



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : FRIDAY 8 JUNE 2018
TIME : 10.00 AM

MEMBERS OF THE SUB-COMMITTEE

Councillors G Cutting, J Jones and T Page

COMMITTEE OFFICER: Peter Mannings
01279 502174
peter.mannings@eastherts.gov.uk

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democratic.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Summary of Procedure (Pages 7 - 14)

A summary of the procedure to be followed during consideration of item 6 is attached.

6. Application for Review of the Premises Licence for Deco, 16-20 Parliament Square, Hertford, SG14 1EZ (PI0505) (Pages 15 - 62)

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

Note – the full Rules of Procedure can be viewed at:

<http://democracy.eastherts.gov.uk/ieListMeetings.aspx?CId=144&Year=0>

8.0 Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas. The hearing is a discussion lead by the Authority (i.e. the Chairman) with advice from the Legal Adviser.

- 8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.
- 8.2 The Chairman shall at the beginning of the hearing, introduce the Sub-Committee members, invite the Parties to the Hearing and any Councillor representative to identify themselves and then explain to the parties the procedure that the Sub-Committee intends to follow. Councillors in attendance for training purposes shall also be identified and their role and non-participation explained.
- 8.3 The Sub-Committee shall then proceed to consider any request made by a Party to the Hearing for permission for another person to appear at the hearing. Permission shall not be unreasonably withheld.
- 8.4 The Chairman may ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee. Alternatively, the Chairman may proceed directly to paragraph 8.5 below.
- 8.5 The Parties to the Hearing shall usually be invited to address the Sub-Committee in the following order:

- (a) Affected Person
- (b) Responsible Authority
- (c) Interested Person

However, this may be varied at the discretion of the Chairman, if in his/her opinion, this would assist the efficient business of the Sub-Committee.

8.6 Parties to the Hearing shall be entitled to:

- (a) give further information in support of their application, Relevant Representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
- (b) question any other party if given permission by the Sub-Committee; and
- (c) address the Sub-Committee.

8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.

8.8 Where there is more than one Relevant Representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.

8.9 Subject to paragraph 8.10 below, in considering any Relevant Representations or notice made by a Party to the Hearing, the Sub-Committee may take into account additional documentary or other information produced by such a Party in support of their application, Relevant Representations or notice (as applicable) either before the hearing date or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing.

Note - As a matter of good practice, any additional documentation or other information produced in advance of the hearing date,

should be submitted to the licensing officer no later than two working days before the hearing.

- 8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:
- (a) their application, Relevant Representations or notice (as applicable) or in the case of another person, the application, Relevant Representations or notice of the party requesting their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- 8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.
- 8.12 The Parties to the Hearing shall be entitled to make closing submissions, usually in the following order:
- (a) Responsible Authority
 - (b) Interested Person
 - (c) Affected Person.
- 8.13 The Sub-Committee will, after hearing the Relevant Representations of the Parties to the Hearing, withdraw from the room to make their deliberations.
- 8.14 The Legal Adviser and the Democratic Services Officer shall accompany the Sub-Committee when they retire to make their deliberations.

9.0 Determination of applications

- 9.1 The Sub-Committee shall give appropriate weight to:
- (a) the Relevant Representations (including supporting information) presented by all the parties;

- (b) national guidance;
- (c) the Licensing Authority's Licensing/Gambling Policy;
and
- (d) the steps that are necessary to promote the licensing objectives.

9.2 The Sub-Committee shall make its determination:

- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
- (b) within 5 working days thereafter (all other cases).

9.3 The determination shall be issued by the Director of Neighbourhood Services under delegated authority.

10.0 Role of Legal Adviser

10.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Adviser at any time during the course of the hearing.

10.2 The Legal Adviser shall provide the Sub-Committee with any advice it requires properly to perform its functions, on:

- (a) questions of law;
- (b) questions of mixed fact and law;
- (c) matters of practice and procedure;
- (d) the range of options available to the Sub-Committee;
- (e) any relevant decisions of courts;
- (f) relevant national guidance or policy;
- (g) other issues relevant to the matter before the Sub-Committee.

10.3 The Legal Adviser shall assist the Sub-Committee where appropriate as to the formulation of reasons and the recording of those reasons.

10.4 The Legal Adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Democratic Services Officer's notes.

10.5 The Legal Adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The Legal Adviser is under a duty to ensure that every case is conducted fairly.

11.0 Role of Democratic Services Officer

11.1 The Democratic Services Officer's role shall be to make a record of the proceedings, summarise and record decisions and to provide help and assistance to members of the public attending hearings.

12.0 Role of Licensing Officer

12.1 The Licensing Officer will present the pertinent facts of the application and the representations made by parties to the hearing.

13.0 Failure of parties to attend the hearing

13.1 If a Party to the Hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence.

13.2 If a Party to the Hearing fails to provide notification in accordance with paragraph 13.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in the party's absence and shall consider at the hearing, the application, Relevant Representations or notice made or submitted by that party.

14.0 Adjournments

14.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.

14.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the Parties to the Hearing of the date, time and place.

15.0 Right of Appeal

15.1 The applicant has a right of appeal to the Magistrates' Court within 21 days (beginning with the day on which the applicant was notified of the decision of the Licensing Authority) against a decision.

15.2 A person who made relevant representations and the Chief Officer of Police has a right of appeal to the Magistrates' Court within 21 days (beginning with the day on which the person was notified of the decision of the Licensing Authority) against a decision.

