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To: Members of the Committee: Councillor Michael Muir, Councillor Lisa Nash and Councillor Mike Rice

You are invited to attend a

MEETING OF THE LICENSING AND APPEALS SUB-COMMITTEE

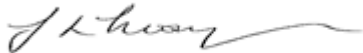
to be held in

**ROOMS 2/3, COUNCIL OFFICES, GERNON ROAD,
LETCWORTH GARDEN CITY**

On

WEDNESDAY, 18TH JULY, 2018 AT 1.30 PM

Yours sincerely,



Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

| Item | | Page |
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| 1. | HEARING PROCEDURE | (Pages 1 - 2) |
| 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 REPORT OF THE LICENSING OFFICER | (Pages 3 - 58) |

Agenda Item 1

NORTH HERTFORDSHIRE DISTRICT COUNCIL LICENSING ACT 2003 HEARING PROCEDURE

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| 1. Chair's Welcome Introduction of: <ul style="list-style-type: none">• Councillors sitting on Sub-Committee (Sub-Committee);• legal advisor;• licensing officer;• officers of responsible authorities;• other persons (objectors); and• the applicant. | |
| 2. The Chair will outline the procedure for the hearing | |
| 3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing | |

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| <u>The Licensing Officer's report</u> 4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all other persons and responsible authorities have been made aware of the changes 5. The Chair will ask if there are any questions of fact of the Licensing Officer from the applicant, responsible authorities or other persons 6. The Sub-Committee may ask questions of the Licensing Officer | |
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| <u>The Applicant's case</u> 7. The Chair will ask the applicant to present their submissions to the Sub-Committee 8. The Chair will ask if there are any questions of fact of the applicant from the responsible authorities or other persons. 9. The Sub-Committee may ask questions of the applicant | |
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| <u>The responsible authorities submit their case</u> 10. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee 11. The Chair will ask if there are any questions of fact of the responsible authority from other persons or the applicant 12. The Sub-Committee may ask questions of the responsible authority The above process will be repeated if there is more than one responsible authority | |
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The other persons submit their case

13. The Chair will ask the other persons, in turn, to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the other persons from the responsible authorities or the applicant.
15. The Sub-Committee may ask questions of the other persons

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The other persons, in turn, may make final submissions to the Sub-Committee
18. The responsible authorities, in turn, may make final submissions to the Sub-Committee
19. The Applicant may make final submissions to the Sub-Committee

Conclusion

20. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
21. The Sub-Committee will close the hearing and retire to make a decision.
22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

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| LICENSING AND APPEALS SUB-COMMITTEE 18th July 2018 |
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| *PART 1 – PUBLIC DOCUMENT | AGENDA ITEM No. |
|----------------------------------|------------------------|

LICENSING ACT 2003

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

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 This is an application for a new premises licence.
- 1.2 The premises application address is within a building that has previously held a premises licence. The previous occupiers ran a restaurant from within the property.

2. APPLICATION

- 2.1 The application is for a new premises licence under section 17 of the Licensing Act 2003 and is attached as **Appendix A**.

3. APPLICATION PROCESS

- 3.1 On the 23rd May 2018 BBS Bar Ltd made an application for a new premises licence.
- 3.2 The application was received electronically by NHDC and was circulated to Hertfordshire Constabulary and the other responsible authorities
- 3.3 A public notice was displayed on the premises for a period of not less than twenty-eight (28) consecutive days in accordance with the requirements of the Act.
- 3.4 A newspaper advertisement was placed in a local newspaper in accordance with the requirements of the Act.

4. REPRESENTATIONS

- 4.1 Hertfordshire Constabulary had initial concerns with the application and entered into negotiations with the applicant during the consultation period
- 4.2 The applicant subsequently amended the application to include additional conditions which resolved the Constabulary's concerns. The amendments made following negotiations with Hertfordshire Constabulary are attached as **Appendix B**
- 4.3 NHDC Environmental Protection has made a relevant representation. This is attached as **Appendix C**.

- 4.4 NHDC Environmental Protection has made a representation that the application should be refused.
- 4.5 Should the licensing sub committee be minded to grant the premises licence application, conditions have been produced which may satisfy the concerns of NHDC Environmental Protection.
- 4.6 Three (3) other representations have been deemed relevant by the licensing officer. The representations were received from other persons who are against the application. These are attached as **Appendix D**
- 4.7 Where representations include paragraphs that are not relevant to the Act, these paragraphs have been clearly crossed through and marked as '*not relevant*' by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing.**
- 4.8 As the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to the representation.
- 4.9 The applicant and the other persons making relevant representations have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the committee hearing procedure.

5. OBSERVATIONS

- 5.1 In determining this application, the sub-committee must have regard to the representation and take such steps, as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the sub-committee must act with a view to promoting the licensing objectives. It must also have regard to the licensing authority's Statement of Licensing Policy and National Guidance issued by the Home Office.
- 5.3 The sub-committee has the following options when making their determination:
- i) Grant the application as made
 - ii) Grant the application with amended timings and/or licensable activities
 - iii) Grant the application (as made or as amended) with conditions
(conditions should only be added where appropriate to promote the licensing objectives)
 - iv) Refuse the application.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2016 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate.

