to consider the documentation
 - (iii) the late admission or refused admission of the documentation does not unduly prejudice any party to the hearing

Removal of music de-regulation

- 8.13 An amendment to the Licensing Act 2003 de-regulated live and recorded music on a licensed premises between the hours of 08:00hrs and 23:00hrs. The effect of the de-regulation was that no licence was required for live and recorded music between those hours and any conditions on the premises licence related solely to live and/or recorded music did not have effect during the de-regulation.
- 8.14 At a review hearing such as today, if appropriate based on the evidence presented, the sub-committee may remove the de-regulation. The effect of removing the de-regulation is that live and recorded music on the licensed premises can be subject to licence conditions as though the music was regulated entertainment. Additionally, unless amended by the sub-committee, any existing premises licence condition relating to live and/or recorded music does have effect.
- 8.15 With the de-regulation removed, controls can be applied to live and/or recorded music at any time whilst the premises is open to the public by way of a licence condition, including licence conditions restricting the hours during which music is permitted.
- 8.16 Any licence condition relating to the removal of the de-regulation, including restrictions on timings, should include a statement that “**Section 177A of the Licensing Act 2003 does not apply to the condition**”.

9. APPENDICES

- 9.1 Appendix A Current premises licence
- 9.2 Appendix B Application for the review
- 9.3 Appendix C Representations from Other Persons in support of the review
- 9.4 Appendix D Representations from Other Persons in opposing the review
- 9.5 Appendix E Representations from Other Persons with mixed opinions

10. CONTACT OFFICER

- 10.1 Jasmine Jennings
Licensing Officer
jasmine.jennings@north-herts.gov.uk

Licensing Act 2003

Part A

Format of premises licence

North Hertfordshire District Council
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 25 August 2005
Current issue date: 06 February 2012



.....
Authorised signatory

Premises licence number: 4825

Part 1 – premises details

The Orange Tree
Norton Road, Baldock, Hertfordshire, SG7 5AW

This licence is granted in perpetuity

Licensable activities authorised by the licence

Section E: Live Music:(Indoors)
Section B: Exhibition of a Film:(Indoors)
Section F: Recorded Music:(Indoors)
Section A: Performance of a Play:(Indoors)
Section C: Indoor Sporting Events:(Indoors)
Section G: Performance of Dance:(Indoors)
Section H: Anything of a similar description to that falling within (E), (F) or (G):(Indoors)
Section I: Provision of Late Night Refreshments:(Indoor)
Section J: Sale or Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Section E: Live Music:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day
On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section B: Exhibition of a Film:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day
On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section F: Recorded Music:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00

Sunday	11:00	midnight
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These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section A: Performance of a Play:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section C: Indoor Sporting Events:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section G: Performance of Dance:(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight

Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section H: Anything of a similar description to that falling within (E), (F) or (G):(Indoors)

Day	Start Time	End Time
Monday	11:00	midnight
Tuesday	11:00	midnight
Wednesday	11:00	midnight
Thursday	11:00	midnight
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day; New Year's Eve, New Year's Day; All publicly declared holidays including the day preceding a Bank Holiday; Good Friday, Easter Saturday, Easter Sunday, Easter Monday; St Patricks Day and St Georges Day

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.

Section I: Provision of Late Night Refreshments:(Indoor)

Day	Start Time	End Time
Monday	23:00	midnight
Tuesday	23:00	midnight
Wednesday	23:00	midnight
Thursday	23:00	midnight
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, All publicly declared holidays including the day preceding a Bank Holiday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patricks Day and St Georges Day

On these days, the permitted hours will be 23:00hrs to 02:00hrs the following morning.

Plus

On the morning on which British Summer Time begins, where the terminal hour is later than 01:00hrs, the terminal hour shall be extended by one hour.

Plus

On New Year's Eve, the hours shall be extended from the standard permitted terminal hour to the start of the permitted hours on New Year's Day.

Plus

In the event of an International or National sporting event which falls outside of the standard permitted hours, the permitted hours shall commence one hour prior to the start of the event and terminate one hour after the finish of the event.

Section J: Sale or Supply of Alcohol

Day	Start Time	End Time
Monday	10:00	midnight
Tuesday	10:00	midnight
Wednesday	10:00	midnight
Thursday	10:00	midnight
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	12:00	midnight

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, All publicly declared holidays including the day preceding a Bank Holiday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patricks Day and St Georges Day

On these days, the permitted hours will be 23:00hrs to 02:00hrs the following morning.

Plus

On the morning on which British Summer Time begins, where the terminal hour is later than 01:00hrs, the terminal hour shall be extended by one hour.

Plus

On New Year's Eve, the hours shall be extended from the standard permitted terminal hour to the start of the permitted hours on New Year's Day.

Plus

In the event of an International or National sporting event which falls outside of the standard permitted hours, the permitted hours shall commence one hour prior to the start of the event and terminate one hour after the finish of the event.

The opening hours of the premises

Day	Start Time	End Time
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	00:30
Friday	10:00	01:30
Saturday	10:00	01:30
Sunday	12:00	00:30

These hours are to apply each week of the year with the exception of:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, All publicly declared holidays

including the day preceding a Bank Holiday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patricks Day and St Georges Day

On these days, the permitted hours will be 08:00hrs to 02:30hrs the following morning.

Plus

On the morning on which British Summer Time begins, where the terminal hour is later than 01:00hrs, the terminal hour shall be extended by one hour.

Plus

On New Year's Eve, the hours shall be extended from the standard permitted terminal hour to the start of the permitted hours on New Year's Day.

Plus

In the event of an International or National sporting event which falls outside of the standard permitted hours, the permitted hours shall commence one hour prior to the start of the event and terminate one hour after the finish of the event.