Definitions

Term	Meaning
Affected Person	In relation to the Affected Premises, the holder of a premises licence or club premises certificate or club gaming/club machine permit or other permit issued under the Gambling Act 2005, the premises user in relation to a temporary event notice or temporary use notice, the applicant for a premises licence or club premises certificate or club gaming/club machine permit or other permit issued under the Gambling Act 2005 (where the application has not been determined), a person in receipt of a provisional statement and an applicant for the grant or renewal of a personal licence.
Affected Premises	The premises that are the subject of the Application.
Application – Gambling Act 2005	The application for the grant, variation or review of premises licences or the grant or cancellation of permits or the consideration of temporary use notices.
Application – Licensing Act 2003	The application for the grant, variation or review of a premises licence or club premises certificate, the application for a temporary event notice or the application for the grant or renewal of a personal licence.
Interest	A Disclosable Pecuniary Interest as defined in the Council’s Members’ Code of Conduct.
Interested Person – Gambling Act 2005	Any persons living in the vicinity of the Affected Premises that are likely to be affected by the Application, or those persons who are involved in a business

	in the vicinity of the Affected Premises that might be affected by the Application or any person who is representing such persons.
Interested Person – Licensing Act 2003	Any persons making Relevant Representations or any person who is representing such persons.
Licensing Authority	East Hertfordshire District Council
Parties to the Hearing	Affected Person, Interested Person and Responsible Authorities.
Relevant Representations	Representations that relate to one or more of the licensing objectives made by an Affected Person, Interested Person or Responsible Authority.
Responsible Authority	The bodies that must be fully notified of the Application and that are entitled to make representations to the Licensing Authority on the Application and include the chief officer of police, the fire & rescue authority, the local planning authority, environmental health, primary care trusts and public health boards for the area in which the Affected Premises are situated.

EAST HERTS COUNCIL

LICENSING SUB-COMMITTEE – 08 JUNE 2018

REPORT BY HEAD OF HOUSING AND HEALTH

APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR DECO, 16-20 PARLIAMENT SQUARE, HERTFORD, SG14 1EZ (PL0505)

WARD(S) AFFECTED: HERTFORD CASTLE

Purpose/Summary of Report

- An application to review the above premises has been received from a local resident. Where a review application is made there must be a Licensing Sub-Committee to decide that application even where agreement is reached. The report is to inform that decision.

<u>RECOMMENDATION FOR LICENSING SUB-COMMITTEE: That:</u>	
(A)	The application for review of the premises licence be determined.

1.0 Background

1.1 Under the Licensing Act 2003 an application for review of a licence or certificate has to be.

1.2 Where a valid review application is made there must be a Licensing Sub-Committee hearing to decide that application even where agreement is reached. A Licensing Sub-Committee has the delegated authority to determine applications for review of Licences and Certificates. This decision must be made whilst having regard to the Licensing Objectives, the Licensing Authority's own Statement of Licensing Policy and to

statutory guidance issued by the Secretary of State under section 182 of the Licensing Act.

1.3 The Licensing Objectives are:

- Prevention of Crime and Disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm

1.4 The actions open to the Licensing Sub-Committee are:

- Make changes to the premises licence which are appropriate and proportionate for the promotion of the licensing objectives (either permanently or temporarily for up to 3 months);
- Suspend the licence for up to 3 months;
- Revoke the licence;
- Remove the designated premises supervisor (DPS);
- Make no changes to the licence.

2.0 Report

2.1 The valid review application was submitted by a local resident living near to Deco 13th April 2018. The application was correctly advertised and consulted upon as required by legislation and regulations.

2.2 The application details states that the current operation of the premises undermines the Licensing Objectives of:

- Prevention of Crime and Disorder;
- Public safety; and
- Prevention of public nuisance.

2.3 A redacted copy of the review covering email and application form is attached as **Essential Reference Paper 'B'**, the images submitted with the review are attached as **Essential**

Reference Paper 'C' and a redacted copy of the current premises licence is attached as **Essential Reference Paper 'D'**.

- 2.4 The review application details a number of issues around the operation of the premises following its refurbishment and reopening earlier in the year and makes particular reference to a new sound system being installed across all floors of the premises.
- 2.5 The issue relating to public nuisance is given as noise from both the internal and external areas of the premises on a weekly basis. This is said to mainly occur between 22:30-02:00 (music) and outside noise to 03:00 and beyond. The music from inside the premises is described as 'notably louder and has a deep, heavy base line'.
- 2.6 The outside noise is detailed as being from people in the smoking area screaming, shouting, swearing and singing. This area is detailed as in close proximity to residents. In addition when the premises closes there is further noise from customers directly outside the premises until after 03:30.
- 2.7 Concerns have also been raised about how the management control the capacity of the premises.
- 2.8 Details of a visit by a neighbour to the premises to obtain footage of the noise at the premises are detailed which resulted in a call to the Police are given. Video evidence of this incident has been supplied as part of a separate representation (Note: Press and Public should be excluded should Members wish to view the footage during the hearing as it shows third parties not involved in the incident who could be identified). The application goes on to give details of a subsequent visit to that neighbour by the premises licence holder.
- 2.9 Details are given of a particular incident when the review applicant felt forced to call the Police following an altercation

which started in Deco. Video evidence of this incident has been supplied (Note: Press and Public should be excluded should Members wish to view the footage during the hearing as it shows third parties not involved in the incident who could be identified).

- 2.10 The review application details concerns regarding children living in the vicinity being able to hear screaming, violence and threatening language being used.
- 2.11 There is an allegation that the premises doormen only ask the males visiting the premises for ID leaving the female customers age left unchallenged.
- 2.12 Issues with doormen from the premises parking across private access are detailed and a photograph to illustrate the issue was supplied.
- 2.13 Details of two further residents that support the review application were given and as stated both have made separate representations.
- 2.14 The final point of the review paperwork clearly sets out what the applicant for the review of the premises licence hopes can be achieved. It states that the application is not seeking to have the licence revoked but that the following matters need to be addressed:
 - i) The volume of music in the premises to be reduced to an acceptable level;
 - ii) A reduction in the noise from the smoking area;
 - iii) Controls on the use of the smoking area/queues outside the front of the premises; and
 - iv) Control of people leaving the premises.
- 2.15 The covering email with the review application mentioned breaches of conditions contained in Annex 2 of the current premises licence, namely:

- Condition 3 - The Licence holder shall erect and maintain suitable and sufficient conspicuous signage on the exterior of their premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused;
- Conditions 26 - The Licence holder and the Designated Premises Supervisor shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Hertfordshire Fire and Rescue Service.
- Condition 34 - Ground Floor Lounge Maximum Capacity: 100 Persons, First Floor Restaurant Maximum Capacity: 50 Persons
- Condition 35 - Amplified music to be played in basement club only, apart from non-regulated background music in the restaurant.

