

# Appendix C

## Committee report to North Hertfordshire District Council's Licensing Authority

**Re: BB's Bar, 12 Bridge Street, Hitchin SG5 2DE**

**Subject: Application for a premises licence by Robert Hutchison**

### 1.0 Introduction

I am making a representation in respect of this premises licence application under the licensing objective 'Prevention of Public Nuisance' due to concerns about the impact of noise and odour on nearby residents. The application is to include the provision of films, live music, recorded music, late night refreshments and the supply of alcohol.

### 2.0 Proximity of residents

The premises has a residential flat directly above the bar area, there are commercial units to both sides and there is a block of 4 flats which boarder onto the rear of the courtyard area of the bar. There are also a number of residential flats above the commercial premises next door and in Malthouse Court, (see Appendix A map). A couple of the properties have residential gardens that also border onto the courtyard area of the bar too. All of the above premises are vulnerable to any noise generated from the premises, the people attending the premises, the licensable activities undertaken there and other associated noise such as deliveries and refuse disposal.

### 3.0 Areas of concern

#### 3.1 Premises layout, construction and noise mitigation:

The premise is not a purpose built bar to house regular licensable activities. On the ground floor there is a bar area located to the front of the premises, the kitchen area and then bathrooms and cellar. There is then a conservatory and a rear courtyard area. The premise has a residential flat above on the first and second floors. (See the plan submitted with the application).

Any noise from the inside the premise is likely to transmit to the flat above. Noise from the conservatory is likely to be heard in the flat above and at other nearby residential properties. Noise from the courtyard area will be heard at the aforementioned properties and some further afield.

A conservatory is not a suitable place to hold live music or some other licensable activities due to the lack of noise mitigation it can provide. Therefore I would recommend that no live music is to be performed in this part of the venue and if films or recorded music be undertaken this should be of an appropriate volume so as not to disturb residents. It may be appropriate to control the volumes via a noise limiting device. The conservatory is shown on the plan to have two fire exit routes but I understand that only the one to the side will be used and the other will not. In order to minimise noise escaping through this route it would be appropriate to keep both the sets of doors shut and use the 'lobby' door to access the smoking area and courtyard.

In order to minimise noise escaping from the front bar into the conservatory and the area marked 'lobby' the installation of a door(s) would assist.

Consideration of the location, construction and use of the extract system needs to be considered in terms of noise and odour because of the potential for complaints from nearby residents, particularly those in the flat above the bar.

### 3.2 Live and recorded music noise and films:

The application requests live music, recorded music and films from 1100-0000hrs Sunday to Thursday and 1100-0100hours on Friday and Saturdays. Live music in particular is likely to be clearly audible in some of the residential properties and gardens of the nearby residential properties and this venue may not be suitable for such events without causing disturbance to local residents.

During the early hours of the morning the background noise level would be expected to drop significantly. The result is likely to be that the music noise, in particular the bass element of the noise will be more audible to the nearby residents, and therefore this increases the likelihood of a public nuisance being caused. This could be lessened by reducing the hours permitted and not having such regulated entertainment in the conservatory 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 location and number of performances would need to be imposed instead if the committee were minded to grant the licence.

In some instances the noise level set on a noise limiting device may inhibit the music being played at a level needed for a viable event/entertainment. Sometimes people noise will also affect when the device will cut off the music. Careful choice of a suitable sound system and sound limiting device(s) is needed. Consideration should be given as to whether additional sound insulation measures are implemented within the building envelope. If they were greater noise levels would be permitted inside the venue.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- All windows and external doors will be kept closed when regulated entertainment is taking place, save for access and egress from the premises.

This will assist to a degree in minimising the noise escaping from the premises.

### 3.3 Patron noise:

The noise from patrons particularly in the exterior areas will have the potential to cause a public noise nuisance. The hours applied for are quite extensive and by reducing the hours of use of this area will lessen the potential for that disturbance however I foresee that this will still occur. I foresee that the residents in the properties to the rear will be disturbed on the weekends when they want to sit out in there garden and at night time inside their properties, even more so during the spring and summer months when their windows may understandably be partially open.

The noise from patrons inside the bar may also be audible in the flat above the bar.