B6

Our vision is:

“To ensure that North Hertfordshire continues to offer a diverse range of well managed entertainment venues and community and cultural activities within a safe and enjoyable environment.”

B7

The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing Policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.

B8

The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.

B9

In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to and impacts on the community as a whole and will take a proportionate view on the weight to apply to representations.

D2.1

Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.

D2.4

In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.

D2.6

Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.

D2.9

The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*

- (iii) *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- (iv) *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- (v) *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

D6.2

The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

D6.3

Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.

D8.1

The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.

D8.2

Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.

D8.3

The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

E3.1.1

Licensed premises may have significant potential to impact adversely on communities through public nuisance that arises from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.3

The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.2.1

This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;*
- installation of noise-limiting devices;*
- provision of acoustic lobbies;*
- no externally played music;*
- restrictions on the times and types of entertainment;*
- keeping windows and doors closed (i.e. with self-closing devices).*

E3.2.2

Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

E3.2.3

Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

E3.3.1

This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);*
- cessation of the use of certain areas of the premises;*
- supervision of outdoor areas, entrances and exits;*
- suitably worded, clear and prominent signage;*
- restriction of seating in outdoor areas of the premises;*
- restriction of times that drinks can be taken in specified outdoor areas of the premises;*
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).*

E3.9.1

The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant night-time economy.

E3.9.2

The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule

E3.9.3

Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

F8.1

The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2

That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (April 2018 version) may be relevant to this application. This section does not prevent the sub-Committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document.

1.2

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3

The licensing objectives are:

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

1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

1.17

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3

Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4

The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.15

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law

meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

9.3

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.38

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, 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*

9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other

responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

8. LICENSING OFFICER COMMENTS

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

Not relevant representations

- 8.2 Representation two (2) makes reference to the premises being a sports bar and applying for longer hours than other premises. There is no reference in the application to the premises being a sports bar and licensed hours of other premises is not relevant because each application should be determined on its own merits.

Definition of 'appropriate'

- 8.3 The following paragraphs from the Council's Statement of Licensing Policy outline the definition of 'appropriate' that the sub-committee should have regard to:

F2.1

There are many references throughout this Policy to the term 'appropriate'. The Act states at section 18(3)(b) that when relevant representations are received the Licensing Sub-Committee has to consider what steps "it considers appropriate for the promotion of the licensing objectives".

F2.2

There is no current legal definition of the term appropriate, however the Guidance states:

9.39

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.40

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to

come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

F2.3

The Council anticipates that, in due course, case law will provide clarity on the meaning of 'appropriate'. Until such time that the courts make a judgement the Council will give 'appropriate' its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4

European case law has defined 'proportionate' as generally requiring a four-step test, namely:

- *there must be a legitimate aim for a measure;*
- *the measure must be suitable to achieve the aim;*
- *the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and*
- *the measure must be reasonable, considering competing interests.*

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5

The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

Live or recorded music

- 8.4 Following a number of deregulatory amendments to the Licensing Act 2003, the circumstances in which live music is licensable has changed.
- 8.5 Live or recorded music on an alcohol licensed premises is exempt from licensing between the hours of 08:00hrs and 23:00hrs provided that the audience consists of no more than five hundred persons.
- 8.6 Where the requirements of the exemption detailed in paragraph 8.5 are met, no licence is required for the performance of live or recorded music; the sub-committee need not be concerned with live or recorded music between those hours.
- 8.7 Outside of the exempted hours, a licence for live or recorded music would be needed and it is these hours that the sub-committee should give consideration to.
- 8.8 Any existing licence conditions that apply to specifically to live or recorded music during the exempted hours are automatically disapplied whilst the exemption exists. Any conditions imposed by a sub-committee relating to live or recorded music would not apply during the exempted hours.
- 8.9 As a safeguard against any adverse impact on the licensing objectives arising from the live and recorded music exemption, a premises licence can be the subject of a review in the normal manner. On review, where there is evidence of public nuisance arising from live and/or recorded music, a sub-committee can remove the exemption. The effect of removing the exemption on review would mean that a licence for live and recorded music would be needed and any existing or newly imposed licence conditions would have effect.

9. APPENDICES

- 9.1 Appendix A Original application.
- 9.2 Appendix B Amendments agreed with Hertfordshire Police
- 9.3 Appendix C Relevant representation from NHDC Environmental Protection.
- 9.4 Appendix D Relevant representations from Other Persons against the application.