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email of holder of the premises licence

**Greene King Retailing Limited
Abbot House Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QW
licensingpp@greeneking.co.uk**

Registered number of holder, for example company number, charity number (where applicable)

5265451

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Robert Francis Scahill
Orange Tree Inn, Norton Road, Baldock, Hertfordshire, SG7 5AW**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

**Licence Number: 1310
Issuing authority: North Hertfordshire District Council**

Annex 1 – Mandatory conditions

No supply of alcohol may be made under this licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence; or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Responsible person means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen(18) years who has been authorised to sell alcohol at the licensed premises.

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective.

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age

verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

- (i) a holographic mark; or
- (ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

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

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

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

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

(a) permitted price is the price found by applying the formula $P = D + (D \times V)$ where:

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

(b) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

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

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

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

All staff will be trained in the promotion of the licensing objectives, in particular in respect of the prevention of, underage drinking, drunkenness, the use of drugs, violent and antisocial behaviour on the premises, and protecting children from harm

A proof of age scheme will be in place and used at the premises to ensure no underage drinking; only photographic ID will be acceptable.

The designated premises supervisor, or a nominated deputy, will be a member of any local Pub Watch, where one exists.

Toughened glassware will be used throughout the premises.

The designated premises supervisor, or a nominate deputy, will undertake regular visits to all parts of the premises, including the exterior and during deliveries outside of opening hours, to ensure the promotion of this licensing objective

The designated premises supervisor, or a nominated deputy, will actively manage patrons and staff, including their vehicular traffic, arriving and leaving the premises to ensure the promotion of this licensing objective

The designated premises supervisor, or a nominated deputy, will ensure that litter originating from the premises is regularly cleared from the immediate vicinity of the premises.

Effective ventilation systems will be installed and used at the premises to prevent nuisance from odour.

Children under the age of sixteen (16) years must be accompanied on the premises by an adult at all times.

A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council. The device must be set at an appropriate time in the presence of an Officer of the Environmental Protection Team at North Hertfordshire District Council. No amplified live or recorded music constituting regulated entertainment shall take place in the function room until this device has been installed and set in accordance with this condition.

Once the environmental noise control device has been installed, calibrated and set to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council it must not be removed, adjusted or replaced without twenty-eight (28) days prior notification to an Environmental Health Officer of North Hertfordshire District Council and without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from an Environmental Health Officer of North Hertfordshire District Council.

Following the receipt of the documentation stated in the above condition, all the requirements of the Environmental Health Officer of North Hertfordshire District Council must be carried out. Such works may include, for example, an acoustic consultant noise survey, sound insulation works, the calibration and setting of the environmental noise control device in the presence of an Officer of the Environmental Protection Team who will set the levels in line with the licensing objective 'the prevention of public nuisance'. Use of all noise equipment in the function room for amplified live or recorded music constituting regulated entertainment is not permitted until such a time that the premises licence holder has received confirmation from the Environmental Health Officer of North Hertfordshire District Council that it is permitted.

In the event of malfunction of the environmental noise control device, the Environmental Protection Team shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place in the function room until the environmental noise control device is properly functioning and the Environmental Protection Team has received the necessary documentation confirming this.

The environmental noise control device will be regularly serviced and maintained to ensure that the noise produced within the premises will not exceed the limit agreed by the Environmental Health Officer of North Hertfordshire District Council.

The environmental noise control device must be permanently maintained at the settings/levels agreed by the Environmental Health Officer of North Hertfordshire District Council.

The environmental noise control device shall be secured with a robust lockable case or similar to prevent unauthorised access to and tampering with the controls.

All noise equipment used for amplified live and recorded music constituting regulated entertainment in the function room must be routed through the environmental noise control device and this device must be used during such licensable activities.

Live and recorded music constituting regulated entertainment shall only take place at the premises until 23:00hrs Sunday-Thursday and until midnight Friday-Saturday, with the exception of the function room.

Live and recorded music constituting regulated entertainment shall only be permitted to take place on a maximum of four (4) occasions per week.

The concertina doors to the function room shall be closed from 23:00hrs every evening.

The concertina doors to the function room shall be permitted to remain open for one(1) event of live or recorded music constituting regulated entertainment per calendar month prior to 20:00hrs. At all other times during live and recorded music, they must remain closed.

Deliveries and waste collections relating to premises shall only take place between 07:00hrs and 20:00hrs, Monday to Sunday.

No glass bottles shall be emptied into the waste bins at the premises between 23:00hrs and 09:00hrs, Monday to Sunday.

Annex 3 – Conditions attached after a hearing by the licensing authority

There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring the customers to leave the premises and the area quietly.

The outside area of the premises (comprising the play area, patio, outside drinking area and games area as annotated on licence plan OT-1103-LP01) will be closed to the public no later than 23:00hrs every evening, save for the designated smoking area marked on the plan.

The outside area of the premises as annotated on licence plan OT-1103-LP01 as 'car park' will be closed to the public no later than 23:00hrs every evening, save for direct ingress to and

egress from the premises.

All external lighting which is used in the normal course of the business to illuminate the beer garden alone shall be switched off no later than 23:00hrs every evening. All remaining external lighting shall be positioned such that it does not become intrusive to nearby neighbours.

The designated smoking area will remain open until closing time each evening but with no more than fifteen (15) persons occupying it at any one time after 23:00hrs.

There shall be notices placed in the designated smoking area requiring patrons to respect the needs of the neighbours and remain quiet at all times.

The designated premises supervisor, or a nominated deputy, shall actively manage the designated smoking area after 23:00hrs each evening to ensure compliance with the licensing objectives.

The premises licence holder shall ensure that there shall be no entry or re-entry to the premises after midnight.

