

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 14 JUNE 2021, AT
2.00 PM

PRESENT: Councillor J Jones (Chairman)
Councillors M Goldspink and T Page

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Deepak Jaiswal	- Applicant
Rebecca Ingram	- Applicant's Legal Representative
Terry Betts	- Interested Party
Fiona Nicholas	- Interested Party

8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Goldspink and seconded by Councillor Page, that Councillor Jones be appointed

Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Jones be appointed Chairman for the meeting.

9 APOLOGIES

There were no apologies for absence.

10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that item 7 on the agenda was no longer to be heard as the application had been satisfactorily resolved.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 APPLICATION FOR A NEW PREMISES LICENCE FOR PROOVE, 2ND FLOOR, 3 PARLIAMENT SQUARE, HERTFORD, HERTFORDSHIRE, SG14 1EX (21/0201/PL)

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves.

The Senior Licensing and Enforcement Officer presented his report covering an application for a new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 1 April 2021, Dough Bites Four Ltd submitted an application

for a new premises licence at Proove, 2nd Floor, 3 Parliament Square, Hertford, SG14 1EX. The application - which had been revised since the report was produced, following discussions with the Licensing Authority and Responsible Authorities - sought permission for the supply of alcohol for consumption both on and off the premises and recorded music, Sunday – Wednesday, 12:00 – 00:00 and Thursday - Saturday, 12:00 – 01:00. It also sought permission for the provision of late night refreshments, Sunday – Wednesday, 23:00 – 00:30 and Thursday - Saturday, 12:00 – 01:00.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to the provision of SIA registered door staff, an internal and external CCTV system, with footage retained for 31 days, and a Challenge 25 policy. The applicant had agreed further conditions with Environmental Health and Hertfordshire Constabulary.

Members were advised that representations had been received from the Local Ward Councillor and 12 residents acting as interested parties, which engaged the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives. The representations related to noise nuisance for neighbours and anti-social behaviour, as well as a lack of transport for those leaving the premises in the early hours.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing

objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

Councillor Page asked whether the licence was for the whole or part of the second floor.

The applicant's legal representative said that the licensed area would be most of the second floor, although there was a plant room and store room. She also indicated that the applicant's intention was to move the store room by installing a stud wall. This would provide a buffer between the area where customers were and the party wall. This stud wall would also likely be where any acoustic installations would be to prevent sound transference, which would likely circumnavigate any heritage issues regarding the building.

Mr Betts (interested party) suggested that it would have been useful for Members to have conducted a site visit to see the issues regarding party walls. The times of the original application would have been much too disruptive to residents, especially a licence until 02:00. He said that as the buildings involved were

listed, it would have been preferable for the applicant to withdraw the application whilst an acoustic consultant inspected the premises to consult on whether it was feasible to reduce sound transference given the heritage concerns. The times of the application, even with reduced licensed hours, still exceeded the Licensing Authority's policy on hours that would generally be granted.

The Chairman said that the Sub-Committee's business was licensing, and it could not decide the application based on planning concerns, although this aspect would be considered separately by the relevant service.

The applicant's legal representative gave a brief overview of the applicant's prior experience of operating at similar premises across the country and said he had always aimed to be a good neighbour. The ground floor of the building was also being refitted, but this was a separate premises, although the two would interact. The second floor might be used as an overflow for customers to have a drink whilst they awaited a table in the restaurant below, for example. The premises was not to be a night club as had been a concern for some residents. A range of beers, wines and cocktails would be served, as well as small plates of food. Music would likely be louder than what could be considered background music, which was why the application for recorded music was made, but guests would be seated with no space for them to dance.

