

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 14 OCTOBER  
2010, AT 2.00 PM

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PRESENT: Councillor P Ballam (Chairman)  
Councillors K A Barnes and N C Poulton.

ALSO PRESENT:

Councillors M P A McMullen, P A Ruffles and  
N Wilson.

OFFICERS IN ATTENDANCE:

Monica Bett	- Legal Services Advisor
Chris Clowes	- Licensing Enforcement Manager
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager
Marie Williams	- Licensing Officer

34 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor N C Poulton and seconded by Councillor K A Barnes that Councillor P R Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor P R Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

35 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005  
(AS AMENDED) - APPLICATION FOR REVIEW OF  
PREMISES LICENCE AT THE SUGAR HUT 11 OLD CROSS  
ROAD HERTFORD

The Chairman outlined the procedure to be followed during consideration of the review. Everyone present for it was introduced.

Mr Dadds, barrister for the Sugar Hut, made an application for an adjournment, as the Premises Licence Holder's Director was unable to attend as he had been called to the High Court to represent the Brentwood Sugar Hut premises.

Mr Dadds stressed that the Mr Norcross, Director of the Premises Licence Holder, Willow Leasing Limited, should be present due to his important knowledge of the Sugar Hut in Hertford. He stated that, should the meeting go ahead, he had some suggested conditions for the Sub-Committee to consider. Mr Dadds stressed the importance of a fair hearing. He emphasised that all drinks promotions had ceased at the Sugar Hut and there was no objection to further discussion with the police in relation to this premises.

Sarah LeFevre, solicitor for the Police, addressed the Sub-Committee in opposition to the application for an adjournment. She referred to the considerable notice that had been given for this hearing. She stressed that the hearing should continue as there were two people present responsible for The Sugar Hut in Hertford.

Mr Dadds stated that Mr Banks had only joined the company as General Manager of The Sugar Hut in August 2010 and was not in a position to give him instructions. Miss Hajna was also new to the company. Mr Dadds stressed that Mr Norcross should be present for this hearing to proceed as he was the sole director of the company responsible for this premises.

Claire Eames, on behalf of residents supporting the review, echoed the police position that the hearing should continue. She stated that residents had taken time out of work to be there and the review application had been correctly served.

She commented that noise disturbance had been on going for too long and in fairness to residents, there was no good reason for an adjournment. She requested the hearing continue in the interests on natural justice.

The Interim Licensing Manager advised that the company that owned the premises licence was Willow Leasing Limited.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Advisor and the Democratic Services Assistant to consider the request for an adjournment.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that, after very careful consideration, the application for an adjournment would not be granted due to Mr Norcross being unable to attend. The Sub-Committee appreciated that the High Court took precedence but Mr Norcross was not referred to in any of the papers and did not appear to have been present at the time of any of the alleged incidents. The Designated Premises Supervisor (DPS) shown throughout the papers was Mr Cleary.

Mr Dadds circulated some suggested conditions for the premises licence to the Sub-Committee. He stressed that Mr Banks had only been responsible for The Sugar Hut for two weeks.

The Interim Licensing Manager advised that the Police had applied for this review on the 27 August 2010 on the grounds that all four licensing objectives were being breached. He advised Members that the premises were licensed to sell alcohol until 2 am Thursdays to Saturdays

and until midnight on all other days.

The Sub-Committee was advised that in January 2009 the Premises Licence was transferred to Willow Leasing Limited at an address in Brentwood. All correspondence sent to that address by Officers had been returned undelivered. Copies of the review application had also been served at The Sugar Hut address in Hertford and also on the companies business address in Clacton on Sea, Essex.

The Interim Licensing Manager advised that representations had been received from four interested parties and Claire Eames was present as a representative for those interested parties. He referred to CCTV footage that had been served on all parties as well as extensive supporting information from the Police as the responsible authority. This information was included in the Agenda at page 17 onwards, along with extensive Police logs relating to fighting, incidents of assault and noise nuisance.