Due to the construction of the conservatory patron noise is also likely to escape through this route to and possibly affect some of the nearby residents.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- Prominent, clear and legible notices shall be displayed at the exit requesting customers to respect the needs of local residents and to leave the area quietly.
- Prominent, clear and legible notices shall be displayed in the courtyard area at rear of the premises requesting customers to respect the needs of local residents and to leave this area quietly.
- Restrictions on the use of the courtyard area.

These type of conditions along with the restriction of hours will assist in reducing the potential for a public noise nuisance.

### 3.4 Refuse and delivery noise

Noise from the deliveries and disposal of refuse, particularly glass is likely to cause disturbance to some of the local residents. These types of complaints are quite common and can be easily avoided by appropriate restrictions and effective management measures being in place.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- Restricting delivery times.
- Restricting the times that glass is disposed of in the external waste receptacle.

### 3.5 Odour from the extract system:

There is an extract pipe that vents from the ground floor kitchen and terminates at the first floor level adjacent to the residential flat above the bar. If this extract is to be used then it is likely to cause an odour problem particularly for the residents who will be living above the bar. Odour mitigation measures would need to be put in place to prevent this from occurring. I recommend that the details of the extract system should be submitted to environmental health to ascertain whether it is appropriate for use before it is put into operation.

## 4.0 Noise complaints

I have checked the database in respect of the property and the council have received no noise complaints regarding 12 Bridge Street in the last 12 months. We do not hold records which go back beyond this date. I understand that the premise was formally a cafe, and not a bar which therefore meant that its operating hours were less than is now proposed, the clientele may well be quite different and the type of venue will be very different, all of which I believe to have a greater impact of the potential for noise disturbance and formal complaints to be received in due course.

I believe the previous licence held at the premises (Just Desserts) was for alcohol sales only Monday to Saturday 1000-2300hours and Sunday 1200-2230hours, although I understand the premises used to only be open from 1100-2230hours Monday to Saturday and 1200 to 1700hours on a Sunday.

## **5.0 Recommendations:**

I would recommend to the committee based upon the evidence above, that this premises licence application be **refused** in its entirety because of the potential for a public nuisance from noise and possibly odour. However if the committee decide to grant the licence then the following modifications and conditions would need to be attached to the licence to assist in some way as to minimise the potential for a public nuisance to occur:

### **5.1 Recommended modifications:**

- Opening hours to be reduced.  
Opening hours from 1100 until 2330hours on Sundays to Thursdays and 1100 until 0030hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Supply of alcohol hours to be reduced.  
Supply of alcohol from 1100 until 2300hours on Sundays to Thursdays and 1100 until 0000hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Recorded music and film hours to be reduced.  
Recorded music and films from 1100 until 2300hours on Sundays to Thursdays and 0000hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Live music hours to be reduced.  
Live music can only take place between the hours of 1100 until 2300hours on any day.
- Late night refreshments to be reduced.  
Late night refreshments to be permitted only on a Friday and Saturday until 0000hours.

The above restrictions alone will not remove the potential for a public nuisance being caused. The above hours or lesser hours along with the following conditions in 5.2 below will be needed:

### **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 the external areas (including the rear courtyard area and the smoking area) of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum.

3. No deliveries or waste collections are to be made to/from the premises between the hours of 2100 and 0800hours Monday to Saturday and non on Sundays.

4. A suitable environmental noise control device(s) 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 2300hours until this device has been installed and set in accordance with this condition.

5. 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.

6. Following the receipt of the documentation stated in condition 5(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 2300hours 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.

7. 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 2300hours 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.

8. 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.

9. All noise equipment used for amplified live and recorded music constituting regulated entertainment in the premises after 2300hours must be routed through the environmental noise control device and this device must be operational during such licensable activities.

10 No patrons are permitted in the rear courtyard area between 2100 and 1100hours the following day.

11. Smoking is only permitted in the designated smoking area in the alleyway.

12. Glass bottles must not be disposed of in the external refuse receptacles between the hours of 2100 and 0800hours the following day.

13. The designated premises supervisor holder shall provide a telephone number for the local residents to contact him or some other responsible person directly if they are disturbed by noise from the premises. This telephone number shall be manned, answered and appropriate action shall be taken to ascertain the issue(s) and reduce the noise forthwith if appropriate to minimise the disturbance to the local residents.

14. Exiting the premises to the alleyway for smoking and the use of the courtyard area shall only be made via the 'lobby' door. The fire exit to the conservatory can only be used in the case of an emergency.