The applicant's legal representative presented those present with a document which showed all of the

additional conditions the applicant was offering on order to alleviate the concerns highlighted in the representations. They were:

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised officer recent date or footage with the absolute minimum of delay when requested.
 - e. Any faults with the CCTV system must be recorded in writing and must be rectified without delay
2. On a Friday and Saturday night and nights leading into a Bank Holiday, 1 member of SIA

- registered door staff shall be employed at the premises from 21:00 hours and 2 members of SIA registered door staff from 22:30 hours until close.
3. At all other times, SIA registered door staff shall be employed in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
 4. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - i. The number of door staff on duty;
 - ii. The identity of each member of door staff;
 - iii. The times the door staff are on duty.
 5. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
 6. The sale of alcohol for consumption off the premises shall be limited to consumption in any delineated external area at the premises.
 7. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff are fully trained and briefed on the four licensing objectives, Challenge 25, the conditions on this licence, policies referred to in this licence. Also, any other Police initiatives, such as CSE. The training must be given to a new member of staff before they commence employment. Every 6 (six) months all management and staff are to be given refresher training and this is to be documented in such a

way that it can be given to an authorised officer on request. Staff should also sign documentation confirming the training has taken place and the date.

8. A written record of all refused sales shall be kept on the premises. It must include details of the member of staff who refused service, time and date it occurred and the reason for refusal. The record shall be made available to Police and/or local authority immediately upon request and shall be kept for a least one year from the date of last entry.
9. A written drugs policy, approved by a Police Licensing Officer, to be in place and a copy available at the premises. The policy must cover as a minimum, the measures taken to minimise the possibility of drug use or supply within the premises. The Policy must be followed at all times.
10. The Licence Holder shall actively participate in the Pubwatch Scheme, including attending the meetings, participating in radio link, and supporting the Pubwatch banning systems including keeping records and sharing information with the police.
11. No entry or re-entry of customers shall be permitted to the premises after 23:00 Sunday to Wednesday and 00:00 Thursday to Saturday. This Condition does not apply to customers re-entering having visited the smoking area outside, or to customers where there are medical or safeguarding concerns, or where customers are re-entering specifically to wait for onward travel. This is to be managed and enforced by SIA's and

- the Premises Manager.
12. A first aid box will be available at the premises at all times.
 13. Regular safety checks shall be carried out by staff.
 14. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
 15. The capacity of the premises in line with the fire risk assessment is to be 60 persons.
 16. The premises shall maintain an incident log and public liability insurance. The incident log shall be maintained to record any activity related to drugs or of a violent, criminal or serious anti-social nature and be available for inspection at all times (when the premises is open) by an authorised officer of relevant responsible authority, it should record the following details:-
 - a) Time and date and nature of the incident,
 - b) People involved
 - c) Action taken
 - d) Details of the person responsible for the management of the premises at the time of the incident.
 17. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
 18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 19. The party wall between the premises and the adjacent residential flats shall be acoustically attenuated as necessary to ensure that noise

- cannot escape from the premises such as to cause a nuisance to residential occupants.
20. The exterior of the building shall be cleared of litter at regular intervals.
 21. The Licence Holder shall erect and maintain in a prominent position at every exit and within the smoking area a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
 22. Doors and windows at the premises are to remain closed after 23:00, save for access and egress.
 23. A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.
 24. In addition to the dispersal policy, the Premise Licence Holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the premises are due to close. This must include lowering any music, informing people of the approaching closing time, encouraging sensible drinking and ensuring people have time to finish the drinks they have prior to closure.
 25. The emptying of bins into skips and refuse collections will not take place between 23:00 and 07:00.
 26. Until 23:00 hours, the designated smoking area will be within the outdoor seating area on

Parliament Square for the use of customers of the premises. From 23:00 hours until close, the designated smoking area will be to the left of the entrance of the premises (when looking at the premises from outside), and will be delineated by barriers.

From 23:00 hours until close:

- i. No open vessels to be permitted in the smoking area.
 - ii. There are to be no more than 5 (five) people using the designated smoking area at any one time. At all times the smoking area(s) will either have a member of staff or door staff present, or will be monitored by staff or door staff at least every 30 minutes.
27. The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance(s)/and inside at the premises bar serving area. The only forms of ID that may be accepted shall be:
- a. Proof of age card bearing the PASS hologram logo
 - b. Passport; or

- c. UK photo driving licence
 - d. Military identification
28. Children, under 18 years of age, will only be permitted into the premises with an adult. No children aged under 18 years to be on the premises after 21:00 hours until closing, if alcohol is being served.