2.16 During the statutory 28 day consultation period four further representations were received in support of the review application:

- Two from local residents living in the vicinity of Deco; and
- Two from responsible authorities under the Licensing Act 2003: the Police and Environmental Health.

The representations are attached as **Essential Reference Paper 'E'**.

2.17 Residents representation 1 details that the resident has tolerated nuisance from inside and outside of the premises for two years. It again mentions the new sound system that has been installed at the premises and that this has made the music volume intolerable and that the people noise continues even after the music has ended.

2.18 The resident gives details of the same incident that was mentioned in the application for the review and they have

supplied footage of some of the incident taken on a mobile phone (Note: Press and Public should be excluded should Members wish to view the footage during the hearing as it shows third parties not involved in the incident who could be identified).

- 2.19 Details are given that the nuisance from the premises not only affects the residents sleep but also her weekend voluntary work.
- 2.20 Residents representation 2 mentions that a nuisance diary had been completed and upon searching the Council's records diary sheets were submitted in relation to noise from Deco during February and March 2018 by two separate individuals. These are attached as **Essential Reference Paper 'F'**. The diary sheets contain similar comments to those contained within the review application and the other representations.
- 2.21 The Police representation is based on three of the four licensing objectives, namely:
- Prevention of crime and disorder;
 - Prevention of public nuisance; and
 - Public safety.

The Police detail concerns regarding a GBH which occurred within the premises and how the incident was dealt with. The police state that more details are to follow and subsequently submitted some draft conditions that, if accepted by the licence holder, would mitigate their concerns. The proposed conditions are attached as **Essential Reference Paper 'G'**.

- 2.22 The Environmental Health representation is based on the prevention of public nuisance and proposed a number of conditions that they believe would mitigate their concerns. The proposed conditions are attached as **Essential Reference Paper 'H'**

3.0 Policy and Guidance

3.1 Section 4 of the East Herts Statement of Licensing Policy details definitions of premises and location and operation of premises (differentiating between Town Centre locations and other areas). Under this section of the policy the operation of Deco best fits the definition of a night club:

Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature

3.2 The premises fall within what is considered in section 6 of the Statement of Licensing Policy to be Hertford Town Centre. The table at 4.3 of the policy details this authorities approach to licensing premises when it has received relevant representations to an application. Notwithstanding that each application is considered on its own merits the following hours would normally be granted to this style of premises in this location when valid and relevant representations have been received:

Will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions)

3.3 The current hours for Deco are within this policy but the requested variation would take the licensable hours outside of the authority's policy.

3.4 Section 6 of the Statement of Licensing Policy details the authority's aspiration to create family friendly Town Centres. The approach to this is detailed in paragraph 6.4 of the policy:

1. *Where relevant representations have been received, we will consider granting applications which limit the hours of*

operation to those set out in this policy unless the exceptions detailed below can be demonstrated.

2. *Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9 pm and the final time for the sale of alcohol.*
3. *Where relevant representations have been received against the sale of alcohol after 10 pm and exceptions can be shown, we will consider whether premises shall be required to demonstrate they have an effective dispersal management plan in place; to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary; installing an electronic identification entry system; and to have use of a Pubwatch radio.*

3.5 Paragraph 6.6 of the policy details matters that will be taken into account under this part of the policy where relevant representations have been received against an application. Does the application:

- (1) *contribute to the family-friendly development of the town centres; or*
- (2) *effect a real reduction in the capacity for alcohol sales in that premises (for example by replacing a vertical drinking establishment with seated consumption and waiter/waitress service).*

3.6 Where an applicant wishes an exception to this policy to be considered it is their responsibility to evidence this.

3.7 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 states:

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the

particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

3.8 Paragraphs 9.42-9.44 deal with how to determine actions that are appropriate for the promotion of the licensing objectives.

3.9 If Members are minded to impose conditions to mitigate concerns regarding the undermining of the licensing objectives then Chapter 10 of the guidance deals with conditions attached to premises licences. Paragraphs 10.8-10.10, 10.13-10.15 would be particularly relevant.

3.10 Chapter 11 of the guidance deals with reviews and paragraphs 11.16 – 11.23 are particularly relevant as it deals with the powers the licensing authority has to determine the application.

4.0 Officer observations

- 4.1 All parties to the review believe the issues around noise nuisance from both inside and outside the premise can be addressed through the imposition of conditions. The residents have commented that they understand that they live in a Town Centre and cannot expect complete silence but that the level of noise from Deco since its refurbishment has become intolerable.
- 4.2 The authority received a number of noise complaints regarding Deco in February and March 2018 before the review application was made. This coincides with the reopening of Deco with its new sound system. The covering email with the application alleged a number of breaches of the premises licence and condition 35 of the premises licence would have a significant influence on the level of music noise from the premises.
- 4.3 Compliance with this condition was discussed with the licence holder on the 20th April 2018 at which the Police and Environmental were present. The licence holder believed that the condition had been removed by a previous licence application but it was demonstrated that it was still present. This explains the social media post supplied with the application that clearly states that the new sound system was installed on all floors of the premise. As such the condition had not been complied with following the refurbishment and this had led to the complaints about music noise.
- 4.4 A discussion took place with the licence holder around what level 'background music' would be in order to comply with the condition. Although there is no statutory definition the authority's opinion is that if you can hold a normal volume conversation without having to shout then the music is at a background level.