The agenda also included information in respect of drinks promotions at The Sugar Hut, as well as extensive representations from residents. Residents' concerns centred on intoxicated young people on the streets in the small hours of the morning, shouting, arguments and anti-social behaviour, anti-social parking and inconsiderate driving, street fouling and vehicle vandalism.

The Interim Licensing Manager stated that one resident was asking for a full revocation of the Premises Licence. The Police were also seeking a revocation on the grounds that the Premises Licence Holder was failing to satisfy the four licensing objectives. If the Sub-Committee was minded to not revoke the licence, the Police had suggested a reduction in hours as detailed on page 24 of the report now submitted.

Sarah LeFevre outlined why the police felt the licence should be revoked. She stressed that the operation of

The Sugar Hut was seriously undermining all four of the licensing objectives. The Police were particularly concerned in relation to crime and disorder between 12 July 2010 and 21 August 2010, as well as a serious incident in September.

The Sub-Committee was referred to a summary of incidents that had been compiled by the Police. Sarah LeFevre stressed that there was extensive evidence of extreme drunkenness, serious fights amongst people under the influence of alcohol, serious disorder and an irresponsible attitude towards the sale of alcohol.

Members were advised that these problems had continued despite additional licensing conditions, as well as advice from Licensing Officers and the Police in relation to drinks promotions.

Sarah LeFevre referred to the summary of incidents and drew attention to the more serious incidents, in particular an instance of Actual Bodily Harm (ABH) and an incident where an individual was losing consciousness due to the level of alcohol that had been consumed. Sarah LeFevre stressed that there were repeated irresponsible drinks promotions being offered despite numerous instances of advice being given to Mr Cleary that this should cease.

The Police were seeking a full revocation of the licence as the licensing objectives were being breached. The conditions on the licence were also being breached, in particular the limit of 150 persons on the premises at any one time. Sarah LeFevre stated that the guidance was clear in that revocation was a serious option where there was repeated crime and disorder. She invited Inspector Paul Burnage to address the Sub-Committee.

Inspector Burnage reported that he was responsible for the Officers that Police Hertford and Ware. He stated that his Officers worked closely with licensed premises, in collaboration with PC Leslie O'Connell as the dedicated Licensing Officer for the Constabulary.

Inspector Burnage advised that the drinks promotions often in place at The Sugar Hut were fuelling crime and disorder. He stressed that most licensed premises were willing to work with the Police to prevent problems occurring.

He explained, however, that staff at The Sugar Hut had so far not worked effectively with the Police and crime and disorder continued to be a serious concern. Inspector Burnage stated that where advice was given to a licensed premises he expected this advice to be acted upon. He stressed that this was not the case at The Sugar Hut and the irresponsible drinks promotions had continued and he fully supported the revocation of the premises licence.

PC Leslie O'Connell, applicant for the review, advised that she had gathered her extensive evidence from Police logs, e-mails from Police Officers and general intelligence. She advised that the DPS was Mr Simon Cleary. PC O'Connell introduced CCTV evidence of an incident on 12 June 2010. The Sub-Committee viewed this evidence.

The Sub-Committee was advised that one of people involved had been arrested for affray and admitted to being so drunk he had not remembered anything the morning after the night in question. He had admitted to the Officers at the time of his arrest that he had consumed 10 pints and a number of shots of Vodka and Red Bull.

PC O'Connell advised that on the 18 June 2010 there had been call to the Police in relation to excessive behaviour of the door staff at The Sugar Hut. She referred to an instance where the DPS had stated that drinks promotions for free alcohol for girls on Fridays had been withdrawn.

The DPS had also incorrectly thought that the maximum

allowed in the premises was 170 when the maximum permitted by the Licence was 150. The Sub-Committee was shown examples of the promotional literature in use at The Sugar Hut. PC O'Connell summarised some of the drinks promotions that had been in place.

PC O'Connell commented that PC Palfreyman had highlighted an incident where there had been 260 people in the premises, when only 150 were permitted by the license. She stressed that such overcrowding increased the likelihood of jostling inside the premises and would make evacuation challenging.

