

MINUTES OF A MEETING OF THE  
 LICENSING SUB-COMMITTEE HELD IN THE  
 COUNCIL CHAMBER, WALLFIELDS,  
 HERTFORD ON WEDNESDAY 4 SEPTEMBER  
 2019, AT 10.00 AM

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PRESENT: Councillor D Andrews (Chairman)  
 Councillors B Crystall and S Reed

ALSO PRESENT:

Councillors R Bolton, B Deering, J Goodeve,  
 G McAndrew and P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
James Ellis	- Solicitor
Brad Wheeler	- Senior Licensing and Enforcement Officer

19 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor B Crystall and seconded by Councillor S Reed that Councillor D Andrews be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor D Andrews be

appointed Chairman for the meeting.

20 CHAIRMAN'S ANNOUNCEMENTS

The Chairman apologised to those in attendance regarding the problems with the Council Chamber door. He asked that if the Fire Alarm went off to follow Officers who would escort them from the building. He asked all those present to turn off their personal devices. The Chairman introduced Members of the Sub-Committee and explained the decision making process.

21 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR DECO LOUNGE, 16-20 PARLIAMENT SQUARE, HERTFORD

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

The Chairman explained that with Members' consent he would like to adjourn the meeting in order to visit the site. He confirmed that there would be no discussion on the visit and that any questions would be discussed when the meeting was reconvened.

The meeting was adjourned at 10.15am for the purpose of the site visit and reconvened at 10.45am.

The Senior Licensing and Enforcement Officer summarised the application that was received by the Licensing Authority on 17 July 2019.

The Chairman stated that during the site visit there

were no discussions with the applicant. The Senior Licensing and Enforcement Officer who had accompanied confirmed this.

The Solicitor presented the application on behalf of the applicant and summarised the business case behind the request to vary the licensing hours. He acknowledged the objections from local residents and business owners and explained how their Security Industry Authority SIA door staff had worked closely with police to provide assistance on more than one occasion. The Solicitor summarised their security arrangements, their involvement with Pub Watch and commented on issues in the past with bottle drops and the changes with regard to the hours for collection. The Solicitor explained that the issue of precedent was not a relevant consideration but that the issue around disorder around closing time was relevant. The Solicitor explained the additional condition relating to dispersal arrangements which supported the Council's Licensing Policy.

Councillor S Reed sought and was provided with clarification regarding security arrangements, the shared arrangements with other businesses regarding the back yard and the role of SIA staff.

Councillor B Crystall sought and was provided with clarification on the arrangements regarding those patrons using the bar and the capacity of the basement which was limited to a maximum of 200 persons. The applicant provided a summary supporting the application for a variation, addressing issues such as the supervision of the smoking area,

help provided by SIA staff, requests for private events, the request for late night refreshments, dispersal and ownership arrangements.

Residents were invited to comment on the application and their concerns referred to noise and disturbance, a person being taken out of the rear of the premises, damage to property (including broken windows), inappropriate behaviour of patrons under the influence at dispersal times and the cumulative effects of a number of premises with late night opening and the effect this had on residents' lives. A resident explained that she had rung 999 twice because of incidents and there was a need to protect children from harm. Residents explained the arrangements regarding the gate at the front which could not be locked.

An event on the early morning of 25 August 2019 was cited when there had been a lot of noise and inappropriate behaviour. The applicant explained that DECO had closed at 2am.

The Environmental Health dispersal policy was explained. Councillor J Goodeve said that the staggered dispersal protracted noise nuisance in the town, issues concerning the availability of taxis in the early hours were of concern, plus the fact that the trains did not run that early. The applicant explained the help provided by DECO staff including the SIA door security. Councillor J Goodeve suggested that there should be a holistic review of all licences in Hertford.

The representative from the Responsible Authority of

Hertfordshire Constabulary provided background information in relation to the night time economy, increasing levels of violence and the demands on the Police responding to disorder in other areas of Hertfordshire. The Police Sergeant explained that disorder currently in Hertford could not be attributable to DECO and highlighted the help that their SIA door staff had provided to the Police on a number of occasions. The Officer explained that it was reasonable to predict that an extension of DECO's hours would bring with it changes. He felt that generally there would be increasing levels of violence and that this would impact on Police resources.

Councillor J Goodeve questioned the Police and asked whether they felt a review of all licenced premises with a late night licence was required, the Chairman interjected that question did not need to be answered, however the Police Sergeant agreed to this statement.

The Solicitor for the applicant responded to a number of queries including noise, crime and disorder, security arrangements and the need for the variation.

The applicant and all interested parties were invited to summarise their views on the application. At the conclusion of the closing submissions, the Sub-Committee the Local Authority's Legal Advisor and the Democratic Services Officer withdrew to allow Members to consider the evidence.

Following this Members, the Local Authority's Legal Advisor and the Chairman announced that the Sub-Committee had listened to the comments of Officers,

the applicant and all relevant representations. Having considered the views of all parties, the decision of this Sub-Committee was to refused the variation of the premises licence for the following reasons:

RESOLVED – that the variation of the premises licence be refused.

Reasons:

1. Having carefully considered all of the representations made by those present at the hearing, the Sub-Committee were concerned by a number of issues which, in their assessment, put at risk the promotion of two of the four licensing objectives.
2. Notwithstanding the town centre location, and the inevitable disruption living in such urban areas will bring, the Sub-Committee were concerned by the likely Public Nuisance that would be caused by the close proximity of residential properties to the premises coupled with such late licensable hours.
3. During its site visit to the premises the Sub-Committee were concerned by the emergency exit route, that is to say the route through the back yard and into Miller's Court, which would be used in event of an emergency such as a fire. The external area was cluttered, strewn with trip hazards and other obstacles that, in the Sub-

Committee's assessment, represented a risk to the Promotion of Public Safety licensing objective.

4. The Sub-Committee contemplated the representations put forward by Hertfordshire Constabulary, however did not consider that the issues referenced in those representations were sufficiently tied to the applicant that would allow it to draw a definitive inference that the Prevention of Crime and Disorder licencing objective would be put at risk.
5. Further, whilst it considered the application on its own merits, the Sub-Committee had due regard to the Council's Statement of Licensing Policy, in particular paragraphs 4.3 concerning the opening hours of town centre night-clubs, and paragraphs 6.4 and 6.6 concerning the promotion of family-friendly town centres, which the Sub-Committee felt this variation would be contrary to.

The meeting closed at 12.50 pm

Chairman .....

Date .....