10. CONTACT OFFICERS

- 10.1 Molly Shiells
Licensing Officer
01462 474831
molly.shiells@north-herts.gov.uk

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Appendix A



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Premises is a ground floor bar comprising of a bar serving counter, kitchen, toilets, conservatory and enclosed garden area at the rear.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music DVDs showing images on screens

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 01.00hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday.
Until 01.00hrs on the Sundays of Bank Holiday weekends.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 01.00hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday.
Until 01.00hrs on the Sundays of Bank Holiday weekends.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 01.00hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday.
Until 01.00hrs on the Sundays of Bank Holiday weekends.
From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Until 01.00hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday.
Until 01.00hrs on the Sundays of Bank Holiday weekends.
From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 01.00hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday. Until 01.00hrs on the Sundays of Bank Holiday weekends.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

| | |
|--|--------------------------------------|
| Building number or name | 10 |
| Street | Westwood Avenue |
| District | |
| City or town | Hitchin |
| County or administrative area | Hertfordshire |
| Postcode | SG4 9LH |
| Country | United Kingdom |
| Personal Licence number (if known) | To Be Advised |
| Issuing licensing authority (if known) | North Hertfordshire District Council |

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="01:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="01:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 01.30hrs on Christmas Eve, Boxing Day and New Year's Day, where those days fall other than on a Friday or a Saturday.
Until 01.30hrs on the Sundays of Bank Holiday weekends.
From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and licence conditions and the measures necessary for compliance with those conditions. A record shall be made of the training provided and this record shall be made available to Police or authorised officers of the Licensing authority upon request.

b) The prevention of crime and disorder

The premises licence holder shall install and maintain a comprehensive closed-circuit television (CCTV) system that will record all entry and exit points to the premises; the recordings will enable frontal identification of every person entering the premise in all lighting conditions.

The premises licence holder will ensure that the closed-circuit television (CCTV) system shall continually record whilst the premises are open for licensable activities and at all times whilst customers are present on the premises.

All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.

The premises licence holder shall ensure that closed-circuit television (CCTV) system recordings will be made available upon request of a police or other authorised officer throughout the retention period specified in the premises licence.

The premises licence holder will ensure that staff employed at the premises are conversant with the operation of the closed-circuit television (CCTV) system whilst the premises are open to the public. Staff should be able to operate the system fully and be able to show footage as captured to both the police and other authorised officers on request.

The premises licence holder will ensure that an incident log shall be kept at the premises for a period no less than six (6) months, and made available on request to an authorised officer of the licensing authority or the police, which will note the following:

- all crimes reported to the venue, or by the venue to the police
- names and/or descriptions of all patrons ejected from the premises
- any complaints received
- any incidents of disorder
- seizures of drugs, offensive weapons, fraudulent ID or other items
- any faults in the CCTV system
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service

The premises licence holder shall operate a zero-tolerance policy in respect of illegal drugs use and a notice shall be displayed to this effect.

c) Public safety

Adequate and appropriate supply of first aid equipment must be available on the premises at all times.

Staff shall be trained in respect of the fire risk assessment for the premises and a record of such training shall be maintained at the premises. The record shall be made available for inspection by Authorised Officers.

d) The prevention of public nuisance

The premises licence holder will ensure that all windows and external doors will be kept closed when regulated entertainment is taking place, save for access to and egress from the premises.

Prominent, clear and legible notices shall be displayed at the exit requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

Continued from previous page...

Prominent, clear and legible notices shall be displayed in the courtyard garden area at the rear of the premises requesting that they use this area quietly.

No refreshments shall be consumed in the courtyard garden at the rear of the premises after 22.00hrs on any given day.

The courtyard garden area at the rear of the premises shall only be used after 22.00hrs on any given day by persons who wish to smoke.

The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles between the hours of 21:00hrs to 08:00hrs the following morning.

The premises licence holder will ensure that no deliveries to the premises shall take place between 21.00hrs and 08.00hrs the following day.

The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.

e) The protection of children from harm

A 'Challenge 25' scheme will be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing acceptable identification (as per the Home Office Guidance on acceptable ID – ID must contain a photograph, date of birth, holographic mark or ultra violet feature).

A notice shall be displayed in a prominent position at the premises to advise customers that Challenge 25 is in operation at the premises.

No person under the age of 18 shall be present on the premises after 21.00hrs on any given day unless they are accompanied by an adult

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises. See the North Herts website for more information about fees - http://www.north-herts.gov.uk/index/business/licensing/liquor_licensing/fees.htm
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* I/we understand it is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. The offence is liable, on summary conviction, to a fine up to level 5 on the standard scale.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-hertfordshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

