

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE WAYTEMORE ROOM, COUNCIL
OFFICES, THE CAUSEWAY, BISHOP'S
STORTFORD ON MONDAY 6 DECEMBER
2010, AT 10.00 AM

PRESENT:

Councillors M P A McMullen (Chairman), J
Demonti and A L Warman

ALSO PRESENT:

Councillors K A Barnes, Mrs M H Goldspink
and R I Taylor.

OFFICERS IN ATTENDANCE:

Nick Egerton	- Environment Health Manager (Environment)
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager
Douglas Ochiltree	- Environmental Health Technical Officer
George Robertson	- Legal Services Manager
Maria Williams	- Licensing Officer

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (as amended) –
APPLICATION FOR A PREMISES LICENCE, AT UNIT 1, ANCHOR STREET,
BISHOPS STORTFORD CM23 3BP

Mr David Bowden	- Applicant
Mr David Clifton	- Solicitor
Mr Sean Ferguson	- Witness
Mr Rod Walker	- Applicant

Mr Chris Beardmore	- Objector
Mr Wayne Collings	- Objector
Mr Martin Humphreys	- Objector
Mr Shane Ruffell	- Objector
Mrs Martha Ruffell	- Objector
Mr Bob Shillito	- Objector
Mr Caroline Smith	- Objector

LICENSING ACT 2003 – LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (as amended) – APPLICATION TO VARY A PREMISES LICENCE, AT MASTERS HOUSE, 88-96 FORE STREET, HERTFORD SG14 1AB

Mr Martin Charles - Applicant

39 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Demonti and seconded by Councillor A L Warman that Councillor M P A McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M P A McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

40 MINUTES

RESOLVED – that the Minutes of the meetings of the Licensing Sub-Committee held on 2 September, 13 September, 21 September and 25 October 2010 be confirmed as correct records and signed by the Chairman.

41 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR A PREMISES LICENCE AT UNIT 1, ANCHOR STREET, BISHOP'S STORTFORD CM23 3BP

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was for a new premises licence at Unit 1, Anchor Street, Bishop's Stortford for Breeze Bars Ltd. He advised that there had been discussions between the applicant and the Police prior to this meeting.

Mr David Clifton, solicitor for Breeze Bars Ltd, advised that there had been discussions between the applicant and Environmental Health in respect of conditions should the premises licence be approved.

Mr Clifton stated that, following these discussions, condition 10 had been amended as follows:

'On nights when licensable activities are provided beyond 12 midnight, there will be from 8pm until 30 minutes following the time at which the sale of alcohol finishes:

- (a) a minimum of 3 SIA registered door supervisors on duty (when up to 300 people are on the premises) or more if the licence-holder's risk assessment for a particular event requires more, of whom at least one must be male and one must be female and
- (b) when the numbers on the premises exceed 300 – there will be additional such door supervisors on duty at a ratio of 1:100 in respect of that excess.

In each case with door supervisors assisting as street marshals:

- (i) to aid the safe dispersal of customers,
- (ii) to encourage customers to turn left out of the premises and not right in the direction of the residential area, and
- (iii) to organise taxi movements and activities to minimise disturbance and to discourage taxis from dropping off and picking up in Anchor Street and John Dyde Close.'

Members were also advised that Condition 18c had been amended as follows:

‘not permitting persons out of the building to smoke in the defined smoking area after the terminal hour for the sale of alcohol.’

Mr Clifton stressed that risk assessments would be carried out to ensure that appropriate numbers of door staff were on duty when the premises were particularly busy. Risk assessments would also ensure compliance with the other conditions should the Premises Licence be approved.

The Interim Licensing Manager detailed the history of this new application for a Premises Licence at Unit 1, Anchor Street, Bishop’s Stortford for Breeze Bars Ltd. He stated that a fresh application had been necessary as the previous licence had been surrendered by J D Wetherspoons.

The Sub-Committee was advised that when the Chicago Rock Café had opened, the surrounding area had been an industrial area and railway yard. This area was now largely residential and two nearby business premises had suffered closures in that the Lakeside Bowl had closed and McDonalds was due to close in mid December.

The Interim Licensing Manager stated that the applicant had entered into an agreement with the Police that alcohol would not be served beyond midnight on Tuesdays, Wednesdays and Sundays. The applicant had applied to serve alcohol until 2 am on Thursdays, Fridays and Saturdays.

