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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 8 JUNE 2018, AT
10.00 AM

PRESENT: Councillor J Jones (Chairman)
Councillors G Cutting and T Page

ALSO PRESENT:

Councillors D Andrews, G McAndrew,
P Ruffles and N Symonds

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Claire Marbutt	- Licensing Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Claire Spendley	- Senior Environmental Health Officer
Paul Thomas-Jones	- Environmental Health Manager - Commercial
Brad Wheeler	- Senior Licensing and

Enforcement
Officer

5 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor G Cutting and seconded by Councillor T Page that Councillor J Jones be appointed Chairman of the Licensing Sub-Committee for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor J Jones be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

The Chairman outlined the procedure to be followed. All those present were introduced.

The Service Manager (Licensing and Enforcement) summarised the application in relation to a Review of the Premises Licence for Deco, 16-20 Parliament Square, Hertford, SG14 1EZ. He sought and was provided with assurances from those in attendance that they had had an opportunity to consider the papers, some of which, had been circulated late.

The Service Manager (Licensing and Enforcement) drew the Sub-Committee's attention to two changes within the report at paragraph 3.3 (deletion of all the

words after “within this policy” and on page 41 (Monday to Wednesday 10:00 to 01:00) which should read “10:00 pm to 02:00am”

The applicants requesting the review summarised their issues of complaint which in the main, related to increased levels of music following the refurbishment of the building in February 2018 and noise nuisance from the courtyard smoking area and customers leaving the premises. One applicant complained of the verbal abuse she had received when she had raised matters with Deco management. In addition to the loud music, another applicant referred to rowdy behaviour from those queuing to get into the club, and unsupervised dispersion when the premises closed.

A Police Officer (Licensing) provided a summary of concerns regarding the operation of Deco. With the consent of all parties she showed evidence from a Police Officer’s bodycam of an incident which had occurred on 2 April 2018. The Police Officer (Licensing) stated that the footage demonstrated the need for the conditions requested by them, as a Responsible Authority.

Safe occupancy levels were discussed and it was noted that there were conflicting numbers which had been provided by Hertfordshire Fire and Rescue to Deco which needed clarification.

Councillor G Cutting sought clarification on the proposed ID scanning condition and was concerned that it did not require all attendees ID to be scanned, only the majority. The licence holder explained that it was not appropriate to scan those attending private

events. Councillor T Page referred to the issue of SIAs and the numbers deployed on entrance and exits. This was explained.

The Senior Environmental Health Officer referred to the draft conditions which were being sought to address a number of issues. She explained that residents had not complained previously but that since February 2018, amplified music had become a problem.

The Solicitor for the licence holder explained that, in the main, the issue was about amplified music. She reminded the Sub-Committee that music was deregulated up to 11pm.

The licence holder provided the historical context on the operation of the business which had changed from a cocktail bar to a bar/club in order to maintain its viability. It was noted that music was being played on all three levels, but concerns were expressed that this was not background music. The licence holder explained that a refurbishment and a new sound system had been installed in January 2018 which had caused residents to complain. He assured the Sub Committee that the club did not want to cause disturbance to its neighbours and that he would work with neighbours to address their concerns.

The licence holder provided a summary of how management had acted on the night of the incident earlier in the year, to control the situation. The licence holder's solicitor was of the view that ID scanning could not have prevented the incident. The licence holder was concerned about the request by the Police in

relation to the use of ID scanning and the possible fines which could be imposed on any breach. The consultant for Deco, with in-depth knowledge of electronic scanning expressed her concerns about the sharing of information and the need to be GDPR compliant in the light of new personal data sharing protocols.

The conditions requested by the Police and Environmental Health were debated at length and the rationale for them. The schedule submitted by the licence holder's Solicitor summarised where there was agreement to the proposed conditions and where there was not (and why). She added that the incident referred to by the Police (and shown via a bodycam) was the only incident in the last 52 weeks.

The licence holder's Solicitor stated that a meeting had been arranged with the company who had installed the music system and discussions would take place next week regarding the installation of a noise limiter. Door staff arrangements and venue capacity were discussed at length. The licence holder reiterated concerns at the request by the Police of ID scanning.. It was noted that discussions by the licence holder's consultant had taken place with the Information Commissioners Office (ICO) but there were still concerns about the absence of proper guidelines in relation to the deletion of information.