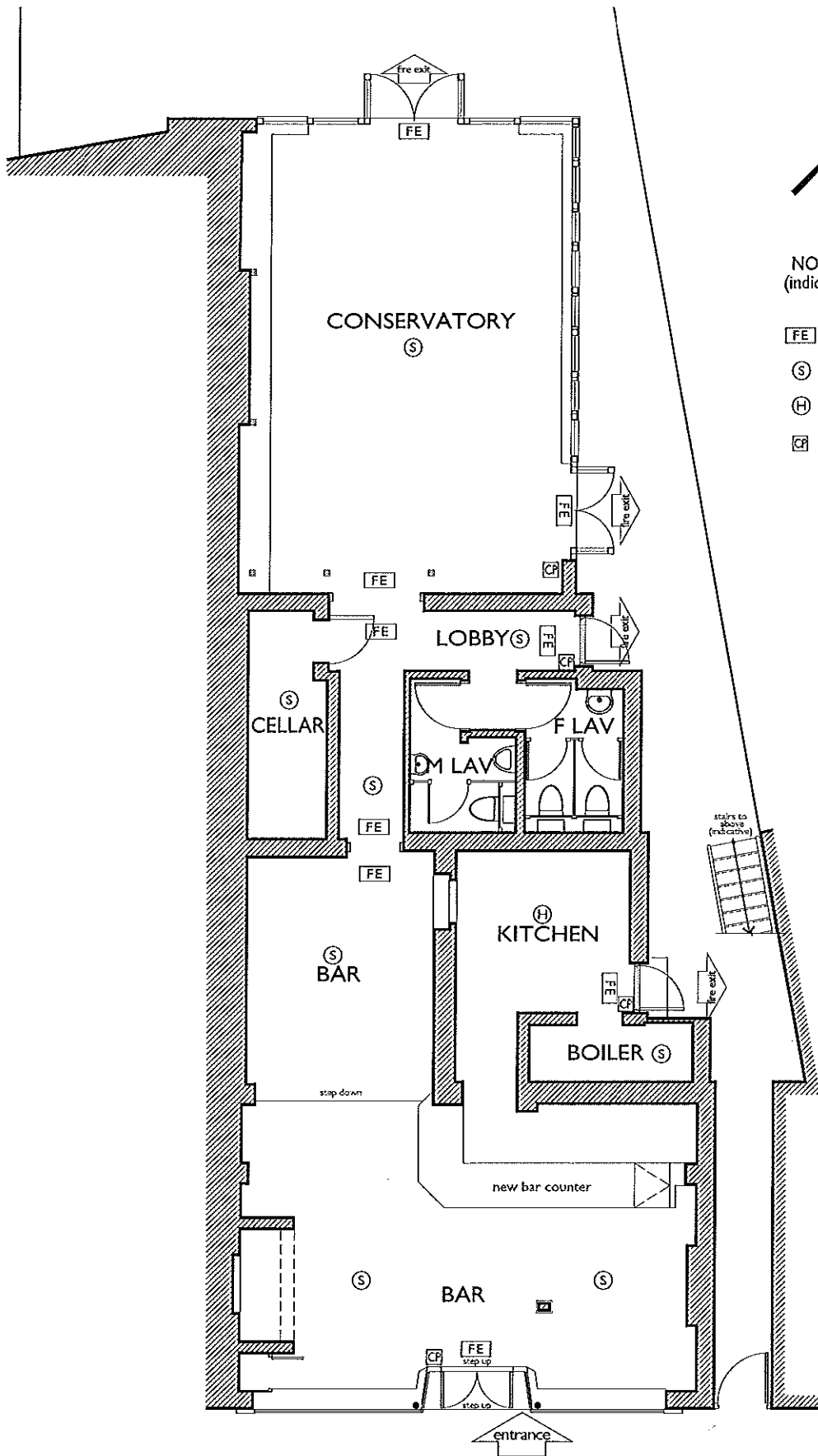
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

| | |
|----------------------------|---|
| Applicant reference number | <input type="text" value="FJFLS/FF/17/18"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

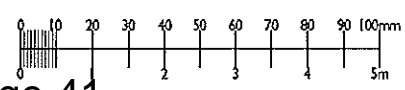


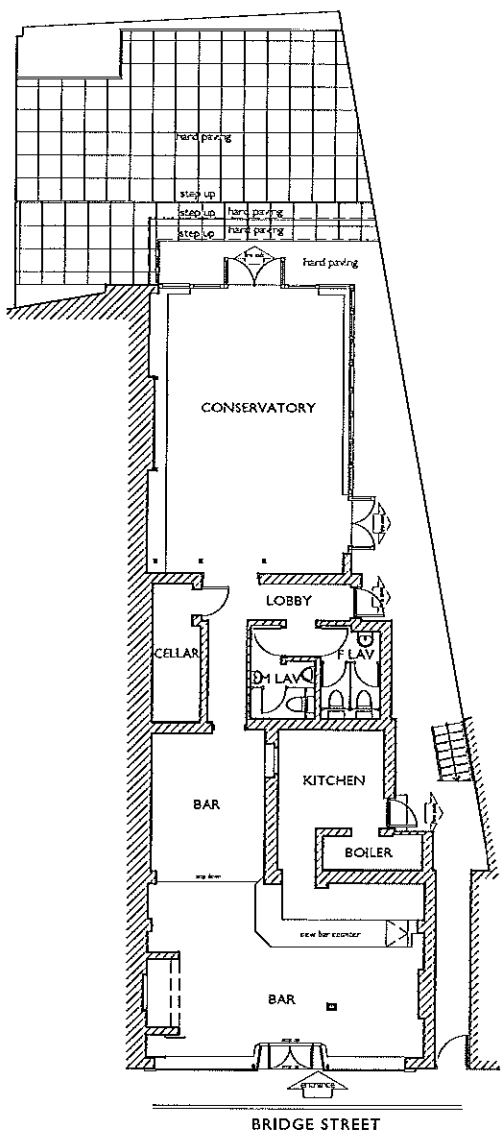
- FE** fire maintained internally illuminated fire exit sign/emergency light fitting
- S** mains powered smoke detector connected to fire alarm system
- H** mains powered heat detector connected to fire alarm system
- CP** fire alarm call point

