

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 14 June 2021

Report by: Jonathan Geall, Head of Housing and Health

Report Title: Application for a New Premises Licence For Proove, 2nd Floor, 3 Parliament Square, Hertford, Hertfordshire, SG14 1EX, 21/0201/PL

Ward(s) affected: Hertford Castle

Summary

- An application for a new premises licence has been made and representations against the application have been received from Planning acting as a Responsible Authority and Interested Parties. When representations have been received against an application and have not been withdrawn, it is for a Licensing Sub-Committee to decide that application. This report is to inform that decision.

RECOMMENDATION FOR LICENSING SUB-COMMITTEE

A. The application for a new premises licence be determined.

1.0 Proposal(s)

- 1.1 Members of the Licensing Sub-Committee should determine the application for a new premises licence through consideration of the information contained in this report and appendices combined with submissions made at the Licensing Sub-Committee hearing.

2.0 Background

2.1 Under the Licensing Act 2003 and the council's policy an application for a new or variation to a licence or certificate is granted by officers under delegated authority if no valid representations are received.

2.2 Where valid representations are received the Licensing Authority's discretion is engaged. A Licensing Sub-Committee has the delegated authority to determine applications for new and varied 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.

2.3 The licensing objectives are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance; and
- protection of children from harm.

3.0 Reason(s)

3.1 The application for a new premises licence was submitted and completed by Dough Bites Four Limited on 1st April 2021. The application has been advertised and consulted upon as required by legislation and regulations. It should be noted that there was a typographical error on the advert so the timings were shown as 12am – 2am rather than 12pm – 2am however as the latest time was correct this has been accepted.

3.2 The application requests the following licensable activities:

Licensable Activity	Day	Hours applied for
Supply of Alcohol (for consumption both on and off the premises)	Monday - Sunday	12:00 – 02:00
Recorded Music	Monday - Sunday	12:00 – 02:00
Late Night Refreshment	Monday - Sunday	23:00 – 02:30
Opening Times	Monday - Sunday	12:00 – 02:30
All activities listed above to be authorised from the start time on New Year’s Eve to the terminal hour for New Year’s Day		

3.3 A redacted copy of the application form and supporting documents are attached as **Appendix ‘A’**.

3.4 Section 18 of the application form asks the applicant to describe any steps they intend to take to promote the four licensing objectives as a result of the application. The steps stated are:

A) The Prevention of Crime and Disorder

1. *A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.*
2. *Recorded CCTV images will be maintained and stored for a period of thirty-one days and shall be produced to the Police or Licensing Authority upon request.*
3. *CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.*
4. *Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.*
5. *On a Friday and Saturday night, a minimum of 1 member of SIA registered door staff shall be employed at the premises from 22:00 until close.*
6. *At all other times, SIA registered door staff shall be employed in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.*
7. *When employed, a register of those door staff employed shall be maintained at the premises and shall include:*
 - a. *the number of door staff on duty;*
 - b. *the identity of each member of door staff;*
 - c. *the times the door staff are on duty.*

8. *Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.*
9. *Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.*
10. *A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.*
11. *The premises licence holder shall actively participate in the local Pub Watch scheme (for so long as one exists in the area).*

B) Public Safety

12. *A first aid box will be available at the premises at all times.*
13. *Regular safety checks shall be carried out by staff.*
14. *Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.*
15. *The premises shall maintain an Incident Log and public liability insurance.*

C) The Prevention of Public Nuisance

16. *Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.*
17. *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

18. *The exterior of the building shall be cleared of litter at regular intervals.*
19. *Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.*
20. *Doors and windows at the premises are to remain closed after 11pm, save for access and egress.*
21. *A Dispersal and Smoking Policy will be implemented and adhered to.*
22. *The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.*

D) The Protection of Children From Harm

23. *A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.*
24. *Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.*
25. *Notices advising what forms of ID are acceptable must be displayed.*

26. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

27. Children shall not be permitted to enter or remain on the premises after 21:00 daily.

3.5 During the 28 day statutory public consultation period objections were received from Environmental Health, Planning and Hertfordshire Police as responsible authorities and a ward Councillor and twelve representations from residents acting as an interested party against the application. These representations are attached as **Appendix 'B'**.

3.6 Although objections were first raised during the consultation period. Between the time of the consultation ending and the writing of this report both Environmental Health and Hertfordshire Police have agreed conditions with the applicant as such there representations have been withdrawn.

3.7 Environmental Health's conditions replaced the Prevention of Public Nuisance conditions in paragraph 3.4 of this report and read:

- 1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.*
- 2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
- 3. The exterior of the building shall be cleared of litter at regular intervals.*
- 4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.*
- 5. Doors and windows at the premises are to remain closed*

after 11pm, save for access and egress.

