

NORTH HERTFORDSHIRE DISTRICT COUNCIL



22 December 2020

Our Ref Licensing Sub-Committee – 11.01.2020
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillor Daniel Allen, Councillor Gerald Morris, Councillor Mike Rice and Councillor Tom Tyson (as non-voting observer reserve Councillor)

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE LICENSING AND APPEALS SUB-
COMMITTEE**

to be held as

A VIRTUAL MEETING

On

MONDAY, 11TH JANUARY, 2021 AT 10.00 AM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda Part I

Item	Page
<p>1. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</p> <p>Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings.</p>	<p>(Pages 3 - 4)</p>
<p>2. HEARING PROCEDURE</p> <p>Procedure to be followed at the Licensing Hearing.</p>	<p>(Pages 5 - 8)</p>
<p>3. APPLICATION BY HMADAH SLAMAH FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF UPTOWN PIZZA, 151B BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB</p> <p>REPORT OF THE LICENSING OFFICER</p> <p>The application is for the grant of a premises licence under Section 17 of the Act.</p>	<p>(Pages 9 - 74)</p>

REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

A protocol regarding remote meetings has been devised as a result of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to provide guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations and subsequent changes to the Constitution.

The full Remote / Partly Remote Meetings Protocol has been published and is available to view on the Council's website via the following link: <https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings>

The Council's adopted Constitution will continue to apply to meetings of the Council and its various Committees and Sub-Committees. Where there is a conflict between the protocol and Constitution the Constitution takes precedence.

The protocol applies to this meeting. It outlines processes for conducting remote meetings. Some key points are highlighted here for guidance:

- Prior to the start of a meeting the Committee, Member and Scrutiny Officer/Manager ('The Officer') will confirm the meeting is being streamed live. They will confirm that they can see and hear all participating Members, Officers and/or members of the public at the start or upon reconvening a meeting.
- Any person attending the meeting remotely should join no later than 15 minutes prior to allow for technical checks. They should ensure that their name on screen appears in the agreed format, as indicated in the Protocol. They should mute their microphone when not speaking. Their background should be nondescript or virtual/blurred if possible. Headsets are recommended to reduce audio feedback.
- Remember to stay in view of the camera. While on camera everything you do is visible; please observe as far as possible the etiquette you would as if attending a meeting in person.
- Be careful to prevent exempt or confidential papers being seen within the video-feed. When a meeting is in private session there should be only those entitled to be present in the room. The live stream will continue with a holding card displayed.
- If a Member wishes to speak, they should use the raise hand function. Please wait to be invited by the Chair to address the meeting. The normal procedure rules with respect to debate and speaking times will apply as per the Constitution.
- If a Member has declared a Disclosable Pecuniary Interest and is required to leave the meeting during the consideration of an item, they will be placed in the waiting room. It is the responsibility of the Member in question to remind the Chair at the start of such item. The Officer will remind the Chair to return the Member as appropriate.
- Members will need to use the tools in the "Participants" function to vote: using a green tick to indicate 'for', a red cross to indicate 'against', or the "raise hand" tool to indicate an abstention. Where a Member has had to dial into the meeting by telephone, the Chair will ask for verbal confirmation as to how they wish to vote. Leave the vote in situ until told otherwise by either the Chair or Officer.
- The Officer will clearly state the result of the vote and the Chair will then move on.
- Details of how Members voted will not be kept or minuted unless a Recorded Vote is requested or an individual requests that their vote be recorded, although voting may be seen and/or heard on the video recording.
- If there are Part 2 (confidential) items Members will be invited to join a breakout room for these items. You must accept this invitation.
- Once Part 2 (confidential) discussions have concluded Members will need to leave the breakout room. Please do not leave the meeting.

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Pre-Hearing Preliminary
Committee and Member Services Manger to outline the arrangements for the remote hearing including:

Sub-committee

The sub-committee will consist of three voting Members with a fourth non-participating Member listening to the hearing. In the event that a voting Member loses connection, the hearing will adjourn until connection can be restored. If the adjournment exceeds ten (10) minutes, or it is apparent sooner that re-connection will not be possible, the fourth Member will replace the absent Member and become a voting member of the sub-committee. If a quorum of three (3) Members that have been present throughout the hearing is not possible, the hearing will be adjourned to a stated date.

Applicant

In the event that the applicant loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date.

Other persons

In the event that an 'other person' that has indicated their wish to speak loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date. If an 'other person' that has indicated that they will not be participating orally in the hearing loses connection, the Chair may decide to continue with the hearing.

