

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 30 JANUARY  
2020, AT 2.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors J Jones and C Wilson

ALSO PRESENT:

Councillors R Bolton, B Crystall, J Goodeve  
and P Ruffles

OFFICERS IN ATTENDANCE:

Deborah Haselgrove	- Housing and Health Support Officer
Peter Mannings	- Democratic Services Officer
Doug Ochiltree	- Technical Officer (Nuisance)
Nanci Pomfrett	- Trainee Environmental Health Practitioner
Claire Spendley	- Senior Environmental Health Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

38 APPOINTMENT OF CHAIRMAN

It was moved by Councillor J Jones and seconded by Councillor C Wilson, 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.

39 MINUTES - 4 AND 26 NOVEMBER 2019

It was moved by Councillor C Wilson and seconded by Councillor J Jones that the Minutes of the meetings held on 4 November and 26 November 2019 each be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 4 November and 26 November 2019 each be confirmed as a correct record and signed by the Chairman.

40 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR JUNGLE BAR, 117 FORE STREET, HERTFORD, SG14 1AX

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application for a review of the Premises Licence for Jungle Bar, 117 Fore Street, Hertford, SG14 1AX.

The Senior Licensing and Enforcement Officer drew Members' attention to the report and said that the application had been made by Police Sergeant Fitzgerald from Hertfordshire Constabulary, as a responsible authority.

The Sub-Committee was advised that the applicant had made the application due to alleged year on year increase in crime since 2017. The Senior Licensing and Enforcement Officer said that the police were concerned with crowd congestion spilling into the road from the smoking area and pavement in the vicinity of The Jungle Bar was, in the opinion of the applicant, compromising public safety.

He also said that residents stated they were experiencing disturbance in the form of litter, urination, noise and broken glass between the hours of 00:30 hours and 03:00 hours. The applicant had called the review on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The Senior Licensing and Enforcement Officer said that Public Health supported the review application and one representation had been received from a local Councillor regarding the impact of the premises on residents. A number of representations had been received in support of the premises, both from residents and non-residents of East Herts.

The Senior Licensing and Enforcement Officer said that the Premises Licence Holder (PLH) had responded to

the crime reports provided by the Police and had also referred to the Department for Culture, Media and Sport (DCMS) live music report which had been released on 19 March 2019.

The Sub-Committee was advised that the PLH had proposed a number of conditions for the licence, including the provision of 2 Security Industry Authority (SIA) Street Marshalls between the hours of 12 am and 4 am and intoxication identification training for staff every 6 months. The PLH had also offered to have two Premises Licence Holders on duty from 11 pm and to maintain an ID scanner and to provide CCTV to Hertfordshire Constabulary if Police wished to view CCTV footage.

The Senior Licensing and Enforcement Officer said that the Sub-Committee Members had visited the area in the early hours and also on Tuesday 28 January in the afternoon. The actions open to the Sub-Committee included adding conditions, changing the hours or taking no action. The Sub-Committee should only take the minimum actions required to satisfy the four licensing objectives and the decision of the Sub-Committee had to be evidence based and justified to protect the licensing objectives.

Police Sergeant Fitzgerald said that since the hours of operation of the Jungle Bar had been varied in 2017, the Police considered there had been a year on year increase. He detailed the current hours of operation of Jungle Bar.

Sergeant Fitzgerald detailed the hours of operation of

Popworld and Cinnabar and questioned how crime figures had fallen at Cinnabar when the figures had increased at Jungle Bar. He said that the figures for Popworld mirrored those at Jungle Bar. He pointed out that Popworld was a significantly large venue for 540 people versus 100 for Jungle Bar.

Sergeant Fitzgerald said that the crime figures for Jungle Bar for a 100-person capacity premises equated to one crime per 5.4 people and he said that a legitimate question to ask was why crimes had increased at the rate they were outside Jungle Bar.

Sergeant Fitzgerald referred to page 49 of the Agenda for the nature of offences recorded outside Jungle Bar and said that intoxication was a common theme. He said that the Sub-Committee should keep in mind that the timing of the offences was consistently after 1 am. He also said that had been issues in terms of the Police getting access to CCTV from Jungle Bar.

It was proposed and seconded that the Sub-Committee exclude the press and public to allow CCTV to be viewed by the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the said Act. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the press and public be excluded from the Sub-Committee meeting to allow CCTV to be viewed, on the grounds that it involved the likely disclosure of exempt

information as defined in paragraph 7 of Part 1 of Schedule 12A of the said Act.