6. *Until 23:00 hours, the designated smoking area will be within the outdoor seating area on Parliament Square for the use of customers of the premises. From 23:00 hours until close, the designated smoking area will be to the left of the entrance of the premises (when looking at the premises from outside), and will be delineated by barriers. From 23:00 hours until close:*
 - i. *No open vessels to be permitted in the smoking area.*
 - ii. *There are to be no more than 5 (five) people using the designated smoking area at any one time.*

At all times the smoking area(s) will be either have a member of staff or door staff present, or will be monitored by staff or door staff at least every 30 minutes.

7. *The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.*

3.8 The agreed conditions with Hertfordshire Police read:

The Prevention of Crime and Disorder

1. *A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-*
 - a. *All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition*
 - b. *The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.*
 - c. *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.*
- d. 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 date or footage with the absolute minimum of delay when requested.*
 - e. Any faults with the CCTV system must be recorded in writing and must be rectified without delay*
- 2. On a Friday and Saturday night and nights leading into a Bank Holiday, 1 member of SIA registered door staff shall be employed at the premises from 21:00 hours and 2 members of SIA registered door staff from 22:30 hours until close.*
 - 3. At all other times, SIA registered door staff shall be employed in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.*
 - 4. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - i. The number of door staff on duty;*
 - ii. The identity of each member of door staff;*
 - iii. The times the door staff are on duty.**
 - 5. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.*

The Prevention of Crime and Disorder

- 6. 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*

25, the conditions on this licence, policies referred to in this licence. Also, any other Police initiatives, such as CSE. The training must be given to a new member of staff before they commence employment. Every 6 (six) months all management and 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.

- 7. A written record of all refused sales shall be kept on the premises. It must include details of the member of staff 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 a least one year from the date of last entry.*
- 8. 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.*
- 9. 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.*
- 10. No entry or re-entry of customers shall be permitted to the premises after 01:00 hours. This Condition does not apply to customers where there are medical or safeguarding concerns, or where customers are re-entering specifically to wait for onward travel.*

Public Safety

11. *A first aid box will be available at the premises at all times.*
12. *Regular safety checks shall be carried out by staff.*
13. *Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.*
14. *The capacity of the premises in line with the fire risk assessment is to be 60 persons.*
15. *The premises shall maintain an incident log and public liability insurance. The incident log shall be maintained to record any activity related to drugs or of a violent, criminal or serious 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.*
16. *No entry or re-entry of customers shall be permitted to the premises after 01:00 hours. This Condition excludes:*
 - a) *Customers re-entering, having visited the smoking area outside*
 - b) *Customers where there are medical or safeguarding concerns or where customers are re-entering specifically to wait for onward travel.*

This is to be managed and enforced by SIA's and the Premises Manager.

The Prevention of Public Nuisance

17. *The exterior of the building shall be cleared of litter at regular intervals.*
18. *The Licence Holder shall erect and maintain in a prominent position at every exit and within the smoking area a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.*
19. *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.*
20. *In addition to the dispersal policy, the Premise Licence Holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the premises are due to close. This must include lowering any music, informing people of the approaching closing time, encouraging sensible drinking and ensuring people have time to finish the drinks they have prior to closure.*
21. *Until 23:00 hours, the designated smoking area will be within the outdoor seating area on Parliament Square for the use of customers of the premises. From 23:00 hours until close, the designated smoking area will be to the left of the entrance of the premises (when looking at the premises from outside), and will be delineated by barriers. From 23:00 hours until close:*
 - i. No open vessels to be permitted in the smoking area.*
 - ii. There are to be no more than 5 (five) people using the designated smoking area at any one time.*

At all times the smoking area(s) will either have a member of

staff or door staff present, or will be monitored by staff or door staff at least every 30 minutes.

The Protection of Children from harm

22. The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 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 25" scheme shall be displayed in a clear and prominent position at the premises entrance(s)/and inside at the premises bar serving area. The only forms of ID that may be accepted shall be:

- a. Proof of age card bearing the PASS hologram logo*
- b. Passport; or*
- c. UK photo driving licence*
- d. Military identification*

23. Children, under 18 years of age, will only be permitted into the premises with an adult. No children aged under 18 years to be on the premises after 21:00 hours until closing, if alcohol is being served.

3.9 The main concern from Planning is the likelihood of public nuisance from the 2nd floor level being used as a drinking establishment. This concern therefore engages the prevention of public nuisance licensing objective.

3.10 The main concern of the ward Councillor is the late opening time and concerns for people exiting the town late at night when there is limited transport and the potential for nuisance, crime and disorder and an impact on public safety. This concern therefore engages the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives.

