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## **Licensing Sub Committee MINUTES**

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Tuesday, 16 July 2024 from 11.00 - 11.49 am**

**Present:** Councillors Harry Davies (Chair)

Andrea Fraser and Tony Humphreys

**Officers in Attendance:**

Richard Ricks  
Lorna Curtis  
Sharon Keenlyside

### **1 APPOINTMENT OF CHAIR**

Councillor Humphreys nominated Councillor Davies as Chair and this was seconded by Councillor Fraser.

Councillor Davies was appointed to Chair the meeting of the Licensing Sub-Committee.

### **2 DECLARATIONS OF INTEREST**

There were none.

### **3 PROCEDURES OF THE SUB COMMITTEE**

The Chair welcomed everyone to the meeting and introduced the Sub-Committee and officer's present.

Richard Ricks, Barrister, apologised to the applicant regarding not being advised of the Sub-Committee Hearing and explained to the applicant that she would be entitled to an adjournment if she required representation. The applicant advised that she wanted to proceed with the hearing and would be representing herself.

The Chair read out the Procedures of the Sub-Committee.

### **4 FULL VARIATION OF PREMISES LICENCE AT THE BELL, 18 HIGH STREET, BEDMOND**

Lorna Curtis, Lead Licensing Officer presented the report and outlined the application and the decision to be taken.

The Chair invited the Applicant to put their case to the Sub-Committee.

The Applicant stated that she was employed by the previous leaseholder who had bought the pub in September 2019. The Applicant was asked to manage the pub and had changed it from a nefarious establishment to a family orientated community hub. The Applicant left after 3 years after which the pub returned to its former state. The landlord sold the pub and the new landlord asked the Applicant to manage the pub again. The Applicant purchased the pub from him and managed once again to turn the pub into a family and community establishment that was part of the local Parent and Teachers association, donated money to the local school and arranged litter picks.

The Applicant felt that the application was a reasonable request and although she had applied for music through the summer months, would only have live music in the 6 weeks school holidays. The Applicant explained that it would not be particularly loud music involving bands with electric guitars and drums, rather a duo or background music and it would be well monitored. Having lived in the area for many years, she understood the local population demographic and needs of the local people.

The Chair asked the applicant if she accepted the recommendations of the noise surveys undertaken. The applicant said that she did.

The Chair asked how many customers were likely to be in the pub on a fine summers' day. The applicant replied about 40-50 people.

Members asked how often the music events were likely to take place during the summer months. The Applicant confirmed that it would be during the six weeks holiday; from the last weekend in July to the first weekend in September. Usually on a Sunday and occasionally Saturdays.

Members asked the Applicant if she would be confident monitoring sound levels. The applicant confirmed that being entirely responsible for the pub this time round, she would be able to ensure that the noise levels were kept in check.

The Chair asked how neighbours could contact the Applicant if they deemed the noise levels too loud. The Applicant explained that she was always on site. An officer had advised the Applicant to put a notice on the door with contact numbers and a number of residents had the applicant's Facebook details and mobile number already.

The Chair invited the interested parties objecting to the application to put their case to the Sub-Committee.

The points that were put forward by the objector included the following:

- The Objectors were direct neighbours whose garden backed on to the pub car park. Having lived alongside the pub for many years, they felt that having live music in the garden was a step too far.
- Customers in the car park and garden made a lot of noise and used foul language. They must keep their windows closed in the summertime. There could be up to 50 people outside the pub at any one time and they did not get to enjoy their garden or home because of the noise.
- The Applicant was able to have music in the pub, so did not understand why it was required in the garden as well.

Richard Ricks, Barrister, explained to the objector that the Sub-Committee could not take into account what had happened under the previous management of the pub. This was a new application. If there were any future complaints, the Sub-Committee had the power to review any noise nuisance. If the Sub-Committee felt that the variation was appropriate, the applicant would be put on a notice period.

