

APPENDIX E

Committee report to North Hertfordshire District Council's Licensing Authority

Re: The Coach & Horses, 14 Kneesworth Street, Royston, SG8 5AA

Subject: Application to vary a premises licence by Punch Partnerships Limited
(existing licence reference: LICPR/14219/05)

1.0 Introduction

I am making a representation in respect of this premises licence variation application under the licensing objective 'Prevention of Public Nuisance' due to concerns about the impact of noise on nearby residents from the extension of licensable activities at the premises. The application is to vary the above premises licence to extend the opening hours and the hours for the supply of alcohol, live music and recorded music.

2.0 Proximity of residents

The premises is surrounded largely by commercial units, however, there are a number of residential dwellings very close by in Croix Court (see Appendix A map). Some of these dwellings have habitable rooms that have line of sight with the premises and so are vulnerable to any noise generated from the premises and the licensable activities undertaken there (i.e. live and recorded music).

3.0 Areas of concern

3.1 Live and recorded music noise:

My first concern with the proposed changes to the licence relate to the extension of live and recorded music and the impact that noise from these activities will have on nearby residents, especially as this will be until midnight on all days preceding a normal working day and until 02:00 on Fridays and Saturdays. Regarding the latter, during these early hours of the morning the background noise level would be expected to drop significantly when road traffic reduces in the area and the other similar premises in the area are closed (the majority close at 01:00). The result is likely to be live and recorded music being more audible to the nearby residents and therefore increases the likelihood of a public nuisance being caused. This likelihood could be overcome by reducing the hours applied for and also using a noise mitigation measure such as a noise limiting device to ensure that the volume of amplified music played does not exceed a level where it would begin to cause disturbance to residents. This measure cannot work with unamplified live music and so a control on the number of weekly performances would need to be imposed instead.

It is noted that the premises licence already contains a number of conditions relating to regulated entertainment, including a condition requiring windows and doors to remain closed during regulated entertainment which will assist in containing some of the music noise within the premises. However, the location where I understand the music is played from is on the side of the premises adjacent to the nearest residents. Furthermore, this façade of the premises has single glazing and includes a large sealed window which is a significant point of acoustic weakness (see Appendix B photo). For this reason, these existing licence conditions are considered insufficient to promote the prevention of public nuisance in light of the extensions being applied for.

3.2 Patron noise:

The extension of times for opening and also for the sale or supply of alcohol increases the likelihood of a public nuisance from noise impacting on the aforementioned nearby residents. As already stated, the background noise levels in the early hours of the morning will be much lower than late evening and patrons using the smoking area or entering and leaving the premises will mean that any noise arising from them will be far more intrusive to residents, especially during the spring and summer months when their windows may understandably be partially open.

The entrance and exit of the premises as well as the outside smoking area is on the other side of the premises to the aforementioned residents but there is still the potential for disturbance to occur. These concerns could be allayed through a combination of licence conditions to control patron noise and reducing the hours applied for.

4.0 Noise complaints

A noise complaint was received by a resident of Croix Court in June 2017 regarding loud bassy music emanating from the premises. The details of the complaint stated that the music noise from the premises had been an issue for a few months. Although this complaint was never substantiated, it is still relevant as it demonstrates that such licensable activities have the potential to cause complaints and the likelihood of these increases with longer hours for opening and for licensable activities to take place.

5.0 Recommendations:

I would recommend to the committee based upon the evidence above, that this premises licence variation application be **refused** in its entirety unless the below modifications to the extensions applied for and the below noise related conditions are imposed on the licence.

5.1 Recommended modifications:

- Opening hours until 0000 on Sundays to Wednesdays and 0200 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Supply of alcohol until 2330 on Sundays to Wednesdays and 0130 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Live and recorded music until 2330 on Sundays to Wednesdays and 0130 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.

5.2 Recommended conditions:

1. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, any entry queue, external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised.

2. Clear and legible notices shall be displayed at all entrance and exit points and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum.

3. No drinks shall be permitted in the external areas of the premises after 0100.

4. Unamplified live music constituting regulated entertainment shall only take place after 0000 on one (1) occasion per calendar week.

5. A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned Officer. No amplified live or recorded music constituting regulated entertainment shall take place in the premises after 0000 until this device has been installed and set in accordance with this condition.

6. Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:

(a) without twenty-eight (28) days prior notification to the Council's Noise Control Officer and;

(b) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.

7. Following the receipt of the documentation stated in condition 6(b), all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in the premises after 0000 is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.

8. In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer 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 premises after 0000 until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Office has received and approved the necessary documentation confirming this.

9. The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.

10. All noise equipment used for amplified live and recorded music constituting regulated entertainment in the premises after 0000 must be routed through the environmental noise control device and this device must be operational during such licensable activities.

Rory Cosgrove
Senior Environmental Health Officer
North Hertfordshire District Council
4th June 2018

Appendix A – Location Map

★ = Indicates nearest residential properties

✦ = Indicates The Coach & Horses PH



Appendix B – Photo of premises façade nearest to residents