- 3.11 The main concerns from the residents are the terminal hour of the application and the potential of nuisance and antisocial behaviour that may be caused. There is also concern of the nearest neighbours as there is only a party wall between the premises and their properties and there is concern about the potential noise from the premises.
- 3.12 Between the conclusion of the consultation period and the hearing the applicant has contacted the Responsible Authorities and Interested Parties. The letter sent to the Interested Parties is attached as **Appendix 'C'**. The applicant has emphasised in this letter that the application is for the 2nd floor lounge bar area, which has a separate entrance to the ground floor and that the premises will not be trading as a nightclub due to there being no dancefloor present and the wish for this to be a relaxed and low key car atmosphere. They have offered to reduce the hours of operation to where licensable activities cease at 00:00 Sunday to Wednesday and 01:00 Thursday to Saturday. The applicant are also looking at ensuring that the party wall between the premises and adjacent residential flats are acoustically attenuated to ensure that noise from the premises cannot escape and cause a nuisance to their neighbours as such the applicant has proposed an extra condition that states:

'The party wall between the premises and the adjacent residential flats shall be acoustically attenuated to ensure that noise cannot escape from the premises such as to cause a nuisance to occupants of the adjacent residential flats.'

- 3.13 A plan of the area in which the premises is located is attached as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.14 Section 4 of the East Herts Statement of Licensing Policy (herein 'the 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 under which the application best fits would be defined as 'public houses, wine bars and other drinking establishments'.
- 3.15 The proposed premises are in a Town Centre location so is classed as being in 'Town Centre'.
- 3.16 The table at 4.3 of the Policy details this authority's approach to hours for licensed 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 a 'public houses, wine bars and other drinking establishments':

Will generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).

- 3.17 Section 7.0 of the Policy contains information on how the Licensing Authority considers applications under the prevention of crime and disorder licensing objective. Paragraph 7.2 states "The Licensing Authority will expect the applicant to demonstrate how they will prevent disorderly conduct, prevent sale of alcohol to a person who is drunk, and prevent the obtaining of alcohol for a person who is drunk on the licensed premises, and how the licence holder will exercise these duties so as to prevent or reduce the risk of anti-social behaviour by customers occurring elsewhere after they have left the premises."
- 3.18 Section 8.0 of the Policy contains information on how the Licensing Authority considers applications under the Public Safety licensing objective. Paragraph 8.2 states "Conditions to promote public safety will be those that are appropriate, in

particular circumstances of any individual premises or club premises, and will not duplicate other requirements of the law. Equally, the attachment of conditions to the premises licence or certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work Act 1974, Associated Regulations and especially the requirements under the management of Health and Safety at Work Regulations 1999 and Regulatory Reform (Fire Safety) Order 2004, to undertake risk assessments. Employers should assess the risks, including risks from fire and take measures necessary to avoid and control these risks. Licence conditions enforcing those requirements will therefore not be attached.”

- 3.19 Section 9.0 of the East Herts Statement of Licensing Policy relates to the prevention of public nuisance. Specifically section 9.3 of the policy states:

The Licensing Authority will expect applicants to demonstrate they have considered:

- 1) the proximity of residential accommodation;*
- 2) the type of use proposed, and the likely numbers of customers;*
- 3) proposed hours of operation and the frequency of activity;*
- 4) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;*
- 5) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance between 10 p.m. and 7 a.m. than at other times of the day;*
- 6) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If*

some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

- 7) the steps taken or proposed to be taken by the applicant to help ensure patrons and staff leave the premises quietly;*
- 8) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;*
- 9) the provision for public transport in the locality (including taxis and private hire vehicles) for patrons;*
- 10) the level of likely disturbance from associated vehicle movements;*
- 11) the use of smoking shelters, gardens and other open-air areas;*
- 12) the location of delivery and collection areas and delivery/collection times;*
- 13) the appropriate placing of external lighting, including security lighting;*
- 14) refuse storage and litter (including fly posters and illegal placards);*
- 15) the history of nuisance complaints against the premises, particularly where statutory notices have been served on the present licensees;*
- 16) the applicant's past success in controlling anti-social behaviour and preventing nuisance;*
- 17) odour nuisance, e.g. cooking smells;*
- 18) any other relevant activity likely to give rise to nuisance;*
- 19) any representations made by the Police, or other relevant agency or representative;*

This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits."

3.20 Paragraph 9.37 and 9.38 of the government's revised Guidance issued under section 182 of the Licensing Act 2003 (herein 'the Guidance') 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 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.*

3.21 Paragraphs 9.42 – 9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of the licensing objectives.

3.22 If the Sub Committee 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.

3.23 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.