### Applicants' sum-up

The Applicant apologised that the objectors had felt like prisoners in their homes and reassured them that she would do her utmost to make the variance a reasonable request. The Applicant expressed concern that pubs were closing every day and said that it was a struggle financially. The applicant reiterated that she would try and make it work for the residents.

### Licensing Officer sum-up

The Lead Licencing Officer summed up the general duties of the Licensing Authority and the criteria for determining licensing applications in accordance with the current legislation (as set out in the officer's report). The Licencing Officer also set out the options the Sub-Committee could take, with regard to the representations and appropriate consideration for the promotion of the licensing objectives, as set out in the officers' report.

The Chair asked the Applicant, that if the variation was granted, when would the following be put into place; noise policy, acoustics barrier and noise limiting equipment. The Applicant responded that she had already arranged for someone to measure up for the noise barrier. The sound survey had suggested a standard brand of sound curtain that was £300 per metre and 18 metres was required. It would take a while to have the funds for that in place and it would probably be at the end of August. The Applicant understood that music could not take place until the sound barrier was in place and explained that the benefit of the variance would not be until the summer of 2025.

### Deliberations

The Applicant and Objectors left the room and took no further part in the meeting.

The Sub-Committee then began their deliberations by seeking advice from the Legal Officer.

It was confirmed that the Applicant was given the opportunity to adjourn the hearing because she was not advised of it. Had she wished to be represented by a solicitor or agent, she would have been entitled to apply for adjournment. The Applicant confirmed that she wished to represent herself and no adjournment was necessary.

The Sub-Committee considered representations from neighbours. They considered that the vast majority of the complaints related to previous management and the irresponsible way the Public House had been run in the past. This was not an appropriate matter for deliberation since the application was being made by the current licensee.

The sub-committee also concluded that property located in close proximity/adjacent to a Public House must expect some noise.

Although not a relevant consideration, it was felt that the Applicant was a responsible publican who was doing her best to make a success of The Bell when public houses around the country are closing. It was felt that the Applicant was making efforts to meet the concerns of residents.

Finally, it was acknowledged that the conditions could be reviewed at any time. Should The Bell abuse the variation, the matter would be back before the sub-committee for further conditions or a more serious sanction allowed by the Licensing Act 2003.

Following deliberation, the sub-committee agreed to remove the prohibitive conditions in full as requested and allow the variation. However, the recommended conditions in the Applicant's professional report are to be incorporated into the variation. At sub-committee, the Applicant

accepted all the recommendations in her professional report and agreed for them to be included as conditions.

The sub-committee considered the recommendations and found them both reasonable and proportionate to advance the Licensing Objective of preventing public nuisance.

### Decision

The Sub-Committee unanimously decided to grant the application as in the report.

**AGREED: to remove the prohibitive conditions in full as requested and allow the variation subject to the following conditions:**

- 1. The management shall make available and regularly promote a contact number for local residents to contact the premises to discuss concerns or incidents either during or after events. The contact number will be displayed in the window at the front of the premises. The number will be manned at all times. Any action taken as a result of a phone complaint will be recorded and kept for production on request by the licensing authority for a period of six months.**
- 2. Routine monitoring will be regularly conducted around the premises perimeter during hours when music is being played. Such monitoring to be recorded and any action taken is also to be recorded for production on request by the licensing authority for a period of 6 months.**
- 3. Live music will not be louder than 90 decibels at any time.**
- 4. A logbook recording all complaints will be kept on the premises and maintained by the management for production on request by the licensing authority.**
- 5. An appropriate echo barrier approved by the licensing authority is to be installed and in place at the far fence facing directly opposite the premises for every live musical performance.**
- 6. An appropriate noise limiting device approved by the Council will be installed at music events restricting noise to 90 decibels. It will be maintained by trained and competent staff with ultimate responsibility for maintenance resting with the management.**
- 7. Loudspeaker location – the speakers should not be placed in the direction of the nearest neighbour.**
- 8. The above “noise management plan” will be reviewed every twelve months.**
- 9. The variation will not come into force until the noise barrier and noise limitation equipment have been installed to the satisfaction of the licensing authority.**

**CHAIR**