15. No live music to take place in the conservatory or external areas of the premises.

16. No recorded music is to be played or relayed to the external areas of the premises.

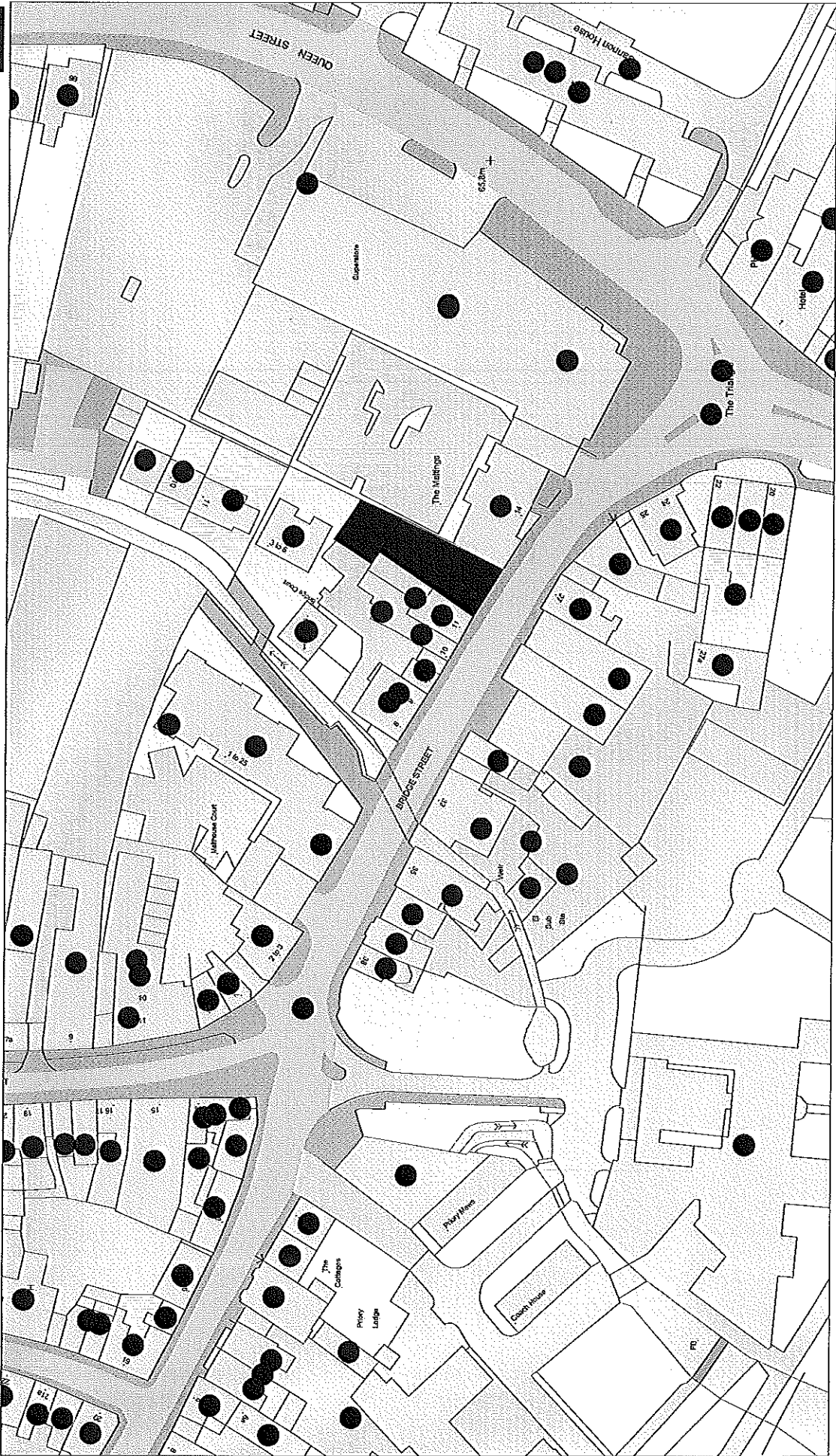


**Shayne Crowe**  
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North Hertfordshire District Council  
20<sup>th</sup> June 2018

# NORTH HERTFORDSHIRE DISTRICT COUNCIL



## Appendix A - 12 Bridge Street, Hitchin



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