Officer observations

- 3.24 It is clear that there has been confusion in that the premises are going to be a bar and not a nightclub as many thought. Comments have also been made about a pavement licence, this application relates only to the 2nd floor and not any other part of the premises.
- 3.25 Some of the evidence references a planning classes and this not being in place for the 2nd floor. It should be noted that planning and licensing are different regulatory regimes, although similar in many ways. An applicant can apply for a licence with different hours / restrictions to their planning consent and this can be granted if the Licensing Sub-Committee feel that this would not undermine the licensing objectives. The applicant would then need to apply for the appropriate planning consent or would face possible enforcement action from Planning. This is echoed in paragraph 14.64 of the guidance.
- 3.26 The applicant has proposed a condition that “The party wall between the premises and the adjacent residential flats shall be acoustically attenuated to ensure that noise cannot escape from the premises such as to cause a nuisance to its occupants’. If the Sub-Committee were minded to grant the application then it is recommended that this condition be placed on the licence.
- 3.27 The hours sought are for longer than that detailed in the Statement of Licensing Policy, however the Sub-Committee should determine each application on its own merits and look at the steps proposed by the applicant and look at the mitigating factors.
- 3.28 The applicant has made steps to address the concerns of both the Responsible Authorities and Interested Parties however it is for the Sub-Committee to make its determination.

- 3.29 As stated in the Guidance the authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.30 If the Sub-Committee believes that the application would not undermine any of the licensing objectives then the application should be granted as requested.
- 3.31 The Sub-Committee members should consider if they believe the applicant has provided evidence that the licence if granted would promote and not undermine the licensing objectives. This evidence should be balanced against the evidence given by those making representations that the licensing objectives would be undermined.
- 3.32 If the Sub-Committee believes that there is evidence that the granting of the licence would not promote the licensing objectives then it is within their remit to take the action they believe is appropriate and proportionate to address their concerns. Members can attach conditions or take any steps they believe appropriate to promote the licensing objectives including: limiting the days, limiting the hours or even refusing the application in its entirety.
- 3.33 Put in its simplest terms, what are the minimum measures that can be put in place to address the concerns? Refusal of the application should be the last option considered.
- 3.34 If additional conditions are considered, the Sub-Committee should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.
- 3.35 The Sub-Committee may wish to seek the opinion of the applicant on any proposed conditions to clarify which are agreeable so that the hearing can focus on those which are

disputed.

- 3.36 For conditions to be enforceable they need to be clear, unambiguous and free from subjective terms. If a condition cannot be enforced then it should not be placed on any granted licence.

4.0 Options

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

- grant the application if they feel the application would promote and not undermine the licensing objectives; or
- grant the application as sought but at the same time impose additional conditions or amend the times for the supply of alcohol; or
- if members believe that there is evidence that shows that there are no steps that can be taken to ensure that the application sought would promote the licensing objectives then the application should be refused.

4.2 When the Licensing Sub-Committee gives its decision to those in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence the Sub-Committee has relied upon when reaching their decision.

5.0 Risks

5.1 A decision on the application must be made and any decision made can be appealed at the Magistrate's Court. Therefore the Licensing Sub-Committee should ensure that when giving its decision on the application it give clear reasons on how and why it has made its decision. In doing so, the council's ability to defend its decision is strengthened and the risk of its decision being over-turned on appeal is lessened, although, of course, this risk can never be entirely removed.

6.0 Implications/Consultations

6.1 There has been a statutory 28 day public consultation.

Community Safety

The report details the four licensing objectives, these objectives are detailed in paragraph 2.3, therefore Community Safety will be considered when determining the application.

Data Protection

Where the appendices originally contained personal data this has been redacted.

Equalities

Consideration has made to the Equality Act 2010 and the Public Sector Equality Duty in this report and will be considered during the Licensing Sub-Committee hearing.

Environmental Sustainability

No

Financial

There will be a cost to the authority in holding the Licensing Sub-Committee hearing, this will be covered by the existing budget. There would be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrate's Court and the authority chooses to defend that appeal.

Health and Safety

No

Human Resources

No

Human Rights

As with all applications and council functions, the Human Rights Act

1998 has been considered in this report and will be considered during the Licensing Sub-Committee hearing.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

Yes – Hertford - Castle

7.0 Background papers, appendices and other relevant material

- 7.1 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
- 7.2 East Herts Statement of Licensing Policy 2016 – 2021
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Statement_of_Licensing_Policy.pdf
- 7.3 Night Time Economy (NTE) Position Statement –
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Night_Time_Economy_NTE_Position_Statement.pdf
- 7.4 **Appendix 'A'** – Application for a New Premise Licence, including plans of the premises.
- 7.5 **Appendix 'B'** – Representations against the application.
- 7.6 **Appendix 'C'** – Letter to Interested Parties from the applicant.
- 7.7 **Appendix 'D'** – Map showing location of the premises.

Contact Member Councillor Peter Boylan – Executive Member for Neighbourhoods
peter.boylan@eastherts.gov.uk

Contact Officer Jonathan Geall – Head of Housing and Health,
Tel: 01992 531594
jonathan.geall@eastherts.gov.uk

Report Author Brad Wheeler – Senior Licensing and Enforcement Officer, Tel: 01992 531520
brad.wheeler@eastherts.gov.uk