BRIDGE STREET

LICENSING PLAN FOR 12 BRIDGE STREET, HITCHIN SG5 2DE for ROBERT HUTCHISON FLOOR PLAN

scale 1:50 @ A2/1:100 @ A4 date: 23/05/18





LICENSING PLAN FOR 12 BRIDGE STREET,
HITCHIN SG5 2DE for ROBERT HUTCHISON
SITE PLAN

scale 1:100 @ A2/1:200 @ A4 date: 23/05/18



Appendix B

Hertfordshire Constabulary agreed conditions and amended timings

DPS / Premises Licence Holder will ensure that a minimum of one (1) SIA registered door staff is on duty from 21:30hrs until closing on Friday and Saturday.

DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than 24 hours after request.

DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing, Officers and Trading Standards Officers. One of these persons will be at the premises at all times when the premises are open to the public.

DPS / Premises Licence Holder will ensure that a refusals book is maintained and kept at the premises at all times.

DPS / Premises Licence Holder will ensure that the refusals book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

DPS / Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.

DPS / Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

DPS / Premises Licence Holder will ensure that patrons are not allowed to leave the premises with any open vessels.

DPS / Premises Licence Holder will ensure that there are no persons under 18 present on the premises after 21:00hrs.

As for the operating hours, see below proposal:

No change to standard days and timings proposed on the application.

Non-Standard Timings: Provision of Films (Indoors) / Provision Live Music (Indoors) / Recorded Music (Indoors) / Supply of Alcohol (On and Off the Premises): On Christmas Eve, Boxing Day and New Years Day, where those days fall other than on a Friday or a Saturday, the hours will be 11:00hrs – 01:00hrs.

Non-Standard Timings: Late Night Refreshment: On Christmas Eve, Boxing Day and New Years Day, where those days fall other than on a Friday or a Saturday, the hours will be 23:00hrs – 01:00hrs.

Non-Standard Timings: Hours Premises are Open to the Public: On Christmas Eve, Boxing Day and New Years Day, where those days fall other than on a Friday or a Saturday, the hours will be 11:00hrs – 01:30hrs.

Non-Standard Timings: Provision of Films (Indoors) / Provision Live Music (Indoors) / Recorded Music (Indoors) / Supply of Alcohol (On and Off the Premises): On the Sundays of Bank Holiday Weekends, the hours will be 11:00hrs – 01:00hrs.

Non-Standard Timings: Late Night Refreshment: On the Sundays of Bank Holiday Weekends, the hours will be 23:00hrs – 01:00hrs.

Non-Standard Timings: Hours Premises are Open to the Public: On the Sundays of Bank Holiday Weekends, the hours will be 11:00hrs – 01:30hrs.

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Appendix C

Committee report to North Hertfordshire District Council's Licensing Authority

Re: BB's Bar, 12 Bridge Street, Hitchin SG5 2DE

Subject: Application for a premises licence by Robert Hutchison

1.0 Introduction

I am making a representation in respect of this premises licence application under the licensing objective 'Prevention of Public Nuisance' due to concerns about the impact of noise and odour on nearby residents. The application is to include the provision of films, live music, recorded music, late night refreshments and the supply of alcohol.

2.0 Proximity of residents

The premises has a residential flat directly above the bar area, there are commercial units to both sides and there is a block of 4 flats which boarder onto the rear of the courtyard area of the bar. There are also a number of residential flats above the commercial premises next door and in Malthouse Court, (see Appendix A map). A couple of the properties have residential gardens that also border onto the courtyard area of the bar too. All of the above premises are vulnerable to any noise generated from the premises, the people attending the premises, the licensable activities undertaken there and other associated noise such as deliveries and refuse disposal.

3.0 Areas of concern

3.1 Premises layout, construction and noise mitigation:

The premise is not a purpose built bar to house regular licensable activities. On the ground floor there is a bar area located to the front of the premises, the kitchen area and then bathrooms and cellar. There is then a conservatory and a rear courtyard area. The premise has a residential flat above on the first and second floors. (See the plan submitted with the application).

Any noise from the inside the premise is likely to transmit to the flat above. Noise from the conservatory is likely to be heard in the flat above and at other nearby residential properties. Noise from the courtyard area will be heard at the aforementioned properties and some further afield.

