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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD IN THE ROOMS 2/3, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

ON

WEDNESDAY, 18TH JULY, 2018 AT 1.30 PM

MINUTES

Present: *Councillors Michael Muir (Chairman), Lisa Nash and Mike Rice*

In Attendance:

Hannah Sweetman (Senior Licensing Officer), James Ellis (Legal Advisor) and Amelia McInally (Committee and Member Services Officer)

Also Present:

Bob Hutchison, (Applicant), Bernadette McVitt, (Company Secretary, BB's Bar), Shayne Crowe, (Environmental Protection and Housing Manager NHDC) and 1 member of the public.

1 HEARING PROCEDURE

The hearing Procedure was noted.

2 APPLICATION BY BB'S BAR LTD FOR A NEW PREMISES LICENCE IN RESPECT OF BB'S BAR, 12 BRIDGE STREET, HITCHIN, HERTFORDSHIRE SG5 2DE

The report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the application for a premises license is approved subject to the conditions and hours as are set out in the decision notice.

The meeting closed at 3.45 pm

Chairman

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**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Wednesday, 18 July 2018
Members of Panel	Councillors Michael Muir, Lisa Nash and Mike Rice
Applicant(s) Name	BB's Bar Ltd
Premises Address	BB's Bar, 12 Bridge Street, Hitchin, Herts SG5 2DE
Date of Application	23 May 2018
APPLICATION FOR VARIATION	<p>This is an application for a new Premises Licence under Section 17 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>1. The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <p>Sunday to Thursday 11.00hrs to 23.30hrs Friday and Saturday 11.00hrs to 00.30hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Christmas Eve, • Boxing Day, • Sundays preceding a Bank Holiday <p>On all these days the hours will be from 11.00hrs to 01.30hrs the following morning and</p> <ul style="list-style-type: none"> • From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day. <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • Section 7 – Provision of Film • Section 11 – Recorded Music • Section 14 – Late Night Refreshment • Section 15 – Supply of alcohol <p>The hours during which the licensable activities may take place are:</p>

SECTION 7 – Provision of Film

Sunday to Thursday 11.00hrs to 23.30hrs
Friday and Saturday 11.00hrs to 00.30hrs the following morning

These hours are to apply each day of the year with the exception of:

- Christmas Eve,
- Boxing Day,
- Sundays preceding a Bank Holiday

On all these days the hours will be from 11.00hrs to 01.00hrs the following morning and

- From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

SECTION 11 – Recorded Music

Sunday to Thursday 11.00hrs to 23.30hrs
Friday and Saturday 11.00hrs to 00.30hrs

These hours are to apply each day of the year with the exception of:

- Christmas Eve,
- Boxing Day,
- Sundays preceding a Bank Holiday

On all these days the hours will be from 11.00hrs to 01.00hrs the following morning and

- From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

SECTION 14 – Late Night Refreshment

Sunday to Thursday 11.00hrs to 23.30hrs
Friday and Saturday 11.00hrs to 00.30hrs the following morning

These hours are to apply each day of the year with the exception of:

- Christmas Eve,
- Boxing Day,
- Sundays preceding a Bank Holiday

On all these days the hours will be from 11.00hrs to 01.00hrs the following morning and

- From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

SECTION 15 – Supply of Alcohol

	<p>Sunday to Thursday 11.00hrs to 23.00hrs Friday and Saturday 11.00hrs to 00.00hrs Midnight</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Christmas Eve, • Boxing Day, • Sundays preceding a Bank Holiday <p>On all these days the hours will be from 11.00hrs to 01.00hrs the following morning and</p> <ul style="list-style-type: none"> • From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>None were considered appropriate.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by NHDC Environmental Protection and are considered appropriate for the promotion of one of the four licensing objectives, namely the Prevention of Public Nuisance:</p> <ol style="list-style-type: none"> 1. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, any entry queue, external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised. 2. Clear and legible notices shall be displayed at all entrance and exit points and the external areas (including the rear courtyard area and the smoking area) of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum. 3. No deliveries or waste collections are to be made to/from the premises between the hours of 21.00 and 08.00hours Monday to Saturday and none on Sundays. 4. No patrons are permitted in the rear courtyard area between 21.00 and 11.00hours the following day. 5. Smoking is only permitted in the designated smoking area in the alleyway. 6. Glass bottles must not be disposed of in the external refuse

receptacles between the hours of 21.00 and 08.00hours the following day.

7. The designated premises supervisor holder shall provide a telephone number for the local residents to contact him or some other responsible person directly if they are disturbed by noise from the premises. This telephone number shall be manned, answered and appropriate action shall be taken to ascertain the issue(s) and reduce the noise forthwith if appropriate to minimise the disturbance to the local residents.
8. Exiting the premises to the alleyway for smoking and the use of the courtyard area shall only be made via the 'lobby' door. The fire exit to the conservatory can only be used in the case of an emergency.
9. No recorded music to be played in the conservatory or external areas of the premises.

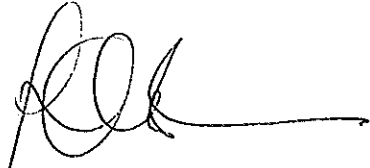
The following conditions have been recommended by **Hertfordshire Constabulary** and are considered appropriate for the promotion of two of the four licensing objectives, namely the Prevention of Public Nuisance and Public Safety:

1. The DPS/Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to the Police no later than 24 hours after request;
2. The DPS/Premises Licence Holder will ensure that a minimum of 2 (two) persons, namely the owner/DPS and Duty Manager are fully trained to access and operate the CCTV system and download copies of the CCTV footage, upon request from the Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers. One of the persons will be at the premises at all times when the premises are open to the public.
3. The DPS/Premises Licence Holder will ensure that a refusals book is maintained and kept at the premises at all times.
4. The DPS/Premises Licence Holder will ensure that the refusals book will be made available for inspection on request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.
5. The DPS/Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
6. The DPS/Premises Licence Holder will ensure that the incident book will be made available for inspection on request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

	<p>7. The DPS/Premises Licence Holder will ensure that patrons are not allowed to leave the premises with any open vessels.</p> <p>8. The DPS/Premises Licence Holder will ensure that there are no persons under 18 present on the premises after 21.00hrs.</p>
CONDITIONS PROPOSED BY APPLICANT	This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Section 18 of their application.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in an unlimited fine or up to six months imprisonment or both.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2018 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.2, 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.3, 2.4, 2.5, 2.7, 2.15, 2.16, 2.17, 2.18, 2.19, 2.21, 9.3, 9.38, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B7, B8, B9, D2.1, D2.4, D2.6, D2.9, D6.2, D6.3, D8.1, D8.2, D8.3, E3.1.1, E3.1.3, E3.2.1, E3.2.2, E3.2.3, E3.3.1, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</p>
RATIONALE FOR DECISION	<p>1. The Sub-Committee were encouraged by the Applicant's reduction in the hours applied for and felt these were appropriate to promote the four licensing objectives.</p> <p>2. Having listened to all of the submissions made during the course of the hearing, the Sub-Committee were confident that the Applicant was dedicated to fostering harmonious relations with his neighbours, and accepted his assurances that he would take a proactive approach to monitoring noise levels, without the need for expensive noise limiting equipment; which the Sub-Committee did not feel were appropriate or proportional in the circumstances.</p>

COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

Michael Muir chairman.

 C. NASH.

 MR. RICE