The premises licence holder shall ensure that there shall be no external regulated entertainment.

The premises licence holder shall ensure that there shall be no karaoke at the premises.

No later than ten (10) working days prior to an International or National sporting event which falls outside of the standard permitted hours, the premises licence holder shall contact the Licensing Authority to seek approval that the sporting event falls within the terms of the premises licence.

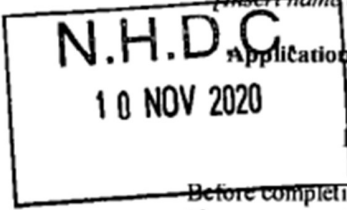
Annex 4 – Plans

See attached

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DOL 01839

[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 Fred John Miller

(Insert name of applicant)

apply for the review of a 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, if none, ordnance survey map reference or description Norton Road	
Post town Baldock	Post code (if known) SG7 5AW
Name of premises licence holder or club holding club premises certificate (if known) Rob Scahill	
Number of premises licence or club premises certificate (if known)	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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)

Please tick ✓ yes

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

Surname

Miller

First names

Fred John

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

38 The Sycamores

Post town

Baldock

Post Code SG7 5BJ

SG7 5BJ

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Not Applicable
Telephone number (if any)
E-mail address (optional)

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

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

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

Since the arrival of Covid in March 2020 the Landlord has revamped the premises. He has erected a very large marquee within 30 metres of our house and moved most of his pub business there. Since March and throughout the summer we have been assailed with noise from two fronts. Every day men have been making the garden and the marquee into an entertainment venue. Loud hammering, drilling and sawing accompanied by loud radio music was a nuisance. A powerful loudspeaker system was installed and extra lights fitted. From June /July a programme of live music and quizzes started. All during the summer these activities went on three sometimes four times a week. The quizzes have to be heard to be believed as the evening goes on the caller becomes more incbriated and the language becomes more obscene fuck and cunt being in common use. The music on the weekends starting mid afternoon and ending late evening. It was impossible for us to use our garden or conservatory. When a rock band was playing the sound of the bass could clearly be heard above the sound of our television inside the house. The nuisance was particularly bad on the weekend 7th 8th 9th August and again on 11th 12th 13th September when the singing and effects of the bass was particularly loud. On the 11th September during the so called Balstock weekend it was announced over the loudspeakers that the local residents are a load of wankers.

At this stage the problem elevates from being a nuisance to being offensive particularly considering the age of my wife and myself. Over the summer many complaints have been registered with both the police and the Environment Officer. Forms provided by The Environment office have been filled in and returned. Sound equipment to monitor the problem have been promised several times but have never materialised. I have written to our MP, The council leader Herts Council and the Council Leader NHDC. On Saturday and Sunday the music was very noisy. On Sunday evening Rebecca Clark and a companion from the Environmental office came and heard the music not only from our house but also visited several of our neighbours. I have yet to see any result of the visit.

Please provide as much information as possible to support the application (please read guidance note 3)

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

Please tick yes



If yes please state the date of that application

Day	Month	Year
05	JULY	2005

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

On the 25 August along with several neighbours my wife and I attended a hearing in the Council offices to raise a dispute regarding the pub license. The conditions applied to the pub were that the beer garden and the patio area were to be closed to the public by no later than 11 pm

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~~ 1991
- I understand that if I do not comply with the above requirements my
application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

[Redacted Signature]

Date

6 Nov 2020

Capacity

Householder

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

38 The Sycamores

Post town
Balock

Post Code
SG7 5BJ

Telephone number (if any)

[Redacted Telephone Number]

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

[Redacted E-mail Address]

Notes for Guidance

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

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guidance note 3) WE HAVE BEEN AT THIS PROPERTY FOR 11 YEARS AROUND THE SAME TIME AS BOB SCAMILL HAS BEEN THE LANDLORD OF THE ORANGE PUB. IN THIS PERIOD I HAVE NEVER HAD TO CALL THE PUB TO COMPLAIN ABOUT ANY ISSUES WHAT SO EVER, AS I AM QUITE AWARE THAT THERE IS A PUB ADJACENT TO MY PROPERTY. THIS SUMMER DURING LOCKDOWN, I SPOKE TO THE LANDLORD OVER THE FENCE, ASKING HIM WHAT HE WAS BUILDING. HE INFORMED ME HE WAS BUILDING WOODEN PODS TO ENABLE SOCIAL DISTANCING FOR WHEN HE REOPENED. MR SCAMILL SAID THE WORSE CASE WOULD BE THE ODD JAZZ BAND ON A SUNDAY. I WISHED HIM THE BEST AND SAID HE NEEDED TO DO THIS TO ENABLE THE PUB TO OPEN SAFELY.

AFTER ANOTHER SIX WEEKS OF BUILDING WORK WE NOW HAVE A FULLY OPERATIONAL MUSIC VENUE RUNNING 3-4 EVENTS A WEEK OF ABSOLUTE MIND BLOWING VOLUME, I HAVEN'T HEARD A JAZZ BAND YET!! THE LEVELS OF VOLUME ON THESE EVENTS ARE HORRENDOUS, WE HAVE NOT BEEN ABLE TO USE OUR GARDEN, AND EVEN WITH THE WINDOWS AND DOORS SHUT WE CANNOT EVEN HEAR OUR TELEVISION.
(CONTINUED ON OTHER PIECE OF PAPER)

I HAVE A 10 YEAR OLD DAUGHTER WHO IS TRYING TO STUDY AND SLEEP, THIS HAS TAKEN ITS TOLL ON HER. I HAVE TWO MORE DAUGHTERS WHO BOTH WORK, ONE OF THEM HAS TO BE UP AT 4 AM AND THE OTHER AT 5 AM. THEY HAVE SUFFERED FROM SLEEP DEPRIVATION AND IT IS LITERALLY CAUSING ANXIETY AND MENTAL HEALTH CONCERNS, AS PARENTS WE HAVE REALLY SEEN A CHANGE IN ALL OF THEM.