PC O'Connell stated that the Police were concerned that there was no dispersal plan in place once the premises had closed. She advised Members that the door staff at The Sugar Hut were largely ineffective. She referred to a fight on Maidenhead Street where the males involved had admitted to drinking in The Sugar Hut that same evening.

The Sub-Committee was shown further CCTV evidence of fighting outside the premises. PC O'Connell advised that the Police were increasingly concerned about people suffering serious injuries through drunkenness and a general lack of control. Officers were very concerned in relation to the operation of The Sugar Hut and the impact on the Town Centre of Hertford.

The Police were concerned about the use of drinks promotions such as £15 entry including drinks for the whole night or buy one drink and get a second free, particularly at times such as The World Cup. Licensed Premises were often asked to suspend drink promotions during such events, 99% of premises followed this advice and suspended promotions.

Sarah LeFevre stated that the Police, as the applicant felt that removing drinks promotions was essential to resolve problems of crime and disorder. She stressed that the Licence was inappropriate for this premises and should be revoked. She also stated that the premises could not

currently operate under any conditions.

Sarah LeFevre advised that problems were wider than drinks promotions as drinkers were being attracted from a considerable distance. She stressed that the premises attracted crime and disorder, 70% of which occurred after midnight.

Councillor K A Barnes commented on whether there had been any liaison between the door staff and the Police. PC O'Connell stressed that Officers were in regular contact with door staff and they try to build bridges as far as possible.

She advised that there was frequent contact between neighbourhood and intervention officers and licensed premises. The Town Link Radio system was often used as the Police had access to this and CCTV footage could be requested via this system.

In response to a query from Claire Eames, PC O'Connell confirmed that residents' concerns were well known to the Police. In response to a query from Mr Dadds, PC O'Connell stressed that although there had been some recent improvements, there had still been incidents of concern for the Police. She advised that it had been difficult to contact the DPS and Willow Leasing Limited.

PC O'Connell advised that some of the incidents known to the Police were very serious, particularly so given that the premises was only open three nights a week.

PC Bullen summarised a number of incidents he had attended, that were covered by Police logs detailed on pages 86 - 90 of the agenda papers. He stressed that The Sugar Hut often caused problems with fights and a general rough atmosphere that often tied up significant Police resources and could take a significant amount of time to bring under control.

PC Bullen stated that Officers received very little help

from door staff at The Sugar Hut. He had asked on one occasion to be taken to see the duty manager. The staff member concerned had refused. He emphasised that the staff often had the attitude that once drinkers were outside they were no longer their responsibility. He commented that gathering information on events outside was difficult as people often did not wish to engage with the Police.

Police Sergeant Tom Turner, Hertford Safer Neighbourhoods Team, summarised his own concerns in relation to The Sugar Hut. He stressed that the Police could apply for to the Magistrates Court for a section 19 closure notice due to breaches of licence conditions and ignoring police advice in relation to drinks promotions.

Police Sergeant Turner stated that despite advice being given to Mr Cleary in relation to ceasing drinks promotions, these often went ahead anyway.

Claire Eames stated that she was a director of a management company that represented seven residents living opposite The Sugar Hut. Although the premises was not in direct view, the residents were aware of when licensed premises were open and were in no doubt that much of the crime and disorder witnessed could be directly attributed to The Sugar Hut.

Claire Eames stated that residents frequently suffered from public nuisance, crime and disorder and anti-social behaviour. She stated that patrons of The Sugar Hut often became so intoxicated that both men and women urinating in the street was a common occurrence. Abusive language was commonplace as was more extreme behaviour such as acts of indecency between couples in public.

Claire Eames stated that being woken repeatedly on week nights due to noise from inside the premises and on the street was not funny. She stressed that some of the fighting and disorder took place directly under people's

bedroom windows. She referred to the intimidating behaviour of drinkers, as well as blatant disregard for what was acceptable behaviour.

Claire Eames also referred to a disregard for the licensing objectives on behalf of the management of The Sugar Hut. She stated that the premises should not be permitted to continue trading.