Members were advised that the mandatory times for the provision of SIA door staff would be 8 pm until 30 minutes after the premises had closed. There had been 18 objections from local residents and the East Herts Environmental Health Department had also objected to the application. In addition, a petition against the application had been submitted to the Council.

Members were also advised that the applicant was the person responsible for running JR's Bar in Water Lane Bishop's Stortford. There had been a number of complaints relating to these premises.

The Interim Licensing Manager detailed the steps the applicant had undertaken to put in place to ensure the provisions of the licensing objectives were met should this Premises Licence be approved.

Residents had written to Officers and had raised concerns relating to noise, litter, footway obstructions, loud music including base notes being audible from outside the premises, after-parties in nearby streets, assaults and vandalism, vomiting and urinating in the street, emptying of bottle skips and sleep deprivation.

Members were advised that one resident had stated the venue should only be open until 2 am on Fridays and Saturdays. Other resident had asked that the application be refused outright. A number of letters of support had been received from nearby businesses.

The Interim Licensing Manager referred the Sub-Committee to page 45 of the agenda for the residents' objections, with a letter at page 50 being the most representative of residents' concerns. Members were shown a layout of the venue, which would be much the same as when the premises were open as Chicago Rock Café.

The petition that had been received had arrived at the East Herts Council Offices in time to be considered valid, although Licensing Officers had not had sight of this until just prior to this hearing. The Petition had been defaced with offensive language by a supporter of the application.

Mr Nicholas Egerton, Environmental Health Manager (Environment), referred to the former Chicago Rock Café, in particular to the complaints made in relation to that

premises. He stressed that it was likely that this application would result in similar complaints.

Members were reminded that the residential units close to these premises were a mix of owner occupied dwellings, private rents and housing association properties. Since an amendment to Chicago Rock Café's Premises Licence in 2008, there had been many incidents of noise complaints, some of which would have been made by the same person.

The Sub-Committee was advised that some of the residents' concerns could not be controlled by Environmental Health Officers.

Members were referred to paragraph 3.7 of the report now submitted for the conditions that had been requested by Environmental Health Officers. Some of the other concerns of Environmental Health Officers had been included in the draft conditions referred to by Mr Clifton.

Mr Clifton clarified the position of his client in that the applicant intended to implement an appropriate operating schedule in discussion with the Police and Environmental Health Officers. Risk assessments would cover the late operations of the premises.

Mr Shane Ruffell, a resident of Eider Court, addressed Members in opposition to the application. He referred to significant objections to the application from residents, many of whom sought to defend their right to live in peace. He acknowledged the right of the applicant to be given the chance to run the premises responsibly.

Mr Ruffell stated that the premises were only 7.5 metres away from Eider Court and he had frequently suffered the effects of noise from smokers outside the premises and also from patrons of the premises making significant noise entering and leaving the area.

Mr Ruffell explained that the likely impact of the application would be a recurrence of unacceptable

impacts on residents. He referred to instances of cars driving along Anchor Street with loud stereos, dangerous circuit driving, car doors slamming and general loud talking from people outside the venue.

Mr Ruffell commented that the premises was larger than JRs and was adjacent to a residential area. He stressed that the application was for a 7 day operation and this venue was not fit for purpose as a nightclub. There was no proper smoking shelter and residents had a right to live without disturbance.

Mr Ruffell emphasised that the area surrounding Anchor Street should either be for residential use or for a nightclub but not both. He stated that the conditions suggested by the applicant, police and Environmental Health Officers did little to address the concerns of residents.

Mr Ruffell stated that he was not against new businesses but he was when this adversely affected his health. He stressed that he felt threatened by this application, which would turn this part of Anchor Street into a no go area for residents.

Mr Ruffell commented that none of the suggested conditions would prevent patrons with a careless attitude to alcohol from getting intoxicated and causing problems for residents. He advised that the Police and the applicant should have engaged with residents far earlier in the application process.

The Sub-Committee was advised that many residents were not in support of the application. He commented that if this application was to be approved, he would like to see conditions preventing opening on Sunday and Monday to allow some respite for residents.

Mr Ruffell stated that the bar should close 30 minutes before the venue closed and there should be no more than 10 persons permitted in the smoking area. He

stressed that Police should always be available at closing time to prevent anti-social behaviour.

He commented on whether barriers could prevent cars exiting onto Anchor Street with an alternative exit onto Station Road. Mr Ruffell stated that speed humps would prevent drivers speeding along Anchor Street. He concluded by expressing his concern that the onus was on the residents to prove to the Licensing Sub-Committee that they were suffering problems of noise and disturbance.