ONE SUNDAY EVENING AFTER A 3 DAY MUSIC EVENT, AROUND 9.30 PM I CALLED THE PUB FOR THE FIRST TIME IN ELEVEN YEARS AND ASKED MK SCAHILL IF HE COULD PLEASE TURN THE MUSIC DOWN / NOT OFF, AND HIS REPLY WAS "ITS A FUCKING PUB, GET OVER IT" AND THEN HE SLAMMED THE PHONE DOWN.

WE THOUGHT AFTER THE SUMMER IT WOULD QUIETEN DOWN HOWEVER MK SCAHILL WAS HEARD TO SAY OVER THE MICROPHONE "THE NEIGHBOURS HAVE HAD IT TOO EASY FOR TOO LONG! AND ALSO HEARD TO SAY HE HAS WINTER PROOFED HIS BUILDING SO THESE EVENTS CAN CONTINUE ALL YEAR AROUND. WE NOW HAVE ANOTHER PUB IN THE GARDEN CALLED BALSTOCK

!!!

(PLEASE TURN OVER)

QUIZ NIGHT, UM WELL WHAT CAN WE SAY ?? NOT ONLY CAN WE HEAR THIS EVENT INSIDE OUR HOUSE WITH THE WINDOWS SHUT, WE HAVE TO HEAR THE LANDLORD ; HIMSELF OVER A LOUD MICROPHONE ASKING A CUSTOMER IF ANOTHER CUSTOMER WAS 'BANGING' THEIR DAUGHTER, HOW HE WOULD LIKE TO 'DO' THE MOTHER ! REALLY. ALSO TALKING ABOUT WANKING AND FISTING ! THEN WE HEAR HIM CALL THE US PRESIDENT A CUNT!! I DONT THINK THAT MY 13 YEAR OLD DAUGHTER SHOULD BE SITTING IN HER BEDROOM LISTENING TO MR. SCARILL TALKING ABSOLUTE FILTH. THIS IS THE TIP OF THE ICEBURG. ANOTHER QUIZ EVENING WE HEARD HIM USE THE WORD WANKER ON THE MINIMUM OF FIVE OCCASIONS.

PLEASE UNDERSTAND THIS IS NOT INSIDE THE PUB, IT IS IN THE GARDEN THAT I CAN CLEARLY HEAR WORD FOR WORD IN MY HOUSE. THERE IS CHILDREN OF A YOUNGER AGE THAT LIVE VERY CLOSE TO THE PUB. WE DO NOT EXPECT THIS FROM A LICENCEY. THEREFORE WE HAVE NO CHOICE BUT TO CALL FOR A REVIEW OF HIS LICENCE.

Please provide as much information as possible to support the application (please read guidance note 3)

We have lived at the above address for the last 34 years. It shares a garden fence with the Orange Tree Public House, Baldock.

Unfortunately with pub licensing hours so extensive now and pubs themselves changing so dramatically the result has not always been to the advantage of those who live in close proximity to them.

Since the first lockdown began our life has been made a misery by the noise nuisance from this pub. We have had disturbance in the past but nothing like of the duration and volume we have recently experienced.

Early on in the lockdown the whole pub was decamped to the garden, a huge marquee with an open side was erected and work went on until very recently to build little huts, extensions etc to accommodate the patrons in the garden and allow room for a shop to be set up in the pub. There was daily hammering, sawing, drilling and general noise, all with a background of music and dialog on broadcast equipment from mornings onwards. Sometimes loud, sometimes not so but always with the bass audible from our garden/house.

When lockdown was over and customers were allowed back into the pub the broadcast entertainment volume went up! Next, worse, the live entertainment began with the amplifier turned up so high we still could not drown out the noise despite closing all double glazed doors and windows. The thump, thump, and thump of the bass a constant backing - even to our TV programmes. This, on several nights a week, at times, five nights out of six. Added to this there's screaming, shouting, sing along, all encouraged by the performers, even I'm told a session of the conga when distancing was/is the order of the day. (We can hear but not see the garden) Not to mention the abuse and bad language doled out to the neighbours for objections to the disruption. The landlord's broadcast on the microphone, roughly speaking, 'The neighbours have had it quiet for far too long let's make some noise' or words to that affect.

Then there were the Glastontree and Balstock weekends to endure. Three days each over the both weekends. Hours and hours of live, amplified rock music, groups as well as single entertainers. Closed double glazed doors and windows, again, our only defence - or leaving the house and going for walk to get away from the nuisance. Much of this when temperatures were in the mid-thirties, and opening doors and windows would have been a blessed relief. Electric fans were our only answer to surviving the intense heat.

All this taking place when social distancing was in force and we needed to stay at home enjoying our garden/surroundings. Instead, the noise necessitated our leaving the garden and conservatory and retreating to the house, closing double glazed doors and windows to try, unsuccessfully, to deaden the interference. Though with doors and windows closed the 'music' could still be heard even with the TV on.

There are children, shift workers, care staff, etc with bedrooms facing this pub garden who would like to sleep at an earlier hour but sleep is impossible before the pub closes. We would love to have our grandchildren come and stay but they are young and would be sleeping in the back of the house overlooking the pub garden. There would be no sleep for them – or us – before pub closing time

We have phoned the council on many occasions and have had quite a correspondence with the Environmental Dept. of the council, mostly with Rebecca Clark. Our case reference number is 16073. We have provided them with four sheets of dates and times of nuisance plus given more dates and times over the phone. We have had one visit by Rebecca and promises of sound equipment but nothing has transpired. Neighbours have also contacted the police, the council and sent in recordings on a noise app. The landlord seems to be able to do exactly as he pleases and we seem to have no rights to peace and quiet in our own home at any time. This from a pub surrounded on four sides by houses – it's a residential area.