Claire Eames stated that should the Licence not be revoked the hours must be reduced. A majority of the disturbances took place after midnight. She fully supported the Police application for the review and revocation of the Premises Licence.

At 4.50 pm, the Chairman, with the consent of Members suggested a thirty minute recess. The meeting reconvened at 5.25 pm.

Mr Dadds stated that Mr Norcross had undertaken an active role in managing The Sugar Hut since 10 March 2010. He had been a silent partner and had become more directly involved in the operation of the premises.

Mr Dadds advised that Mr Cleary would soon be removed as the DPS. Mr Banks had some oversight at The Sugar Hut in his current capacity as the general manager. Mr Dadds stressed that there were no pints served and shots were always 25 ml and other drinks were always served in the smaller bottles available.

He commented that many of the drinks promotions were above the minimum pricing guidelines of 50 pence a unit. He stressed that controls were in place to ensure responsible drinking. The company responsible for the premises had accepted a failing of this control on one occasion.

Mr Dadds gave a commitment that all drinks promotions would cease and all drinks would be served in polycarbonate containers. He referred to a set of conditions that could be attached to the Premises Licence. He advised that there was

a new door team in place and Mr Banks would oversee the management of the premises.

Mr Dadds indicated the steps that would be taken to ensure the licensing objectives were met in future. He commented that with these controls, there should be improvements in relation to the problems experienced by residents. He stressed that Mr Banks was a very experienced licensee and all conditions on the Licence would be strictly adhered to.

Mr Dadds questioned whether the CCTV evidence should be given significant weight due to the length of time since it was recorded. He argued that it was disproportionate and unfair to consider evidence from a considerable time ago.

Mr Dadds stated that Mr Banks was happy to work with the Police. He emphasised that fights did occur and this could not always be avoided. He stressed that dispersal should be managed more effectively with the new door team. This aspect of the venue's operation would be similar to that employed at The Sugar Hut in Brentwood.

Mr Dadds suggested that there should be a necessary and proportionate response to the problems encountered by residents.

Councillor N C Poulton sought and was given clarification as to how long Mr Norcross had been the Premises Licence holder. Mr Dadds advised that Mr Norcross had been the Premises Licence holder since March 2010. Mr Norcross was the director of Willow Leasing Limited.

Anna Hajna was working under the control of the current DPS, Mr Simon Cleary. In response to queries from Members, the Sub-Committee was advised that Mr Banks lived in Sidcup and would commute to The Sugar Hut in Brentwood everyday. He would be liaising with Anna Hajna everyday by phone in relation to the Hertford Sugar Hut venue.

Mr Banks would be holding weekly meetings with Anna and the Police and Council Officers would be invited. Following a

question from a Member, Anna Hajna confirmed that she lived in Ware.

In response to a question from Councillor Poulton regarding the protection of children from harm, Mr Dadds confirmed that the suggested conditions mirrored those in place at the Brentwood Sugar Hut. Mr Dadds confirmed that a female door supervisor was included in the conditions to facilitate the searching of female customers.

Councillor Barnes commented on how the door staff monitored the 150 limit for persons on the premises. Mr Dadds confirmed that the capacity was dictated by the means of escape. He advised that this was monitored by the use of clicker devices to accurately measure the number of people in the premises.

Councillor Barnes queried whether proof of age was sought prior to serving alcohol. Mr Dadds confirmed that the Challenge 21 scheme could be operated at the premises. In response to a query from a Member of the Sub-Committee, Mr Dadds confirmed that Mr Cleary was still the DPS, but only as a point of contact. The daily running of the Sugar Hut was now in the hands of Mr Banks and Anna Hajna.

In response to questions from Sarah LeFevre in relation to the management of the premises, Mr Dadds recognised that the premises could have been managed better. He stated however that there had been some improvements in the situation at The Sugar Hut.

Sarah LeFevre stated that it was imperative that Members consider the experience of Mr Banks and Anna Hajna when determining this application. She referred to the lack of experience of Anna in supervising bar staff.