Mr Clifton commented that it was not inevitable that this application would be approved by the Sub-Committee. He reminded residents of the review process. He stated that an open meeting had been arranged for residents in the bar area of the premises. Mr Clifton advised that the applicant was more than happy to arrange further meetings as required. The applicant was happy to take steps to improve the situation for residents should the application be approved.

Mr Martin Humphreys, a local resident, addressed the Sub-Committee in opposition to the application. He stated that he often got up early as he worked in the city. He explained that problems from when the premises was open as Chicago Rock Café, such as sleep deprivation, adversely affected his ability to carry out his job.

Mr Humphreys commented that there had been a raft of social problems when the premises were open as Chicago Rock Café. He referred to vandalised vehicles, intimidation of residents through intoxicated patrons staring into flat windows and occupying a private seating area within the flats adjacent to the premises.

Mr Humphreys advised that residents had recently had some success at controlling anti- social activities in collaboration with the Police. He stated that approving this application would be a step back in terms of progress that had been made.

Mr Chris Beardmore advised that residents had suffered a very distressing time when the premises were open as Chicago Rock Café. He referred to the smoking ban resulting in noise from an outdoor smoking shelter that could not be moved.

Mr Beardmore referred to the fact that Environmental Health Officers were powerless to act as it had proved difficult to isolate where the noise was coming from. He stated that people tended to talk very loudly when leaving the premises whilst intoxicated. Members were advised that residents did not want the venue to re-open and felt the application should be refused.

Mr Beardmore stressed that if the application was approved, only two nights a week should be permitted for late opening. The drinking up time must be included in the operating schedule and residents would like some respite at least one day a week with the premises closing earlier.

The Sub-Committee was requested to restrict the smoking area to a maximum of 10 persons permitted at any one time, as this 19.2 square metre area was not large enough for 25 people. Mr Beardmore stated that 18 - 21 year olds would have a significant presence at this premises as other venues in the town had an over 21s policy. The 18 - 21 age range was often responsible for a significant amount of noise.

Mr Beardmore suggested a condition that no bottles be emptied from the premises between the hours of 9 pm and 9 am. He also commented that a Police presence financed by Breeze Bars Ltd should be considered by the applicant.

In relation to the smoking area, Mr Beardmore stated that a poster of club rules must be displayed and rules must be enforced by door staff or patrons would have to leave the premises.

In response to a question from Mr Clifton, Mr Beardsmore stated that the meeting at Chicago Rock Café had not resulted in any real agreement on an acceptable way forward. He expressed concerns that Environmental Health Officers could not act in assisting residents with their concerns.

Mr Beardsmore commented that this premises should be opened as a more beneficial community use and the applicant should re- focus his efforts away from this location in support of an area more suitable for a nightclub.

Councillor A L Warman stressed that the Sub-Committee had not in anyway prejudged this application. Mr Clifton emphasised that the applicant had not made any comment to suggest the applicant was a prejudged approval.

Councillor K A Barnes, as a local ward Member, stated that this application could not be judged based on previous problems experienced with Chicago Rock Café. He endorsed the suggestions of Mr Beardsmore and the suggested conditions. He welcomed the possibility of residents' meetings.

Councillor Barnes referred to problems of vomit and urine from intoxicated patrons being a problem close to what was a public right of way through the adjacent flats. He referred to the need for a range of sound and sensible conditions should the application be approved. Councillor Mrs M H Goldspink, as a local ward Member, referred to the intolerable problems experienced by the 200 residents who occupied the flats adjacent to this premises.

Councillor Goldspink suggested the Sub-Committee consider restricting the hours that had been applied for and consider giving residents some respite on Sundays with the venue closed or closing far earlier than other nights of the week. She requested that Members impose

as strong a condition as possible in relation to the smoking shelter.

She also requested that Members strengthen the conditions if the Sub-Committee was minded to approve this application, in particular in relation to residents meetings.

The Legal Services Manager stated that the conditions had already been subject to discussion and agreement between the Police, the applicant and Environmental Health Officers.

Councillor Goldspink stressed the importance of negotiations between the applicant and the car park operator regarding barriers preventing vehicular access onto Anchor Street. Councillor Warman commented that the issue of the smoking shelter's location was a highways matter.

Mr Ruffell advised that double parking was a significant problem on Anchor Street with residents often having to walk on the road. Mr Egerton reminded the Sub-Committee that the smoking shelter would have to be 50% open to comply with smoking legislation.