The Senior Environmental Health Officer expressed the need for the imposition of a noise limiter and that only background music is played on the ground and first floor levels.

At 11.55am, the Sub-Committee adjourned for a short break and reconvened at 12.05pm.

Members recognised the possibility of spiking drinks and concerns about taking these into the courtyard to smoke. The issue regarding the playing of music on all floors (and the incorrect assumption by the licence holder that this could be amplified music) and was a condition in a previous licence, was discussed. The Service Manager (Licensing and Enforcement) explained the steps he had taken to provide information to the licence holder.

The Council's Solicitor acknowledged that there appeared to be agreement to a number of conditions and in the interests of resolving the matter to the satisfaction of all, he suggested that the Sub-committee and Officers depart to allow all parties the opportunity of discussing issues where agreement had not been reached. This was supported.

The Sub-Committee adjourned at 12:35pm to allow all interested parties the opportunity to discuss and resolve areas of dissent. The Sub-Committee reconvened at 13:10pm. The Solicitor for the licence holder provided a summary of their discussions.

At the conclusion of the closing submissions, the Sub-Committee, Solicitor and Democratic Services Officer withdrew from the meeting to allow the Sub-Committee to consider the evidence and a summary of the discussions reached as a result of the adjournment.

Following their deliberations, the Sub-Committee returned. The Chairman announced that the Sub-Committee had listened to the comments and representations by all parties, written and oral. As such, the Sub-Committee announced that in order to address their concerns regarding the undermining of the licensing objectives that they would attach the agreed conditions to the premises licence and in addition a condition requiring ID scanning equipment to be used at the premises to scan all customers accept those attending private functions.

RESOLVED - that for the reasons now detailed, the revised conditions as detailed in the schedule now submitted, be approved.

The meeting closed at 1.50 pm

Chairman

Date

Decision Sheet : Deco Lounge – Hertford – Summary of Approved Conditions

Police Conditions			
Number	Condition	Replaces Current Condition Numbers	Comments
1	<ol style="list-style-type: none"> 1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following: 2. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition. 3. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. 4. 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 431 day period. <p>A staff Member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested, a Police or authorised officer recent data or footage with the absolute minimum of delay when requested.</p>	8, 9, 10	Agreed
2	A Personal Licence Holder must be present at the premises when alcohol is being served	12	Agreed. This is already on the licence – condition 12.
3	A written record of all refused sales shall be kept on the premises. It must include details of the member of staff	n/a	Agreed.

	who refused service, time and date it occurred and the reason for refusal. The record shall be made available to Police and/or local authority immediately upon request and shall be kept for at 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.	n/a	Agreed.
5	A written drugs and search 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.	21, 22	Agreed.
6	A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available at the premises. As a minimum the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises	n/a	Condition Agreed. (Dispersal policy to incorporate suggested condition 8 regarding a soft closure procedure)

7	A written policy, approved by a Police Licensing Officer, detailing actions to be taken when a crime occurs on the premises such as an assault. A copy will be in place and available at the premises. The Policy must be operated and adhered to by the staff at the premises.	n/a	Condition Agreed in order to support licensing objectives.
9	Staff to actively seek to prevent customers from exiting the premises onto Parliament Square with drink glasses, bottles, cans or any other vessel containing alcohol.		Condition Agreed. This is an addition to condition 19 which already requires signage asking customers not to take drinks outside and outlining the intention of door staff to enforce this. And in order to support licensing objectives.
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 12 (twelve) 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.	31	Agreed.
11	The Licence Holder shall actively participate in the Pubwatch Scheme including attending the meetings, participating in radio link, and supporting Pubwatch banning systems including keeping records and sharing information to the Police	13,14	Agreed.
12	The following conditions apply to the outside courtyard	n/a	Condition amended. Agreed. Noted that the