We have had no communication with the landlord about this disturbance. Some years ago he delivered personally, his business card and invited us to phone if we felt the noise in the pub was excessive. At a late hour, with sons trying to sleep in the back bedrooms, I called him and was met with abuse and bad language, I vowed never to give him the chance to speak to me in such a way again.

We ploughed time, money and effort into our garden in early spring to make it a really colourful summer but for much of the time since it's been a no go area, our conservatory too. The noise and disruption preventing their use. We cannot invite friends around, we tried once and were embarrassed at us all having to raise our voices to be heard over the noise. Just what exactly can we do to have a reasonably peaceful life? We have done all we can, our neighbours too.

The property has become a live, mostly rock, music venue with ambitions to emulate Glastonbury. Our worse fear is that the marquee will be a permanent presence in the garden and there will be no end to this disruption.

My husband suggests the only answer is to move, but this is the home we planned to live in forever. We are not young, one under, the other over eighty and why should we leave all the friends and neighbours we've known for years and normally associate with, to start again, at our age. Plus, who would buy a house with such a disadvantage.

We feel that the landlord has used Covid as an excuse to get around his licencing conditions which are, as I understand it, to keep live entertainment inside and under sound restrictions.

I am enclosing just one page of the dates & times of recorded nuisance sent to the Environment Dept of NHDC. These were four pages sent.

I hope to download a recording made on my phone to the noise App of the Council.

man.

My parents moved to the house in The Sycamores in Baldock in which I now live in 1973. [REDACTED]

When you live with a pub at the bottom of your road, you expect there to be some noise. Whilst over the years, there have been one or two issues with noise from The Orange Tree pub, these have been limited and generally The Sycamores is a relatively quiet place to live. 2020 has seen this change dramatically. I no longer appear to be living with a pub at the bottom of my road, but a live music venue.

During the first lockdown, the landlord at The Orange Tree erected a very large marquee in the pub grounds and since lockdown rules were relaxed in the summer, there has been a regular programme of live music. This programme involves live music almost every Friday, Saturday and Sunday evening – sometimes starting quite early. I can often hear this music whilst in my house. I am fortunate that my garden does not back onto the pub garden. I have a lot of sympathy and empathy for my neighbours, whose gardens do back onto the pub's garden as the noise must be really unbearable for them.

Whilst I have not witnessed it first-hand, I understand that the Landlord of the Orange Tree pub has been very dismissive and verbally abusive to a number of my neighbours, who have tried to discuss this issue with him directly. A number of my neighbours have young children, who are being impacted by the regular loud music coming from the Orange Tree pub. As I stated above if you live with a pub at the bottom of your road, you expect there to be some noise. Surely, if you manage a pub in a highly residential area, such as The Orange Tree, you have to expect there to be limitations on the amount of noise you can create and to be respectful of those living in immediate proximity of the pub. [REDACTED]

Whilst I appreciate that the Landlord of the Orange Tree is considered to have done a lot for good causes during lockdown and supports other local businesses in terms of the food and alcohol he serves, I do not believe that gives him carte blanche to behaviour however he wants in total disregard of those living in close proximity to The Orange Tree pub and licensed premises regulations.

Regards,

Liz Smith

Dear Sir / Madam,

We write in conjunction with fellow neighbours in reference to what we believe to be excessive noise pollution from the Orange Tree public house over the last couple of months. This is further to live amplified music events regularly hosted in a newly constructed outdoor area within the public house garden.

We live directly behind the Orange Tree pub with our garden backing onto the end of the pub garden and In the ten years we have lived here, we have had a generally convivial relationship with the landlord, Mr Scahill. While musicians have always performed within the pub regularly, it has been inside the premises and the sound has not been excessive in a way that would interrupt our home life. We have two children aged 11 and 7, and until recently there has never been an issue with being able to get them to sleep due to noise.

Following the initial lockdown caused by COVID-19 and re-opening of the pub, all music acts and other events such as quizzes are now held outside in the new wood construction. As such, without the sound restricting effects of triple glazed glass as I am led to believe was installed within the pub, the noise created, particularly on Friday and Saturdays from around 6pm to 9.30pm are now at the levels that cause unreasonable disturbance.

While appreciating the difficulties faced by pub licensees in this climate, this new circumstance has been created with no consultation nor consideration of local residents. We do not mind living next to a pub - we moved here after all - but we should not have to deal with loud outdoor amplified music at least three days a week. This is clearly being planned as a longer-term consideration, and one we find unacceptable unless there are at the very least tighter restrictions on volume.

To be clear, our personal wish is only for an amicable solution regards the amplified music volume from the pub that will enable trade to continue while leaving residents able to live and sleep without the excessive noise.

Yours faithfully

Jane and Gary O'Brien

KATE AND PHILIP CORNEY, 35 THE SYCAMORES

Dear Licensing Team

Relating to the Orange Tree pub review, we wish to give our opinion and relate our experience with the Orange Tree.

We live at 35 The Sycamores, a few houses along from the pub garden.

We would raise concerns about:

- the prevention of crime and disorder

Anti-social behaviour from pub customers includes

-shouting and swearing, loud singing in the pub garden and occasionally the street (August 12th)

-upsetting response and non-response from landlord after contact made (August 9th and another occasion in August, see below)

- the prevention of public nuisance

-socially unacceptable volume of live music coming from the pub garden mainstage until closing time (most Saturdays and Sundays, and some school nights in August, September & October) Refer to my NoiseApp records sent to Environmental Health.