A conservatory is not a suitable place to hold live music or some other licensable activities due to the lack of noise mitigation it can provide. Therefore I would recommend that no live music is to be performed in this part of the venue and if films or recorded music be undertaken this should be of an appropriate volume so as not to disturb residents. It may be appropriate to control the volumes via a noise limiting device. The conservatory is shown on the plan to have two fire exit routes but I understand that only the one to the side will be used and the other will not. In order to minimise noise escaping through this route it would be appropriate to keep both the sets of doors shut and use the 'lobby' door to access the smoking area and courtyard.

In order to minimise noise escaping from the front bar into the conservatory and the area marked 'lobby' the installation of a door(s) would assist.

Consideration of the location, construction and use of the extract system needs to be considered in terms of noise and odour because of the potential for complaints from nearby residents, particularly those in the flat above the bar.

3.2 Live and recorded music noise and films:

The application requests live music, recorded music and films from 1100-0000hrs Sunday to Thursday and 1100-0100hours on Friday and Saturdays. Live music in particular is likely to be clearly audible in some of the residential properties and gardens of the nearby residential properties and this venue may not be suitable for such events without causing disturbance to local residents.

During the early hours of the morning the background noise level would be expected to drop significantly. The result is likely to be that the music noise, in particular the bass element of the noise will be more audible to the nearby residents, and therefore this increases the likelihood of a public nuisance being caused. This could be lessened by reducing the hours permitted and not having such regulated entertainment in the conservatory and also using a noise mitigation measure such as a noise limiting device to ensure that the volume of amplified music played does not exceed a level where it would begin to cause disturbance to residents. This measure cannot work with unamplified live music and so a control on the location and number of performances would need to be imposed instead if the committee were minded to grant the licence.

In some instances the noise level set on a noise limiting device may inhibit the music being played at a level needed for a viable event/entertainment. Sometimes people noise will also affect when the device will cut off the music. Careful choice of a suitable sound system and sound limiting device(s) is needed. Consideration should be given as to whether additional sound insulation measures are implemented within the building envelope. If they were greater noise levels would be permitted inside the venue.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- All windows and external doors will be kept closed when regulated entertainment is taking place, save for access and egress from the premises.

This will assist to a degree in minimising the noise escaping from the premises.

3.3 Patron noise:

The noise from patrons particularly in the exterior areas will have the potential to cause a public noise nuisance. The hours applied for are quite extensive and by reducing the hours of use of this area will lessen the potential for that disturbance however I foresee that this will still occur. I foresee that the residents in the properties to the rear will be disturbed on the weekends when they want to sit out in there garden and at night time inside their properties, even more so during the spring and summer months when their windows may understandably be partially open.

The noise from patrons inside the bar may also be audible in the flat above the bar.

Due to the construction of the conservatory patron noise is also likely to escape through this route to and possibly affect some of the nearby residents.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- Prominent, clear and legible notices shall be displayed at the exit requesting customers to respect the needs of local residents and to leave the area quietly.
- Prominent, clear and legible notices shall be displayed in the courtyard area at rear of the premises requesting customers to respect the needs of local residents and to leave this area quietly.
- Restrictions on the use of the courtyard area.

These type of conditions along with the restriction of hours will assist in reducing the potential for a public noise nuisance.

3.4 Refuse and delivery noise

Noise from the deliveries and disposal of refuse, particularly glass is likely to cause disturbance to some of the local residents. These types of complaints are quite common and can be easily avoided by appropriate restrictions and effective management measures being in place.

It is noted that the applicant has proposed a number of steps in respect of the licensing objective prevention of public nuisance. They are as follows:

- Restricting delivery times.
- Restricting the times that glass is disposed of in the external waste receptacle.

3.5 Odour from the extract system:

There is an extract pipe that vents from the ground floor kitchen and terminates at the first floor level adjacent to the residential flat above the bar. If this extract is to be used then it is likely to cause an odour problem particularly for the residents who will be living above the bar. Odour mitigation measures would need to be put in place to prevent this from occurring. I recommend that the details of the extract system should be submitted to environmental health to ascertain whether it is appropriate for use before it is put into operation.

4.0 Noise complaints

I have checked the database in respect of the property and the council have received no noise complaints regarding 12 Bridge Street in the last 12 months. We do not hold records which go back beyond this date. I understand that the premise was formally a cafe, and not a bar which therefore meant that its operating hours were less than is now proposed, the clientele may well be quite different and the type of venue will be very different, all of which I believe to have a greater impact of the potential for noise disturbance and formal complaints to be received in due course.

I believe the previous licence held at the premises (Just Desserts) was for alcohol sales only Monday to Saturday 1000-2300hours and Sunday 1200-2230hours, although I understand the premises used to only be open from 1100-2230hours Monday to Saturday and 1200 to 1700hours on a Sunday.