- 4.5 On the 12th May 2018 a Licensing Enforcement Officer visited the premises in the evening as part of routine visits with the Police Licensing Officer and a Technical Officer (Nuisance). During the visit it was noted that a DJ was located on the ground floor and that the music was at such a volume that it could not be considered to be at background level. The officers commented that they had to shout to hold a conversation until the music was turned down.
- 4.6 The Licensing Authority received complaints from the applicant for review and one of the residents that made representation regarding the music from Deco on this particular evening. A breach of condition makes carrying out licensable activity an offence under the Licensing Act.
- 4.7 Members may wish to ask the licence holder to explain the circumstances of this evidenced breach of condition? Members can also question the licence holder regarding the other alleged breaches of condition. This information will help Members to decide if they can have confidence in their management of the premises going forward?
- 4.8 The applicant for review and the other residents have confirmed that if the condition regarding background music on the ground and first floor is complied with going forward then the volume of the music from the venue would not cause them an issue.
- 4.9 Discussions have been held between the licence holder and the responsible authorities in an attempt to reach agreement. To date the Licensing Authority has not been notified that any agreement regarding the proposed conditions has been reached.
- 4.10 The proposed conditions were circulated to the applicant and residents for comment and their position as at 14th May 2018 is detailed below:

Thank you for sending the draft conditions through. They seem to cover our concerns and hopefully should result in resolving the issues we are facing.

In particular, I feel the following are absolutely important to retain:

- *Environmental Health condition 1 – I believe this should be being followed already, but appears not to be being adhered to at present*
- *Environmental Health condition 2 – This will be extremely helpful*
- *Environmental Health condition 7 & 8- Both conditions should assist with the level of noise in the courtyard*
- *Police condition 12 and 23- as above*

I believe some of the proposed conditions are currently in place already, but are not being adhered to, but I am happy these are being reinstated.

Just to also advise, the music was extremely loud again on Saturday, albeit intermittently. I was also woken up early on Sunday morning by persons leaving the premises. I am bringing this to your attention as we discussed last week that the issues seem to be getting better, but this is clearly not the case.

4.11 As complaints were continued to be received regarding noise nuisance from the premises throughout the consultation Member's may wish to ask the residents if there position regarding the conditions has changed.

4.12 It would appear that the applicant for review and those making representations in support of it have concluded that the proposed conditions would be enough to mitigate their concerns if they were added to the premises licence and then complied with.

4.13 Members may wish to question the applicant with regards to the proposed conditions and which they are willing to agree. The reasons for not accepting the other proposals should also be considered as any proposed conditions should be appropriate, proportionate, enforceable and achievable. If the licence holder believes that a particular condition is not workable then it is open to them to suggest an alternative which would have a similar effect.

4.14 Guidance requires that the minimum steps needed to mitigate the issues should be the steps that are taken by the authority. Therefore if Members believe that the licensing objectives are being undermined then any of the actions detailed in paragraph 1.4 of this report are available to them.

5.0 Officer recommendation

5.1 The officer recommendation is that new conditions be imposed on the premises licence to mitigate the concerns raised.

5.2 The officer recommendation in no way fetters Members discretion to make the decision which they believe is appropriate and proportionate in the circumstances of this individual application.

5.3 It is for Members to decide if conditions should be imposed on the licence and what the wording of such conditions should be. These can as proposed by the responsible authorities or amended as Members believe appropriate having heard all submissions.

5.4 Members may be concern by the licence holder's previous non-compliance with conditions. It should be noted that only one breach has been independently verified and any future breaches could result in prosecution or a further review of the licence.

6.0 Implications/Consultations

6.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

East Herts Statement of Licensing Policy 2016 -

<https://www.eastherts.gov.uk/article/35119/Licensing-Policy>

Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Contact Member: Graham McAndrew – Executive Member for Environment and the Public Space
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Contact Officer: Jonathan Geall – Head of Housing and Health, Tel: 01992 531594. jonathan.geall@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The application was subject to the statutory 28 days public consultation. Further representations regarding the application were received in this period
Legal:	The decision of the Licensing Sub-Committee can be appealed by any party to the proceedings.
Financial:	There could be cost implications for the authority if its decision is appealed.
Human Resource:	<ul style="list-style-type: none">• Not Applicable
Risk Management:	<ul style="list-style-type: none">• Not Applicable
Health and wellbeing – issues and impacts:	Improve the health and wellbeing of our communities by ensuring that licence holders promote the Licensing Objectives. Public nuisance can have a huge impact on those that are subjected to it.
Equality Impact Assessment required:	No

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ESSENTIAL REFERENCE PAPER 'B'

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I **[REDACTED]**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Deco Lounge 16-20 Parliament Square	
Post town Hertford	Post code (if known) SG141EZ
Name of premises licence holder or club holding club premises certificate (if known) Innis Independent Consultancy Ltd	
Number of premises licence or club premises certificate (if known) Unknown	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

-
-
-
-

Please state the ground(s) for review (please read guidance note 1)

The operation of the premises means that the following licensing objectives are undermined:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

Please provide as much information as possible to support the application
(please read guidance note 2)

The premises closed on Monday 1st January 2018 for refurbishment and reopened on Saturday 3rd February 2018, boasting a new 'Pioneer Pro audio sound system, installed across all floors' (see attachment of quoted source, taken from Deco Lounge social media).

Since reopening, the noise coming from inside the nightclub and external areas of the club (smoking area and entrance queue) has been unbearable.

The music is notably louder and has a deep, heavy baseline that can be heard continuously throughout the night into the early hours of the morning.