-rubbish left around the premises, including beer bottles or glasses

-bright flood lights from the garden on until closing

- the protection of children from harm

-Children in neighbouring homes are unable to sleep at night, particularly in summer, due to loud live and recorded music levels from the pub garden and mainstage. It is unhealthy to have to fully shut windows on hot summer nights in order for children to fall asleep.

Representations to premises

[REDACTED]

Summary

Since the construction of the outdoor stage we have struggled with the high volume of live music coming from the pub garden, despite being a few houses down, on a lot of occasions. I phoned the pub on two occasions to ask politely that the music be turned down so I could settle my children to sleep without needing to close all the windows and doors. The hot spells over August made the situation very difficult on my young children, they struggled to sleep in stifling hot rooms and they struggled to sleep with the windows open because of the loud music. In fact, even with windows closed we could clearly hear the music. Although it affected us mostly at weekends through into October, there were occasional noisy school nights too. This is very upsetting for me as children's wellbeing should be a priority for neighbourhoods.

We would like to be able to enjoy our garden in good weather without having to listen to loud noise coming from the pub garden.

I would like the pub and surrounding neighbouring areas to enjoy a courteous and considerate relationship for everyone's benefit.

Kind regards

Kate and Philip Corney

Kate Corney
35 The Sycamores
Baldock
Hertfordshire
SG7 5BJ

MICHAEL AND ANGELA CAMP, 31 THE SYCAMORES

To NHDC Licensing

Not being previously aware of the matter, we have this lunchtime received a hand delivered letter from Rob Scahill, Licensee of The Orange Tree Inn, Baldock, inviting “comments to be fed to NHDC” today with a deadline of 10th December. There is no indication given of the context of this but we assume it must be in connection with some form of Licensing Hearing.

Whilst our house is a little further away from the premises we still sometimes hear the music, even inside with doors and windows shut, although to be fair not usually at unacceptable levels. However, the effect was greater during the summer when we spent more time in our garden. A temporary bonus that we have appreciated has been the 10pm curfew when any music ends at or before that time.

We can recall the Licensing Hearing in connection with these premises which we attended some years ago when the issue of loud music was aired. Mr Scahill made the commitment at that hearing that a noise level inhibitor would be deployed that would cut off the power supply to the music if it reached a certain level beyond that agreed. That device may or may not still be in use but presumably needs to be set at a lower level if the music is to be within a marquee outside rather than in a more noise limiting building.

Our limited experiences of Mr Scahill are such that we do not frequent his establishment.

[REDACTED]

Could it be that the addition of more musical events can be seen as a means of circumventing the aims of the current Covid restrictions?

[REDACTED]

Yours faithfully

Michael and Angela Camp
31 The Sycamores
Baldock
Herts

To whom it may concern

We have received a letter from Mr Rob Scahill Licensee of the Orange Tree Inn in Baldock to give our thoughts on several questions relating to himself and the premises.

Point 1.

We live at number 3 Lavender Court which is situated to the left of the Orange Tree Inn when looking directly to the front of the Inn. The distance of our property is as close as fifteen meters from the car park boundary fence.

[REDACTED]

Point 3.

In our opinion we would have to give Mr Scahill (Rob) a huge 10 out of 10 for [REDACTED]
[REDACTED]
[REDACTED] when he was able to open again that he was able to bring some cheer with his live music events.

Point 4.

We did attend one event during the summer as we wanted to meet up with another couple who we hand not seen since the beginning of the pandemic for a drink and a chat. We all thought it was safe as the garden furniture was spaced far enough apart that we all we felt completely at ease. Apologies to the young man who was signing for our pleasure as we were busy in deep conversation due to the fact that we hand not seen each other for so long. This we managed to do even though there was live music.

[REDACTED]

Point 5.

Close proximity - From our living room window we look towards the rear of the marquee so of course we can hear the live music and it would seem that the people who frequent the events enjoy themselves and the entertainment.

A word on the noise level from the events, we have never found it to be a problem.

Point 6.

The Orange Tree Inn has been a big part of the fabric of Baldock for many years and like many licenced premises seen its ups and downs, but Mr Scahill (Rob) has managed to bring it back to life and long may this continue. We are sure that there are many local residents who feel the same way as we do and enjoy a drink and a chat with friends in their Local.

To sum it all up we have no complaints regarding the live music in the Orange Tree garden marquee and would hope that they continue in the future.

Thank you for taking the time to read our comments

Regards

Jacqueline Hayward & Paul Hooton, 3 Lavender Court

GWEN FRENCH, 40 THE SYCAMORES

Please note that my house directly abuts the pub garden at the rear,

[REDACTED]

I am able to enjoy much of the entertainment provided without even leaving my own garden but it is apparent that many neighbours are unhappy with the noise . Some of those who complain are comparatively recent arrivals although I am not among the oldest residents (apart from my age if that is relevant),They are all very nice people but I can' t think what they expected. If you move close to a pub you should expect some noise or activity.

[REDACTED]

Gwen French

RICHARD AND MARGARET MARRISON, 6 LAVENDER COURT

Further to Rob Scahill's recent letter we would like to give our views on The Orange Tree and it's recent Covid driven changes.

My wife and I live at 6 Lavender Court, which is adjacent to the marquee in the Orange Tree garden and have lived there for the last 4 years.