	<p>area at the rear of the premises:</p> <p>a) After 2300 hours no more than 15 people to be using the Courtyard at any one time, excluding those queuing or exiting the premises onto Parliament Square.</p> <p>b) After 2300 hours no more than 10 people to be queuing in the Courtyard area.</p>		issue of smoking outside would be addressed as a condition within an appropriate Policy.
13	<p>On nights when licensable activities are provided after 9pm on a Friday and Saturday night and nights leading into a Bank Holidays, there will 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 premises are defined as follows:</p> <p>Ground floor bar 1st Floor Outdoor Courtyard Basement.</p> <p>On other evenings the requirement for door staff will be determined following a Risk Assessment.</p> <p>In addition, there must be two SIA registered supervisors present at the entry / exit points on Parliament Square. At all times one of the door supervisors must be monitoring the outside courtyard.</p>	1, 2	Agreed.
14	<p>Where SIA registered door supervisors are used at the premises:</p> <p>a) A record must be kept of their SIA registration numbers and the dates and times when they are</p>	6, 7	Agreed.

	<p>on duty;</p> <p>b) They must wear high visibility arm bands or jackets when engaged outside the entrance to the premises.</p>		
15	<p>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</p>	26	Agreed.
16	<p>An electronic identity scanning system (approved by the Police) shall be installed on the premises and used when SIA staff are on duty to scan all customers entering the premises (except those attending private functions). In the event of malfunction, action must be taken immediately to rectify the fault. Information held on the system shall be made available within minimum delay upon request of Police or an authorised person.</p>	n/a	<p>Condition amended. Agreed. Members acknowledged the new data protection regulations but felt that some form of electronic identity scanning system should be used in order to support licensing objectives. Members acknowledged the GDPR issues but felt that various companies had absorbed similar conditions and this condition was an appropriate condition to apply to this premises.</p>
17	<p>No new entry of customers shall be permitted to the premises after 12:30 am on Thursdays and after 01:30 am on Fridays and Saturdays and Sunday mornings</p>	n/a	Agreed.
18	<p>The maximum capacity of the premises, for each level shall be determined by agreement with the Hertfordshire Fire and Rescue authority within 30 days (from 8 June 2018) and reviewed regularly and at least every year.</p>	34	<p>Condition amended. Agreed in order to ensure the safety of all occupants.</p>

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/exit points and in the outside Courtyard	23	Agreed.
20	No children aged under 18 years to be on the premises after 2100 hours until closing if alcohol is being served except where the venue is hired exclusively for a private function. No children under the age of 18 years to be in the basement at any time except where the venue is hired exclusively for a private functions.	To replace narrative /renumbered conditions.	Agreed.
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 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.	32, 33	Agreed.
22	Glasses and bottles must be collected throughout the evening and staff will use their best endeavours to ensure that glasses and bottles are not allowed to accumulate within the public areas of the premises.	27	Condition amended. Agreed.

Environmental Health Conditions – Summary			
Number	Condition	Replaces Current Condition Numbers	Comments
1	Amplified music to be placed in the basement bar only; apart from non-regulated background music in the restaurant. Suggest: this condition to go under “Prevention of Public Nuisance (1)”		Removal of the word “bar” (shown in bold) after basement. Agreed.
2	Amplified music to be played in the basement bar only apart from non-regulated background music in the ground floor bar and the first floor VIP Bar .		Removal of the words “bar” after “basement” and VIP Bar after “first floor” (shown in bold). Agreed.
3	Install a noise limiting device to be operated at all times regulated entertainment take place at the premises.		Agreed.
4	No drinks to be taken in the courtyard after 11:30pm on any night		Agreed.
5	Patrons permitted to use the courtyard for smoking must be limited to 15 at any one time.		Agreed. Noted that the issue of smoking outside would be addressed as a condition within an appropriate Policy.
6	The Licence Holder must ensure that any queue to enter the premises which forms outside the premises is orderly and supervised at all time by door supervisors and is in a designated area .		Agreed. Removal of the words in bold “and is in a designated area” from the condition.
7	No new entry of customers shall be permitted to the premises after 12:30 am on Thursdays and after 01.30		Agreed. (Police Condition 17).

	am on Fridays and Saturdays and Sunday mornings.		
8	The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council on request		Agreed (NB this is a duplication of condition 6 requested by the Police)
9	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.	23	Agreed. (NB condition 23 of the premises licence)