People gather in the smoking area (which is directly below one of my bedrooms), screaming, shouting, swearing and singing. There is no sign of staff presence in this area.

Once the nightclub closes, people then congregate outside my other bedroom window at the front of the nightclub. Rowdy behaviour, swearing, screaming and loud conversations can go on until after 3.30am, sometimes long after the doormen have left the premises.

It also concerns me that the doormen do not use a headcount clicker on people entering and departing from the premises, therefore they can't possibly know the capacity of people inside the premises at any given time.

On 24th February 2018, a neighbour (██████████ the other applicant) approached the door staff in the early hours of the morning to request to have the music turned down. She was physically pushed by one of the door staff and had her phone taken out of her possession to prevent her taking video footage of the volume of music coming from the club.

She called the police and obtained an incident service report number: 892. The licence holder then came into ██████████ property to discuss the above incident on Monday 26th February 2018. ██████████ felt extremely vulnerable and intimidated as a consequence of this encounter and has since asked the licence holder not to contact her directly again.

On Monday 2nd April 2018, I was forced to contact the police following an altercation which occurred inside the nightclub then spilled out onto the street. I witnessed threatening language towards the doormen and the people inside the nightclub, as well as physical violence and screaming. More than 6 police cars attended the scene and were present for well over an hour. I felt extremely vulnerable and was unable to sleep whilst the incident intensified outside my bedroom window.

I have submitted video evidence of this altercation to the licencing department and I have obtained an incident service report number from the police (incident ref:043 of 02/04/18. Reported at 01.34am).

These issues occur on a weekly basis on both Friday and Saturday nights between the hours of 10.30pm-2am (music) and screaming/ talking/ singing until 3am, sometimes later.

I believe this review could also be made on the grounds of 'protecting children from harm', given two young children live in ██████████ and are privy to the screaming, violence and threatening language used.

In addition, ██████████ has witnessed the doormen only asking males for ID, with females being allowed into the premises without being challenged on their age.

// other residents of the property have also experienced difficulty accessing our

private carpark due to the doorman of the nightclub parking across our entrance.
Evidence attached.

This review is fully supported by [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED]. Their representations will follow.

To conclude, the intention of this licence review request is not have the licence
revoked in it's entirety, we would just like to have (i) the volume of music reduced to
an acceptable level, (ii) a reduction of the noise from the smoking area (iii) controls
on the use of the smoking area/ the queues outside the front of the premises and (iv)
controls over people leaving the premises by a certain time.

I hope we can come to a suitable solution.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 13/04/2018

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

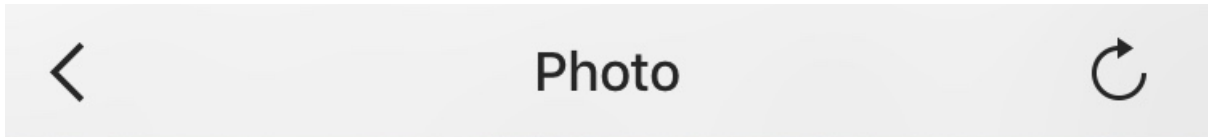
Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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93 likes

decohertford We're working away to bring you something special when we relaunch Saturday 3rd February.

In those boxes sit one of the best, if not the best sound system money can buy. @decohertford will be one of only three clubs in the UK to have a PIONEER PRO AUDIO SYSTEM. With our full install across all floors we join the likes of major clubs such as Fabric, Panama (Amsterdam), Sankeys (Ibiza), Boom (Ibiza) and Ushuaia Tower (Ibiza). #pioneerproaudio

#decohertford #pioneerproaudio #pioneerproaudio #pioneerproaudio #pioneerproaudio





**District of East Hertfordshire
Premises Licence
Licence No: PL0505**

Licensing Act 2003

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
Deco Restaurant And Lounge 16-20 Parliament Square, Hertford, Hertfordshire, SG14 1EZ		Telephone: 01992 512610
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
SALE OF ALCOHOL		
Friday and Saturday	10:00	02:00
Monday to Wednesday	10:00	01:00
Sunday	10:00	01:00
Thursday	10:00	01:00
FILMS (INDOORS)		
Monday to Friday	11:00	23:00
Saturday and Sunday	09:00	23:00
LIVE MUSIC (INDOORS)		
Friday	19:00	01:30
Monday to Thursday	18:00	00:30
Saturday	11:00	01:30
Sunday	11:00	00:30
LATE NIGHT REFRESHMENT (INDOORS)		
Friday and Saturday	23:00	02:30
Monday to Wednesday	23:00	01:00
Sunday	23:00	01:00
Thursday	23:00	01:30
RECORDED MUSIC (INDOORS)		
Friday and Saturday	10:00	02:30
Monday to Wednesday	10:00	01:00
Sunday	10:00	01:00
Thursday	10:00	01:30

THE OPENING HOURS OF THE PREMISES		
Friday and Saturday	08:00	02:30
Monday to Wednesday	08:00	01:00
Sunday	10:00	01:00
Thursday	08:00	01:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES
Alcohol is supplied for consumption on the Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Innis Independent Consultancy Ltd 9 And 10 The Crescent, Wisbech, Cambs, PE13 2BG

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
06781154

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Miss Cathy Satt

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Personal licence number: Licensing Authority: East Herts Council