5.0 Recommendations:

I would recommend to the committee based upon the evidence above, that this premises licence application be **refused** in its entirety because of the potential for a public nuisance from noise and possibly odour. However if the committee decide to grant the licence then the following modifications and conditions would need to be attached to the licence to assist in some way as to minimise the potential for a public nuisance to occur:

5.1 Recommended modifications:

- Opening hours to be reduced.
Opening hours from 1100 until 2330hours on Sundays to Thursdays and 1100 until 0030hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Supply of alcohol hours to be reduced.
Supply of alcohol from 1100 until 2300hours on Sundays to Thursdays and 1100 until 0000hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Recorded music and film hours to be reduced.
Recorded music and films from 1100 until 2300hours on Sundays to Thursdays and 0000hours on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Live music hours to be reduced.
Live music can only take place between the hours of 1100 until 2300hours on any day.
- Late night refreshments to be reduced.
Late night refreshments to be permitted only on a Friday and Saturday until 0000hours.

The above restrictions alone will not remove the potential for a public nuisance being caused. The above hours or lesser hours along with the following conditions in 5.2 below will be needed:

5.2 Recommended conditions:

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 2100 and 0800hours Monday to Saturday and non on Sundays.
4. A suitable environmental noise control device(s) shall be installed in the premises, calibrated and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned Officer. No amplified live or recorded music constituting regulated entertainment shall take place in the premises after 2300hours until this device has been installed and set in accordance with this condition.
5. Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:
 - (a) without twenty-eight (28) days prior notification to the Council's Noise Control Officer and;
 - (b) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.
6. Following the receipt of the documentation stated in condition 5(b), all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in the premises after 2300hours is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.
7. In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place in the premises after 2300hours until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Office has received and approved the necessary documentation confirming this.
8. The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.
9. All noise equipment used for amplified live and recorded music constituting regulated entertainment in the premises after 2300hours must be routed through the environmental noise control device and this device must be operational during such licensable activities.
- 10 No patrons are permitted in the rear courtyard area between 2100 and 1100hours the following day.
11. Smoking is only permitted in the designated smoking area in the alleyway.
12. Glass bottles must not be disposed of in the external refuse receptacles between the hours of 2100 and 0800hours the following day.

13. 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.

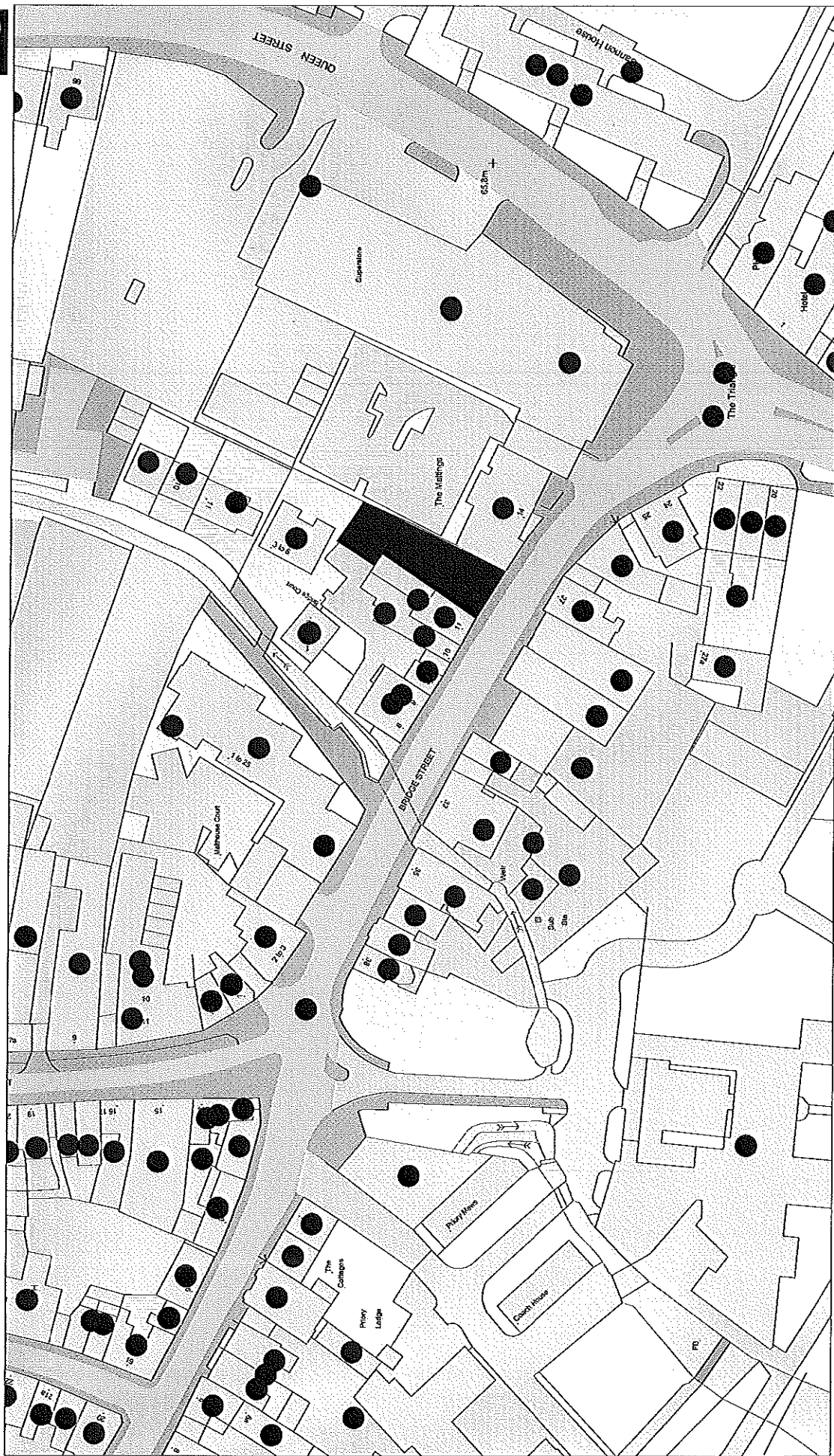
14. Exiting the premises to the alleyway for smoking and the use of the courtyard area shall only be made via the 'lobby' door. The fire exit to the conservatory can only be used in the case of an emergency.