Mr Clifton introduced the applicant as Mr Rod Walker, he also introduced Mr David Bowden of Breeze Bars Ltd and Mr Sean Ferguson as Head of Security at JRs Bar. He stressed that the applicant and the owners of Breeze Bars Ltd were all local men who would be in a better position to manage this premises than the national company that ran Chicago Rock Café.

Mr Clifton stressed that the applicant acknowledged the concerns of residents and advised that the extensive conditions contained solutions intended to address residents' concerns. He provided a background to the application and commented that the owners of Breeze Bars Ltd hoped that this application would encourage some form of regeneration for the area.

Mr Clifton advised Members that Mr Walker was the owner and manager of JRs Bar on Water Lane and Mr Bowden was a former director of a national company with vast experience of the leisure industry. Mr Ferguson was acknowledged to be responsible for the best door staff in Bishop's Stortford.

Mr Clifton emphasised that the numbers of door staff provided would be risk assessed and the assessments would determine the number of staff on duty on any given night of operations. Members and the public were reminded once again of the review process.

The applicant remained keen to meet with any resident who had concerns about the application or operation of the premises. A meeting had been arranged after the application had been submitted.

The Sub-Committee was advised that negotiations had commenced with the operator of the car park and barriers could be installed as suggested by residents. A pedestrian access might also be possible between the car park and Anchor Street.

Mr Clifton advised that the applicant had been in liaison with the owner of Fishy Biz, due to open in the former KFC premises, in relation to joint efforts to control litter in the area. Licence plates of vehicles that were driven dangerously would be taken and passed to the Police. The owners of these vehicles could be identified and then banned from the premises.

Mr Clifton stated that pub watch could also result in members of the public being banned from these premises and from all licensed premises in the town if rules were flouted on a regular basis. Taxis could be encouraged to not pick up from Anchor Street and Mr Ferguson's door staff would escort patrons to the end of Anchor Street to waiting taxis, the Police and the taxi companies had proved receptive to this idea.

Mr Clifton commented that the applicant proposed a fresh approach to managing this premises and, subject to the outcome of this hearing, hoped to open the premises in March following refurbishment works. There would be no irresponsible drinks promotions as these were now illegal as part of mandatory conditions on all Premises Licences.

Mr Clifton stressed that the applicant had considered the commercial viability of the premises when making this application. The applicants all lived locally so could be confronted by the local community in relation to the operation of the premises. A number of letters in support had been received from J Day and Sons, Daniel Robinsons and Sons and from the owners of Bishop's Stortford Football Club.

Mr Rod Walker, applicant, explained that his security firm from JRs would provide security door staff for this premises. Sean Ferguson's door team had set the standard in the town and many other firms had changed their door teams as their security had not been good enough.

Mr Walker explained that any one who flouted the rules of his premises would be dealt with on a "one strike and you're out" policy. Mr Sean Ferguson detailed the security operation in place at JRs in Water Lane. He explained this was very successful as everyone who came to the venue knew what would be acceptable and what would result in being asked to leave.

Mr Walker explained the practices in place at JRs in that a member of door staff was outside at all times to oversee those who had gone outside to smoke. No taxis were permitted to wait in Water Lane and passengers were escorted to waiting taxis in North Street. He had an exception relationship with nearby residents at JRs and hoped to adopt similar arrangements in Anchor Street.

Mr Ruffell expressed concerns that new licensing

regulations would not allow the applicant to prevent intoxicated people gaining entry to the premises. He referred to the commercial viability issue and stated that consideration must be given to the viability of the area as a safe area for residents.

Mr Ferguson explained that all door staff would be SIA trained in identifying people who were intoxicated on entry to the premises. He reiterated that residents could approach his team at anytime with any concerns. He stated that his staff would do all they could to be helpful to users of the premises, such as escorting them to taxis or the station and providing umbrellas and capes if required.

Members were advised that the Police often wrote to repeat offenders to warn them that re-offending would result in immediate bans from all Pub Watch premises in the town. Mr Walker stated that he hoped to relocate the smoking area to the other side of the entrance of the premises, away from residential flats.

Mr Clifton summarised the applicant's position in that the hours applied for had been agreed with the Police. He referred to the commercial viability of the hours applied for.