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or

supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

1. The Licence holder and the Designated Premises Supervisor shall ensure that an appropriate number of licensed door supervisors are on duty whenever the premises are open for the purpose of a licensable activity on Thursdays to Saturdays. The number of door staff shall be in accordance with the following schedule: as a minimum 1:100 in addition to 2 door staff at entry/exit points.
2. The Licence holder and the Designated Premises Supervisor shall arrange adequate supervision of any queue, including keeping noise levels, nuisance and any obstruction to a minimum, which may form to gain entry to the premises.
3. The Licence holder shall erect and maintain suitable and sufficient conspicuous signage on the exterior of their premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.
4. The Licence holder and the Designated Premises Supervisor shall ensure sufficient door staff are employed to ensure the safe dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the premises closes.
5. The Licence holder and the Designated Premises Supervisor shall ensure that the door supervisors take appropriate measures to prevent the removal of bottles or glasses from the premises.
6. All door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.
7. All door staff employed at the entrance / exit of the licensed premises will wear high visibility clothing (reflective jackets) during the hours of darkness.
8. The Licence holder and the Designated Premises Supervisor shall ensure that the premises are equipped with a closed circuit television system, which is provided and maintained to the satisfaction of the Hertfordshire Constabulary.
9. The Local Authority Licensing Officer will be notified, by a minimum of an email notification within 24hrs:
 - On any occasion when the specified premises CCTV or radio system is inoperative.
 - When the CCTV or radio system has been brought back into use.
10. CCTV footage will be available for transfer to a media capable to be seized as evidence by a person employed by the Constabulary for the purposes of investigation into an incident or crime. All recording to be kept and stored securely for a period of no less than 28 days.
11. The Premises shall participate in the town-watch radio link system. Any radio-link equipment will be 'live' and will be monitored by the Head Doorman or another responsible person while the licensed premises are open for business.
12. The Licence holder and the Designated Premises Supervisor shall ensure that at least one personal Licence holder is available on the licensed premises while the supply or sale of alcohol is being undertaken, and shall ensure that person's identity is known to all other staff engaged in the supply or sale of alcohol.
13. The Licence holder and the Designated Premises Supervisor shall participate in the 'Pubwatch' scheme & attend pubwatch co-ordinating meetings as notified.
14. The Licence holder and the Designated Premises Supervisor shall support the 'BOBB', 'banned from one banned from all' principle as promoted by Pubwatch.
15. The Licence holder and the Designated Premises Supervisor shall nominate another person who will deputise for the Designated Premises Supervisor in that person's absence and shall ensure that the identity of the deputy is known by all other staff when such absence occurs.
16. The Licensee and all managers shall produce evidence to demonstrate that they are suitably trained in all aspects of the safe and efficient running of the venue.

17. The Licence holder will within 21 days of the issue of this Licence comply with the requirements of any Police Crime Prevention Survey, and Fire Service survey attached to this Licence.
18. Policies and associated Risk assessments carried out by or on behalf of the Licence holder which relate to a licensing objective will be available for inspection by an officer or a Responsible Authority.
19. The Licence holder and the Designated Premises Supervisor shall erect and maintain signage (in a form approved by the licensing authority) on or adjacent to all staffed exits advising patrons of any Street Drinking Order and the intention of door staff to enforce a 'no exit with a bottle' policy.
20. The Licence holder and the Designated Premises Supervisor shall maintain a drinks pricing policy.
In Particular: -
 - To ensure compliance with any Local Authority resolution
 - No drink price discounting (e.g. "buy one get one free", "happy hour" or "five drinks for the price of four") between 7pm and the end of operations
 - No "payment on entry and all drinks free" promotions
21. The Licensee shall ensure that security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular (half hour interval) checks of toilet areas; the times of these checks shall be recorded and available for inspection at the premises by an officer or a responsible authority.
22. The Licence holder shall have a drugs policy.
 - The Licensee shall maintain a record of incidents involving the use and/or detection of drugs and make those records available for inspection
 - The Licensee shall store, dispose & transfer confiscated and found drugs in accordance with procedures agreed with the police.
23. The Licence holder shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
24. The Licensee will at the request of the police in response to actual or potential disorder, reduce the volume, cease playing, or change the tempo/style of music.
25. The Licensee shall ensure adequate first aid provision is available at all times including the provision of trained first-aiders on the premises at all times the premises are being operated.
26. The Licence holder and the Designated Premises Supervisor shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Hertfordshire Fire and Rescue Service.
27. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
28. Any advertisement for entertainment of an adult or sexual nature will clearly and conspicuously display the words 'children are not admitted'.
29. Any advertisement for entertainment of an adult or sexual nature will only be displayed after obtaining the approval of the Responsible Authorities (Police and Child Protection).
30. Whenever entertainment of an adult nature is taking place the entertainment will not be visible to persons under 18 years of age (including staff) who are within or outside the licensed premises.
31. The Licence holder shall adopt and maintain suitable training for door staff and sales staff in relation to the proof of age scheme to be applied upon the premises. The training records will be available to an authorised officer upon request.
32. The Licence holder will adhere to the challenge21 protocol (seeking identification from everyone who appears to be under 21, to prove they are over 18, prior to the sale of alcohol).
33. The Licence holder shall erect and maintain a sufficient number of signs at each bar or alcohol sales point

informing customers that sales will not be made to persons under 18 years of age.

34. Ground Floor Lounge Maximum Capacity: 100 Persons
First Floor Restaurant Maximum Capacity: 50 Persons
35. Amplified music to be played in basement club only, apart from non-regulated background music in the restaurant.
36. Entry to the Basement area to non-diners restricted to over 18's only.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

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ANNEX 4 - PLANS

Date 13th March 2008
Drawing Number: 1557-05
Revision B

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RESIDENTS REPRESENTATION 1

To Whom It May Concern

I have lived at the above address for the last two years and have tolerated the loud music and the raucous, screaming, rowdy, crowd noise emanating from the smoking patio area.

Since the installation of the new sound system the louder, deeper baseline music is intolerable as is the crowd noise in the smoking area which continues after the music has stopped playing, which is usually well after 2am. The crowd noise consists of screaming, singing, and constant shouting.