Anna Hajna confirmed that she had taken the exam to act as Premises Licence holder, she was awaiting her ID card application to be processed. Sarah LeFevre stated that the Sub-Committee must consider that Anna Hajna had less than a year's experience.

In response to a question from a Member in relation to under 18s, Mr Banks confirmed that no one under the age of 18 would be permitted in the premises. He stressed that anyone without a wrist band to indicate they were over 18 would not be served alcohol.

In response to a question in relation to the operation of the premises, Mr Dadds confirmed that there would be a wind down period where music would be played more quietly.

He confirmed that drinkers would be asked to leave quietly and there were barriers in place to assist the door staff in getting people out of the premises safely rather than simply letting drinkers flood out onto the street.

Mr Dadds stressed that door staff would be ultimately responsible for ensuring people leave in an orderly manner. Mr Banks would visit the premises on a regular basis but would not be present all of the time. In response to a query from Councillor N C Poulton, Mr Dadds confirmed that the original CCTV was in place at the premises.

In response to a query from Claire Eames, Mr Banks confirmed that there would no food served from The Sugar Hut. There was an area for dancing for 50 people; there was also a seating area for about the same number.

Mr Dadds indicated that conditions about residents meetings, a contact number in case of problems and ID scan were acceptable to the Premises Licence holder. In response to a query from Claire Eames, Mr Dadds confirmed that there would be a new Premises Licence holder.

Sarah LeFevre stressed that the Police still felt that revocation of the Licence was the only way forward. She stated that Mr Banks and Anna Hajna lacked the appropriate experience to run The Sugar Hut. She commented that the conditions put forward by the premises were only draft conditions which had been poorly thought through.

Sarah LeFevre referred to the conditions of operation suggested by the Police as being the ones that the Licensing Sub-Committee should apply if Members were minded not to revoke the licence.

Claire Eames stated that nothing that had been said in this meeting had allayed her concerns on behalf of residents. She stated that Anna Hajna and Mr Banks were ill equipped to manage this premises.

Claire Eames commented that the Licence should be revoked or suspended to enable the Police and the Premises Licence holder to agree a set of workable conditions. She stressed that the hours of operation must also be looked at as the current hours were too late.

Mr Dadds stressed that the conditions he had circulated almost mirrored those that were in place for the Brentwood Sugar Hut. These were robust conditions that had been discussed with Essex Constabulary. Mr Dadds stated that Anna Hajna was competent and there was a new door team in place at The Sugar Hut. He concluded that the conditions he had circulated along with the change of door team would improve the situation for residents.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Advisor and the Democratic Services Assistant to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the premises license be suspended for 4 weeks to get agreement between The Sugar Hut, the Police, residents and Licensing Officers on the terms and conditions of operations as detailed below.

The Chairman said the Sub-Committee expected the Police to monitor the situation and should the conditions not improve the Police or residents could ask for a review. If there was a failure to reach an agreement, the matter could be referred back to the Sub-Committee.

RESOLVED - that the premises licence be suspended for four weeks to get agreement between the Sugar Hut, the Police, residents and Licensing Officers on the terms and conditions of operation.

The proposed hours of operation to be:

Monday - Thursday and Sundays 10:00-23:30:

Live Music

Recorded Music

Performance of dance

other similar entertainments

Making Music

Facilities for dance

Other similar activities

Sale alcohol for consumption on and off the premises 10:00 - 23:00.

Opening hours 1000 - 0000.

On, Friday and Saturday 10:00 - 01:00:

Live Music

Recorded Music

Performance of Dance

Other similar entertainments

making music

Facilities for dance

other similar activities

Sale of alcohol for consumption on and off the premises 10:00 - 00:30.

Opening hours 1000 - 01:00.

In addition, the Sub-Committee would like to see the following added as conditions:

Residents Meetings

ID Scan

Contact Details for the Premises made available to residents

The SIA door supervisors be increased to 3, one of

which must be female

Reason: To satisfy the four licensing objectives.

The meeting closed at 7.00 pm

Chairman .....

Date .....