He also commented that the premises were falling into a state of dereliction and alternative applicants could come forward in future, in the form of a national company that did not have such a strong local connection as Mr Walker and Breeze Bars Ltd. Mr Walker and Mr Bowden were socially responsible people who lived locally and had extensive experience of this type of business.

Mr Egerton advised that conditions 1 and 2 should address noise issues relating to patrons entering and leaving the premises. Mr Walker stressed that he would have more door staff in place at this premises than were in place at JRs.

Mr Egerton stressed that people exiting a nightclub whilst

intoxicated were by their very nature loud and were very prone to committing violent acts of anti-social activity. Mr Doug Ochiltree stated that action taken by Environmental Health Officers would only occur after people have been woken up by noise.

Mr Egerton commented that although the applicant had done as much as possible to satisfy residents' concerns, he didn't think the solutions put forward would fully address the problem of residents being woken up. Mr Clifton reiterated that the applicant understood residents' concerns and the concerns of Environmental Health Officers and these had been taken seriously. He advised that although the applicant acknowledged that problems would occur, he felt that solutions were available to address residents' concerns.

Mr Clifton reiterated the local knowledge of the applicant and Breeze Bars Ltd. Mr Walker was keen to work with residents in mitigating any problems that arise. Mr Clifton reiterated the significant sanctions available to Members, the Police and residents via the review process.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and 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 application for a Premises Licence at Unit 1, Anchor Street, Bishop's Stortford, be approved, subject to the agreed conditions with the amendments to hours of operation and conditions now detailed.

RESOLVED - that the application for a Premises Licence at Unit 1, Anchor Street, Bishop's Stortford, be approved, subject to the agreed conditions with the following amendments to hours of operation and conditions:

Day	End of alcohol	Close/end of activities*
Monday	11:30 pm	12 Midnight
Tuesday	11:30 pm	12 Midnight
Wednesday	11:30 pm	12 Midnight
Thursday	01:30 am	02:00 am
Friday	01:30 am	02:00 am
Saturday	01:30 am	02:00 am
Sunday	10:00 pm	10:30 pm

*Except where earlier times for end of activities are specified on the application, e.g. films; 02:00 Thursday – Saturday.

Condition 18b be amended to read 'not permitting more than 15 people to exit at any one time for smoking purposes'.

Condition 23 be amended to read 'Waste will not be emptied into external bins or bottle banks between the hours of 9 am and 9 pm'.

The position of the no smoking area and it's structure continue to be negotiated.

42 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION TO VARY A PREMISES LICENCE AT MASTERS HOUSE, 88-96 FORE STREET, HERTFORD SG14 1AB

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was to vary a Premises Licence at Masters House, 88 - 96 Fore Street, Hertford. He referred to correspondence that had been received from the sole objector to this application.

The applicant had applied to extend alcohol hours from 1 am to 2 am on Friday and Saturday, and to permit music and dance with DJ on Friday and Saturday until 1.30 am.

Members were advised that the objector had complained in relation to loud music, street fouling, noisy customers arguing to an unacceptably late hour. The objector was happy to attend a future hearing if the Sub-Committee resolved to defer the matter to a later date.

The objector had also expressed concern that noise could still be heard from the premises when the doors were closed. Noise was also audible from the smoking shelter. Concerns had also been raised that a later clientele would drink more and the commercial needs of the applicant must be weighed against the needs of residents.

The Licensing Process Manager advised that the applicant did not accept that the noise referred to by the objector was from the Masters House but was linked to people migrating from other premises and walking past residents' houses.

In response to a query from Councillor J Demonti, the applicant confirmed that door staff always ensured that doors were closed save for ingress and egress. The rear doors had auto closures installed. The applicant also advised Members that the air conditioning system had been updated to ensure a higher input into the building.

The applicant, Mr Martin Charles, advised that he took the residents' concerns very seriously. He had installed a new sound system that allowed a better sound distribution throughout Masters House, the volume was actually lower as a result. Mr Charles stated that he had put an over 21s policy in place. He commented that in practice most people who came to the Masters House were 30 plus. There was a taxi rank directly outside the premises which helped a lot with dispersing people who frequented the Masters House.

At the conclusion of the representation the Sub-Committee withdrew with the Legal Services Manager 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 application to vary the Premises Licence be approved and the objector be reminded that he can contact Environmental Health Officers if there were any noise and nuisance problems.

RESOLVED - that the application to vary the Premises Licence at Masters House, 88 – 96 Fore Street, Hertford be approved.

The meeting closed at 2.30 pm

Chairman
Date