We are an elderly couple and weather permitting spend as much time as we can in our garden. [REDACTED]

[REDACTED]

Prior to the Covid crisis we regularly frequented the pub for lunches, evening meals and Sunday roasts and [REDACTED]

With regards to the musical events, we haven't attended any of these but have often heard the music and have never found it to be intrusive or too loud. Rob has always adhered to the relevant restrictions regarding noise pollution and times and wholeheartedly believe that we are being respected as neighbours to The Orange Tree. The pub has been there far longer than the majority of houses in the vicinity but we have never experienced high noise levels coming from the garden even when it has been busy and no musical events are being held.

[REDACTED]

Kind regards
Richard and Margaret Marrison

CHRIS BENTLEY, 4 LAVENDER COURT

Dear Sir or Madam,

After carefully looking at the case of review regarding The Orange Tree, i would express my own personal comments on the matter.

We have overlooked The Orange Tree as residents of Lavender Court for over 24 years. The owner Rob has been the most considerate owner we have experienced as close residents in his lengthy tenure, previous owners of such have ran the pub to a significantly lower standard where we witnessed unruly behaviour in the car park many, many times. Rob has turned the pub into a place for the whole community and for family, we have witnessed nothing of the such as he has created strict rules and a family friendly environment, which we really appreciate.

In regards to the music noise, it is incredibly respectful to the neighbourhood, this has never been an issue. The Orange Tree is so important for giving a platform to local musicians, and entertaining the community it would be a detrimental blow for his fantastic events to be silenced.

[REDACTED]

[REDACTED]

[REDACTED] Hearing live music in these troubling, uncertain times, while supporting local artists, which was such an uplifted thing for the community to witness.

It is such a shame that the smallest of minorities may impact the whole community in such a negative way. [REDACTED]

[REDACTED]

[REDACTED] I hope this similar scenario doesn't happen again, if the friendliest and safest pub in the Town was reprimanded for this, it would be a massive blow to the local community and further afield. I really hope you take my words and experiences into consideration as i know for a fact i don't just speak for myself here. The residents of Baldock and towns near by could definitely reciprocate my statement.

Please don't let the smallest of minorities affect the whole community.

Kind regards,
Chris Bentley

Mr. Chris Bentley
4 Lavender Court
Baldock
Hertfordshire
SG7 5AR
09/12/2020

TONY AND MARION WHITBY, 6 THE SYCAMORES

Dear Sir,

We would like to make our thoughts and comments about the Orange Tree PH known to the Licensing Committee.

[REDACTED]

- We live about 75 metres behind the Orange Tree garden, and when live events were held during the summer we were able to hear the music when we were in our garden, which at that distance was not too loud. Others closer by may have found the noise too loud.
- We did not attend any of the events in 2020 but have done so in previous years.
- The Orange Tree PH is an important local facility, with a pleasant atmosphere both indoors and in the garden. [REDACTED] we frequent it for a drink or a meal from time to time.

Tony and Marion Whitby. 6 The Sycamores, Baldock, SG7 5BJ

POLLY ELLIS, 1 LAVENDER COURT

Hi there,

My name is Mrs Polly Ellis and I have lived at 1 Lavender Court, Baldock since June of this year. My property overlooks the Orange Tree pub (our private road shares a boundary fence with the pub). I recently noticed the license review notice displayed by the pub and enquired with the landlord what the review was for. I had never met the landlord, Rob, before, or been a customer of The Orange Tree, but we had a really nice chat and he told me about the review notice. I offered to come forward with my opinion on the way the pub is run, as far as I can tell, and how I find the noise levels to be totally inoffensive.

I think it's worth noting that I have a 15 month old daughter whose bedroom is at the front of our property and directly overlooks the pub's premises. I can categorically say that she has never been disturbed by the noise, and hasn't even stirred if there is an event/live music taking place in the pub's garden. Second to that, my husband and I don't find it an annoyance at all either. Of course, we can hear the music, and perhaps because we face the back of the marquee, some of the noise is drowned out. But we had our windows open all summer and never had to alter the television sound to hear over the live music, for example.

[REDACTED]

I'm my opinion, when you buy a property in such close proximity to a pub/bar you should be mindful of it being a place which may create noise now and then. We take on that risk when we choose to

live so close to a pub that has been around for hundreds of years and is known to be a popular establishment.

If you would like any further information or have any questions, I'd be happy to speak to you further.

Thanks so much
Polly Ellis

CHRISTOPHER GOMM, 1 NORTON ROAD

Licensing review of The Orange Tree Public House, Baldock

I have noted with interest that my local public house is subject to a licence review and whilst I know very little about the laws concerning this type of licence I am very conversant with the importance of these premises to the very strong sense of Community Spirit within Baldock. I have lived in Baldock for around 40 years and have invested heavily in its community aspects for much of that time. I

[REDACTED]

In my opinion all the reasons listed on the review notice are a simple definition of the 21st century, it is a noisier place than it was in Victorian times. [REDACTED]

[REDACTED]

I fully acknowledge that in some circumstances the issues listed can cause problems to some residents, I have first hand experience of this as I lived next door to a public house and opposite a 24 hour supermarket in Baldock for 18 years.

I have been an infrequent user of this public house for twenty years and have therefore seen first hand the way these premises have evolved. Yes they have changed and yes, during the Covid era, the main activities have relocated to the garden area under guidance from Parliament. The landlord here has gone to great lengths to mitigate issues for neighbours by creating covered areas within the garden and by screening those areas off to reduce the impact on neighbours.

I live about 150 metres from the pub so cannot be classified as being adjacent.

My views are purely from a non-licensing view, so if you feel they should be disregarded then I respect that decision, [REDACTED]

[REDACTED]

I have personally attended most of the music events and have seen first hand how well managed they are [REDACTED]

[REDACTED]

I have not participated in the quizzes so offer no comments on that aspect (these are run for the benefit of the Community in unprecedented times) Yes I did once hear language that I would prefer not to hear on one rare occasion, but get real, this is a Pub, I hear worse in my local park from children.