The applicant's legal representative said that the representations by Responsible Authorities had been withdrawn, meaning they had no objection, and that the Sub-Committee should give this appropriate weight when deciding the application. Licensed hours applied for had been reduced, meaning that the premises would not be the last open in the immediate area and there would be taxis on hand to take customers home after closing. Outdoor seating on the ground floor could be used by customers from the second floor, but only until 23:00. This provision was the sole reason that the off premises license had been applied for. She also said that the applicant was within his rights to apply for a licence before engaging acoustic experts, as it would not be logical to pay for this work without first knowing if a licence would be granted. Issues regarding heritage had been successfully managed on the lower floor of the building and the applicant was confident this could be done on the second floor.

Members were also advised that whilst there were residents in this area who should be respected, there were many other licensed premises in the area and it should be regarded as 'mixed use' in which a balance

should be struck. For example, all doors and windows would be closed after 23:00. The soft closure measures meant there would be a gradual dispersal of the maximum of 60 customers. After 23:00, the smoking area would be for a maximum of five customers to the left of the entrance to the premises and would be monitored by door staff.

The Chairman asked if the capacity of 60 might be reduced if the store room was moved. He also asked how the capacity was monitored if the premises was connected with the restaurant below.

The applicant said that after 22:30, the upper floor would be inaccessible to customers via the restaurant. Capacity was generally gauged by the amount of free tables available, and would be reduced if necessary due to fire regulations following the interior changes.

Councillor Goldspink asked about condition 6 offered by the applicant and how the delineated external area at the premises would be managed.

The applicant said that after 23:00 the premises' pavement licence was no longer applicable, so no customers would be allowed to leave with alcohol after this time.

Councillor Page asked if there was anything in place to prevent customers leaving the second floor and buying alcohol for consumption off the premises from the ground floor. He also asked about noise from the plant room.

The applicant said that whilst the ground floor did have a license for alcohol sales for consumption off the premises, in practise this was very unlikely as there was a shop close by which was licensed until later and would be considerably cheaper. The plant room had a boiler and extractor which serviced the ground floor, however noise was not an issue. Lots of work to a high standard had been done regarding heritage on the ground floor and the applicant was confident the same could be done on the second floor.

The interested party said that he understood that the passageway on which the applicant planned to have a smoking area may be reopened as access to a hotel.

The applicant's legal representative said that the applicant understood from Hertfordshire Highways that this was unlikely, but in this case he would be comfortable to follow any guidance which the Sub-Committee felt appropriate.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the interested parties. The Sub-Committee decided to grant the application, subject to additional conditions.

Additional Conditions:

- All of the conditions offered by the applicant, including reduced licensed hours, are agreed, subject to the following amendment:
 - Condition 6, as offered by the applicant, has been amended to include the wording 'up to 23:00'.
- Subject to Condition 19, as offered by the applicant, the applicant is required to engage the services of an expert licensed member of the Institute of Acoustics. Any recommendations suggested by the expert must be completed to the satisfaction of the Licensing Authority and Environmental Health prior to the commencement of the licence.

In coming to its decision, the Sub-Committee considered that the area in which the premises sits is an established base for the night-time economy in Hertford, and the Sub-Committee wished to strike a healthy balance between residents' interests and supporting the night-time economy. Members were satisfied that the offered conditions and additional conditions granted are appropriate to promote the licensing objectives and will address many of the representations received.

RESOLVED – that the application for a variation of a Premises Licence for Application for a New Premises Licence for Proove, 2nd Floor, 3 Parliament Square, Hertford, Hertfordshire, SG14 1EX, be granted, subject to additional conditions.

Additional Conditions:

- All of the conditions offered by the applicant, including reduced licensed hours, are agreed, subject to the following amendments:
 - Condition 6, as offered by the applicant, has been amended to include the wording 'up to 23:00'.
- Subject to Condition 19, the applicant is required to engage the services of an expert member of the Institute of Acoustics. Any recommendations suggested by the expert must be completed to the satisfaction of the Licensing Authority and Environmental Health prior to the commencement of the licence.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate's court.

13 URGENT BUSINESS

There was no urgent business.

The meeting closed at 4.07 pm

Chairman
Date