Once the press and public had left the room, Sergeant Fitzgerald provided the Sub-Committee with a commentary to a number of CCTV videos. Following this, the press and public returned to the Council Chamber.

Sergeant Fitzgerald continued his evidence by giving a detailed breakdown of the police witness statements. He said that the queue for access to Jungle Bar between 1 am and 3:30 am posed a danger both to pedestrians and passing traffic.

The Sub-Committee was advised of a joint inspection of the premises or licensing visit carried out by the police at the Jungle Bar on 28 June 2019. A number of breaches of annex 2 licensing conditions were identified and these were conditions 5, 8, 10, 16, 23 and 32 as detailed on pages 58 and 59 of the Agenda. A further visit on 20 November 2019 revealed that all these conditions were being met.

Sergeant Fitzgerald highlighted the lack of control of the 2 SIA door staff, both when faced with a large queue awaiting access to Jungle Bar and also when the premises closed and the customers of the Jungle Bar spilled out into the road whilst intoxicated. He commented on alleged instances of the owner also being under the influence of alcohol and referred to Anti-Social Behaviour taking place, such as urinating and vomiting in the street. He said that he would like to see all licensable activities concluded at the Jungle

Bar by 1 am and the premises closed at 1:30 am.

Mr Butt, solicitor for the Premises License Holder, referred to the police evidence. He said the decision of the Sub-Committee had to be proportionate. He referred to findings of a Department for Culture, Media and Sport (DCMS) select committee regarding independent licensed premises. Imposing a closing time of 1 am on Jungle Bar would kill the business. Discussions between the Premises Licence Holder and the applicant could have resolved matters which he believed had only come to light following the submission of the review application.

Mr Butt said many of the incidents of crime and disorder did not relate to the Jungle Bar but had occurred outside this premises. Many of the offenders referred to in the police evidence bundle had not been inside the Jungle Bar but had happened to be outside this venue.

Mr Butt said the crime reports, the reported crimes and the references to the respective capacities of the Jungle Bar and Popworld could be considered to be misleading. He said that the matter of an unprovoked assault should not be linked to the Jungle Bar as neither the victim nor the offenders were customers of this premises.

Mr Butt said the relationship with the police was good. He sounded a note of caution however in respect of the police graphs and crime statistics presented by Sergeant Fitzgerald. He said that the police concerns regarding the management of the outside area and

condition 32 could be addressed and stated that it was not possible for 200 people to be inside the Jungle Bar as the premises had a capacity for 100 customers.

Mr Butt referred to the involvement of a Licensing Consultant regarding the operation of The Jungle Bar. He said that the resolution of the Sub-Committee had to be a proportionate response in terms of adding conditions or other actions in response to the review application. He commented that the Premises Licence Holder had agreed to have 2 SIA Street Marshalls on duty between the hours of midnight and 4 am to manage the queue and crowds outside the Jungle Bar.

Mr Butt emphasised that the Premises Licence Holder would ensure staff had regular training in identifying intoxicated customers and an ID scanner would be in use and 2 premises licence holders would be on duty at Jungle Bar. Mr Butt referred to representations from a former resident and also from 2 current residents of Hertford.

In response to a query from a local Member, Mr Butt confirmed that staff at Jungle Bar had been trained in the use of the CCTV system and in providing footage to Hertfordshire Constabulary. Mr Butt reiterated that the decision of the Sub-Committee must be proportionate. He said however that the success of the business was of course secondary to the legitimate concerns of local residents.

Sergeant Fitzgerald spoke in more detail to the crime reporting graphs and statistics he had presented to the Sub-Committee. He questioned the logic of the

premises licence holder instructing a licensing consultant to access the operation of the Jungle Bar in mid-January 2020, which would have been a quieter time for the late night economy in Hertford. He said the police had experienced difficulties in getting access to CCTV from the system in use at The Jungle Bar.

At the conclusion of the closing submissions, the Sub-Committee resolved to adjourn the hearing until 11 February 2020. The Chairman advised that the decision of the Sub-Committee would be issued within 5 working days of that meeting.

RESOLVED – that (A) the meeting be adjourned until 11 February 2020; and

(B) the decision of the Sub-Committee be issued within 5 working days of the meeting due to be held on 11 February 2020.

The meeting closed at 4.22 pm

Chairman .....
Date .....