I personally find the acoustic music sessions on a Sunday afternoon (usually one artist with an acoustic guitar) an important benefit for my personal mental health, and were the high-light of my week. [REDACTED]

[REDACTED]

[REDACTED]

This is the 21st century so I am sure that any nuisance issues can be dealt with by technology, as they are in every other venue, there should in my opinion be no reason to change the licensing of these premises. [REDACTED]

[REDACTED] (if you do not like Public Houses, don't buy a house next door to the one with probably the largest garden in town, a personal view) but the local housing is relatively very recent. There are dozens of houses within the immediate vicinity of this public house but there is only a small number of people seeing any issue, this needs to be viewed in the context of the overall benefit to everyone. [REDACTED]

[REDACTED]

If you do consider my views, thank you.

Yours faithfully

Eur Ing Christopher Gomm C.Eng MCIBSE
1 Norton Road, Baldock, SG7 5AP

[REDACTED]

[REDACTED]

[REDACTED]

DAVID AND LYNNE CROSS, 5 THE SYCAMORES

We have previously sent this email to Mr Cobb in connection with the noise nuisance from the Orange Tree Public House. Rob Scargil has sent out a letter requesting representations should be submitted by the 10th of December direct to the licensing authority so we have reissued accordingly with minor amendments addressing the issues Rob has raised.

We reside at 5 The Sycamores, which is directly across the road from the houses that back onto the Orange Tree garden. We are unable, in all honesty, to make a formal complaint against the nuisance from the pub during the Covid restrictions as it has not affected the reasonable enjoyment of our property. This is because our living room is on the rear of our property and, with the music ceasing at circa 9.30pm, it does not affect us sleeping at night in the bedroom at the front of the property. We can however confirm that at weekends, when we are in the garden, the noise from the bands playing at the pub has been disproportionately loud and is not acceptable for a residential area. We cannot imagine what it must be like living in the houses immediately adjacent to the pub garden.

We accept that in this unprecedented period businesses have to do the best they can to survive. Pre Covid the Orange Tree always appeared to have ambitions to turn into a live music venue but performances were generally intermittent and always inside where the noise levels were muted. On the odd occasions we knew there was going to be performances in the garden, such as Balstock, we generally made sure we were away. Our concern is that the changes that have been made to the pub garden are going to be permanent, post Covid, and that live music outside will become the norm. This would be totally unacceptable and would affect our enjoyment of our property as presumably the music would be allowed to continue until at least 11pm making it impossible to get to sleep in our bedroom until after this time.

As you know the Orange Tree pub was in existence prior to The Sycamores and we bought our house 39 years ago knowing a pub was there. The houses across the road were built at a later date, on part of the pub garden, and shielded us from said garden. In all the years we have been on the Sycamores the pub has operated as a local and has, in the main, been run very well by all the tenants, including Rob, and has not caused much nuisance.

There were concerns when Rob took over that he wanted to turn the Orange Tree into a music venue, with extended opening times, and a number of residents made their concerns known to the Council at that time. My understanding was that even though the extended hours were allowed, conditions were included in the licence to ensure that music was played indoors and that the building had to remain sufficiently insulated to ensure no leakage of noise. This has mainly worked, and although we have noise from people leaving the pub, to get to cars parked in the Sycamores, the nuisance was insufficient to affect the reasonable enjoyment of our property. Pre Covid we lived with the irritations and would not have made a formal complaint.

If, by using Covid as an excuse, the pub is trying to extend its ambitions to become a live music venue, and to get round the original conditions, then this will be totally unacceptable and will severely affect local residents. The Orange Tree is a small local pub, situated in residential area and has CAMRA awards. Rob's letterhead describes the Orange Tree as "[A traditional pub with locally sourced home made food and a selection of real ales, fine wines and single malt whiskies.](#)" It should be typical of a number of pubs in Hertfordshire in similar locations, with similar credentials, that are viable and thriving. What it should not be is a live music venue more akin to the type of premises you would expect to find in High Streets in larger towns and cities. One should not expect rock bands etc to be performing on live stages in a marquee in the garden of a small pub situated in a residential area. There clearly needs to be a balance between the viability of the business and the impact on

local residents adjacent to the pub. Currently the balance has swayed too far in the direction of the pub adopting a trading policy that involves intolerable nuisance to residents living immediately adjacent to the property, and if it continues post Covid, will affect even more residents. This trading policy is clearly not what was envisaged for a pub of this type and the Council needs to ensure that this policy is restricted, post Covid, to ensure that no unreasonable nuisance is caused to property owners who bought their houses many years prior to the current tenant of the Orange tree taking occupation.

Rob states that all he wants is to try and help us all work in conjunction with NHDC to find how we can operate the marquee within an acceptable way for you as neighbours living next to this wonderful 340 year old pub. The answer is he has to continue to operate as a wonderful 340 year old pub in a quiet residential area and, once Covid is over, to revert back to having a garden for outdoor drinks and meals in the summer. To operate a marquee with live music stages is not compatible with either the location or age and style of the pub and Rob has overstepped the mark with his ambitions and it is not acceptable.

[REDACTED]

This email is trying to present a balanced view on behalf of all parties. We have used the Orange Tree on a number of occasions over the years, with all the various tenants, including Rob, although we could not be called regulars. We obviously also know neighbours who live directly adjacent to the pub. We want Rob to thrive in his business but only to the extent that he trades within normal parameters for a pub of its type. It should not be a live outside music centre with stages built in a marquee.

We hope the Council can ensure a fair outcome for all in this situation.

Kind regards

David & Lynne Cross
5 The Sycamores
Baldock