15. No live music to take place in the conservatory or external areas of the premises.

16. No recorded music is to be played or relayed to the external areas of the premises.



Shayne Crowe
Environmental Protection and Housing Manager
North Hertfordshire District Council
20th June 2018



Scale: 1:1000
 Date: 20/06/18

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Appendix D

Rep 1.

I am writing to express my grave concern for the application for a drinks licence for 12 Bridge Street, Hitchin. This property is surrounded by residential housing, including my property, and the intention to allow live music at unsociable hours is alarming. This type of property is not suited to the proposed use.

Looking at the criteria you listed I suppose the one that may apply is public nuisance. Because the property is in very close proximity to residential property, mine is only 30 yards away and others are a lot closer, I consider the potentially noise generated from the music and clientele till late evening is not conducive to the area

I hope you take my concerns in to account when assessing this application

Phil Aylott
22 Bridge Street
Hitchin
SG52DF

Rep 2.

Sent: 19 June 2018 09:51

To: Licensing

Subject: Objection to the licensing hours of BB's Bar: 12 Bridge Street SG5 2DE

Objection to the licensing hours of BB's Bar: 12 Bridge Street SG5 2DE

I write in objection to the length of licensing hours by the applicant at BB's Bar.

Having lived in Bridge street since 1994, my family and I have seen it progress to a mainly residential road.

Comprising of 19 residences, plus 22 apartments at Malthouse court.

Many of whom (living closest to the new bar) are families with children or retired households.

In a street not 300 yards long BB's will be the only licensed premises and therefore noise to the street should be kept to a minimum.

A ~~sports and~~ music bar (which will attract a predominantly male clientele) applying for licensing hours longer than wetherspoons in a residential street is unacceptable.

NOT RELEVANT

We are especially concerned about the bar attracting noisy customers until late at night - on ALL days of the week, and loud music/voices coming from the premises until late at night. An increase of noisy people on the street until late at night.

As a residential street we think it more reasonable that hours on Friday and Saturday would be better served for the people that live on the street finishing at 11.30pm

Sunday at 10.30pm

Monday to Thurs at 11pm.

Many thanks for your time.

Nick Bellisario

37 Bridge Street

Hitchin

Hertfordshire

SG5 2DE

Molly Shiells

From: Damian Caldwell [REDACTED]
Sent: 20 June 2018 14:54
To: Licensing
Subject: Representation for the licence application on 12 Bridge Street

To whom it may concern,

I am writing to make a representation to the Licence application for 12 Bridge Street.

I live next door to the premises at 10a Bridge Street and have my two sons living with me a week on and a week off. Whereas I do not want to stop an independent business opening in Hitchin (I myself have a licenced restaurant in Hitchin) I am concerned about the proposed opening hours for Friday and Saturday nights. I have lived at 10a Bridge street now for four and a half years when 12 Bridge Street was Just Desserts and did not have late trading hours. My concerns are founded in my experience of the noise generated in the conservatory at the back of the premises as there is no sound proofing. The roof of the conservatory is thin plastic and has no sound deadening qualities so if a licence is granted with alcohol sales hours until 1am and hours of trading until 1.30am there will be a sizeable amount of noise very late into the night which will affect my children's sleep and possible health as their bedroom has a window overlooking the back of 12 Bridge Street. There are also 2 other houses (1 of which backs onto the garden of 12 Bridge Street) who have young children who I would imagine will also be affected by the late night noise.

Bridge Street itself as well as the centre of Hitchin is far more residential now and there will be a certain amount of noise generated as the customers from 12 Bridge Street leave for home.

As is stated, I am not looking to stop a local, independent business from opening and flourishing but I feel I must raise this representation. I feel that alcohol serving hours until 11pm Monday to Thursday and midnight on Friday and Saturday would be more appropriate with 10pm on Sundays.

Kind regards

Damian Caldwell
10a Bridge Street
Hitchin
SG5 2DE

[REDACTED]

[REDACTED]