I have also witnessed the smoking of Class B drugs (unable to film footage as REDACTED)

From my own personal experience of Incident 892 dated 24/2/18 one of the doorman, REDACTED physically pushed me away from entering Deco stating I was trespassing - and then a patron snatched my phone from me twice (I was trying to film/record loud volume of music) verbally and physically threatening me whereupon REDACTED the doormen allowed the patron to enter Deco's premises. I rang 999 and whilst I was waiting for the police to arrive I witnessed the doormen requesting ID from males but never requesting proof of ID from any female. I waited for approximately half an hour.

The loud music and crowd noise into the early hours of the morning not only affect my lack of sleep but also my voluntary weekend telephone 'Help Line' work.

Yours Faithfully

RESIDENTS REPRESENTATION 2

Dear Mr Rawlings

I am reaffirming my Statutory Nuisance Diary. Since the refurbishment of the Deco Lounge Bar the volume of both the music and the Smoking area has got much louder.

I have heard screaming, arguing and shouting at an intolerable level after the music has finished. This is happening on a regular basis and is very disturbing and of course this affects sleep and it also limits my family and friends staying.

Yours

POLICE REPRESENTATION

Good Evening,

In reference to the review application submitted by residents in relation to Deco, Hertford. Hertfordshire Constabulary support the review based on crime and disorder, public nuisance and public safety concerns.

This is following a recent incident on the 2nd April whereby a GBH occurred within the premises. There are concerns in relation to how the incident was dealt with by the premise which have not yet been resolved.

Full objection to follow,

Many thanks,

PS 2182 RAMIREZ-SCOTT

Community Safety Unit East Herts and Broxbourne

ENVIRONMENTAL HEALTH REPRESENTATION

Dear Sir/Madam,

Following noise complaints from residents the Environmental Health department as a responsible authority will like to put in an objection to ensure that the issues relating to public nuisance is addressed.

1: limit the number of patrons using the outside courtyard to 15 at any one time after 11.30pm on any night

2: Music is only allowed in the basement club and non-regulated background music on the ground floor and first floor VIP area

Many Thanks

Mrs Alimat Adenekan

Senior Environmental Health Officer-Commercial

Housing & Health Service

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ESSENTIAL REFERENCE PAPER 'F'

18/00277/CN05

NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full) [REDACTED]

Age over 21 (if over 21 enter 'over 21') at (address of premises) [REDACTED]

Address at which nuisance is occurring ... DECO LOUNGE

... 16-20 PARLIAMENT SQUARE HERTFORD SG14 1EZ

Name of Occupant if known

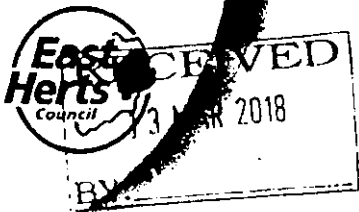
[REDACTED]

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT
10/21/18	23.30	SINCE INSTALLATION OF NEW PIONEER SOUND SYSTEM, MUSIC INTOLERABLY LOUDER, & LOUDER	AFFECTS NOT ONLY MY LOSS OF SLEEP, MORE IMPORTANTLY AFFECTS MY JOBS ON VOLUNTARY NIGHT DUTY TELEPHONE WORK.
11/2/18	02.10	BASS BEAT, ASKED MR. SATT TO LOWER MUSIC VOLUME, HE RETORTED / SIBUTED	
	23.30	MY LICENCE IS 02.30 AM CONSTANT LOUD TALKING, SHOUTING, ARGUMENTATIVE	CANNOT SLEEP UNTIL MUSIC STOPS & NOISY CROWD VACATES YARD
	02.20	VERTICAL NOISE, EMANATING FROM DECO'S OUTSIDE COURT YARD WHICH IS CLOSER PROXIMITY TO RESIDENTS OF CASTLE VIEW APARTMENTS & HOUSES.	I ALSO HAVE TO TURN T.V. VOLUME HIGHER TO LISTEN TO TV.
		HAS DECO GOT LICENSING UP TO 02.30 AM ? I THOUGHT IT WAS 01.30 AM	

Dated the 4 day of MARCH

Signed ... [REDACTED]

Signature witnessed by ... [REDACTED]



ATTENTION LICENSING

24/2/18 Whilst I WAS WAITING FOR POLICE TO ARRIVE
 I noticed doormen only asked MALES FOR I.D.
 NO FEMALES WERE ASKED FOR THEIR I.D.
 I SAW UNOCCUPANCY PERSONS ENTER DECD 18/00277/CN05
NUISANCE DIARY RECORD

Statement of observations and their effect taken by (name in full) [REDACTED]

Age: [REDACTED] (if over 21 enter 'over 21') at (address of premises) [REDACTED]

Address at which nuisance is occurring DECD LOUNGE

SALE LEZ

Name of Occupant if known [REDACTED]

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT
17/2/18	23.00	AGAIN, CONSTANT LOUD BASS BEAT MUSIC	LOSS OF SLEEP CANNOT SLEEP UNTIL MUSIC STOPS.
18/2/18	01.30		AFFECTS MY DUTY-NIGHT TELEPHONE CALLS
	01.40	CONSTANT CROWD NOISE - SCREECHING, SHOUTING ABOVE MUSIC VOLUME	CANNOT SLEEP UNTIL CROWD VACATE COURTYARD
24/2/18	22.45	AGAIN, CONSTANT LOUD MUSIC	LOSS OF SLEEP
25/2/18	01.30	WHEN I COMPLAINED TO DOORMEN (SIMON WOULD NOT ALLOW ME IN - I WAS TRESPASSING) ALTERCATION MALE MEMBER PUBLIC POLICE REF. 892. (2340)	CANNOT SLEEP UNTIL MUSIC STOPS AFFECTS MY DUTY-NIGHT TELEPHONE WORK CALLS.
		LOUD CROWD VERBAL NOISE FROM COURTYARD	CANNOT SLEEP UNTIL CROWD VACATE PREMISES

Dated the 24 day of MARCH

Signed [REDACTED]

Signature witnessed by [REDACTED]

Reaper.



NUISANCE DIARY RECORD

Worksheet Ref No:

18/00399/CN05

Statement of (name)

continuation sheet 1

DATE	TIME	DESCRIPTION OF CAUSE	RESULTANT EFFECT
17.2.18	23.00 onward	VERY LOUD CONSTANT BASS BEAT VERY NOISY IN SMOKING AREA	AGAIN, NO SLEEP THE BEAT IMPOSSIBLE TO IGNORE. I DID MANAGE TO FALL ASLEEP AT 1.30am.
24.2.18		NOT AT HOME	
3.3.18	23.00 onward,	AGAIN MUSIC EXTREMELY LOUD UNTIL APX 1.45. NOISE CONTINUED IN SMOKING AREA UNTIL AFTER 02.25.	LACK OF SLEEP AGAIN IMPOSSIBLE TO DO ANYTHING (TV, READ, RADIO)

(Signed)

(Signature witnessed by)

Worksheet Ref No:

I have lived here for nearly 2 yrs and grown used to the club. It is very quiet on a Friday now which is a big plus. On Saturdays to reduce the Bass Beat would solve →

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Draft Conditions Deco

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition
 - The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - 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.
 - 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 office recent data or footage with the absolute minimum of delay when requested.
2. A Personal Licence Holder must be present at the premises when alcohol is being sold.
3. A written record of all refused sales shall be kept on the premises. 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.
4. An incident book shall be maintained to record any activity related to drugs or of a violent, criminal or 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.
5. 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.
6. A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As minimum the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premise. The policy must be operated and adhered to by the staff at the premises.

7. In addition to the dispersal policy the premises licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 mins before the time the premises are due to close, this must include lowering any music, informing people of the approaching closing time, not selling excessive amounts of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have prior to closure.
8. A search policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. The policy must be operated and adhered to by the staff at the premises.
9. No customers to be allowed to exit the premise onto Parliament Square with drink glasses, bottles, cans or any other vessel containing alcohol.
10. 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 21, the conditions on this licence, policies referred to in this licence. Every 6 (six) months these 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.
11. 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.
12. The following conditions apply to the outside courtyard area at the rear of the premises:-
 - a) After 2300 hours no more than 15 people to be using the Courtyard at anyone time, excluding those queuing or exiting the premise onto Parliament Square.
 - b) After 2300 hours no more than 10 people to be queuing in the Courtyard area.
13. On nights when licensable activities are provided after 9pm, there will be from 9pm until 30 minutes following the time at which the sale of alcohol finishes a minimum of one SIA registered door supervisor per area open to the public. (Areas within the premise are defined as follows, Ground floor bar, 1st floor VIP bar, Outdoor Courtyard and Basement Club). In addition there must be two SIA registered door supervisors must be present at the entry / exit points on Parliament Square. At all times one of the door supervisors must be monitoring the outside Courtyard area.
14. Where SIA registered door supervisors are used at the premises,
 - a) a record must be kept of their SIA registration numbers and the dates and times when they are on duty

- b) they must wear high visibility arm bands or jackets when engaged outside the entrance to the premises
15. A suitable system to control entry to the premises will be used to count the number of persons entering and leaving the premises to ensure that the maximum specified occupancy is not exceeded at any one time. The number of persons present within the premises will be supplied to any Police Officer who requests the information.
16. An ID scan system shall be installed on the premises and used when SIA staff are on duty to scan the majority of people entering the premises. In the event of system malfunction, action must be taken immediately to rectify the fault. Information held on the system shall be made available with minimum delay upon request of Police or an authorised person.
17. No entry or re-entry of customers shall be permitted to the premises after 0100 hours
18. The number of persons (excluding staff, attendants and performers) to be allowed at any time in the licensed premises shall not exceed **(insert number)**.
19. A4 white notices in size 50 black Arial stating “Please respect our neighbours and leave the area quietly” need to be displayed at all entry/exits points and in the outside Courtyard.
20. No children aged under 18 years to be on the premises after 2100 hours until closing if alcohol is being served. No children under the age of 18 years to be in the basement club at any time.
21. The age verification policy operated at the premises shall be “Challenge 21”. This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 21 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 21” scheme shall be displayed in a clear and prominent position at the premises entrance(s)/and inside at the premises serving area. The only forms of ID that may be accepted shall be a proof of age card bearing the PASS hologram logo;
- a. Passport
 - b. UK photo driving licence; or
 - c. Military Card ID
22. The premise licence holder will not hire the venue to those wanting to hold 18th birthday parties.
23. Glasses and bottles must be collected throughout the evening and will not be allowed to accumulate within the public areas of the premise.

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Environmental Health Draft conditions:

Under Annex 2- conditions consistent with the operating schedule

Amplified music to be played in the basement club only; apart from non-regulated background music in the restaurant.

Suggest: this condition to go under **Prevention of Public Nuisance (1)**

The Prevention of Public Nuisance

1. Amplified music to be played in the basement club only; apart from non-regulated background music in the ground floor bar and the first floor VIP bar.
2. Install a noise limiting device to operate at all times regulated entertainment takes place at the premises.
3. No new entry of customers shall be permitted to the premises after 12.30am on Thursdays and after 01.30am on Fridays and Saturdays
4. The premises shall maintain a written dispersal policy, which shall be made available to the police or an authorised officer of the council upon request
5. The Licence holder shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents
6. The licence holder must ensure that any queue to enter the premises which forms outside the premises is orderly and supervised at all times by door supervisors and is in a designated area
7. Patrons permitted to use the courtyard for smoking must be limited to 15 at any one time
8. No drinks to be taken in to the courtyard after 11.30pm on any night

Public safety

Happy with current licence wordings numbers:

25, 26, 27