Decision

The sub-committee will undertake their deliberations in private and return to announce their determination on the live stream however they will not wait until all parties are connected. A copy of the decision will be forwarded to all parties electronically as soon as practicable.

UPTOWN PIZZA HEARING PROCEDURE

1. Chair's Welcome

Introduction of:

- Councillors sitting on Sub-Committee
 - Legal advisor;
 - Licensing officer(s);
 - The other persons (objectors)
 - The applicant
2. The Chair will outline the procedure for the hearing and seek confirmation that all parties are content to proceed on that basis.
 3. The Chair will ask the legal advisor to outline the matters for consideration during the course of the hearing.

The Licensing Officer's report

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 amendments to the hearing bundle, and if so, if all other persons, and the applicants have been made aware of the amendments.
5. The Chair will ask if there are any questions of fact of the licensing officer from:
 - The other persons
 - The applicant
6. The sub-committee may ask questions of the licensing officer

The Applicant's case

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 applicants from:
 - The other persons
9. The sub-committee may ask questions of the applicant.

Other persons submit their case

10. The Chair will ask the other persons to present their submissions to the sub-committee
11. The Chair will ask if there are any questions of fact of the other persons from:
 - The applicant
12. The sub-committee may ask questions of the other persons



Closing Statements

13. The licensing officer may make final submissions to the sub-committee
14. The other persons may make final submissions to the sub-committee
15. The applicant may make final submissions to the sub-committee.

Conclusion

16. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the sub-committee.
17. The sub-committee will close the hearing and retire to make a decision.
18. The sub-committee will return to the live stream and the Chair will announce the sub-committee's decision including their reasons.

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**LICENSING AND APPEALS SUB-COMMITTEE
MONDAY 11 JANUARY 2021**

LICENSING ACT 2003

**APPLICATION BY HMADAH SLAMAH
FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF
UPTOWN PIZZA, 151b BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB.**

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 No premises licence under the Licensing Act 2003 (“the Act”) is currently in place for the premises.

2. APPLICATION

- 2.1 The application is for the grant of a premises licence under Section 17 of the Act.
- 2.2 The licensable activities and hours originally applied for, including operating schedule conditions, are as attached as **Appendix A**.
- 2.3 The only licensable activity applied for is late night refreshment.

3. APPLICATION PROCESS

- 3.1 On 16 November 2020, Hmadah Slamah made an application to North Hertfordshire District Council for the grant of a premises licence.
- 3.2 The prescribed consultation period was from 18 November 2020 until 15 December 2020 inclusive.
- 3.2 The application was received electronically so copies were served by the Council 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 The Comet in accordance with the requirements of the Act.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary as conditions were agreed with the applicant and now form part of the application. These conditions are included in **Appendix B**.
- 4.2 No representations were received from any other responsible authority.
- 4.3 In order to assist the sub-committee and all parties to the hearing, the revised application incorporating all amendments agreed by the applicant has been included as **Appendix C**. **It is the amended application in Appendix C that the sub-committee is being asked to determine.**
- 4.4 Seventeen (17) representations were received from 'other persons' against the application and are attached as **Appendix D**.
- 4.5 One (1) representation was received from 'other persons' in support of the application and are attached as **Appendix E**.
- 4.6 The sub-committee, if it is minded to grant the application, may amend (add to, remove, or change) the conditions agreed with the responsible authorities if it deems it appropriate to promote the licensing objectives in relation to matters raised in representations. If the sub-committee is minded to amend agreed conditions, it should be aware that the agreed conditions had satisfied the responsible authorities enabling them not to submit a representation; in the absence of the agreement, it is possible that a representation would have been received.
- 4.7 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.8 Where representations include comments that are not relevant to the Act, these comments have been clearly redacted 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 (see sections 8.13 – 8.15).**
- 4.9 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.10 The applicant has been served with a copy of all representations by way of this report.
- 4.11 The applicant and the other persons making relevant representations have been invited to attend the hearing to present their cases respectively. They have been advised that they may be legally represented and of the hearing procedure.

5. OBSERVATIONS

- 5.1 In determining this application, the sub-committee must have regard to the representations 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.
- 5.3 The sub-committee has the following options when issuing the Decision Notice:
- i) Grant the application as made
 - ii) Grant the application with conditions and/or amendments to the licensable activities and/or timings (conditions should only be added where they are appropriate to promote the licensing objectives).
 - iii) Refuse the application.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2021 – 2026 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 licensed venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy.”

D1.4

When determining applications the Council will have regard to this Statement of Licensing Policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its Sub-Committee, will balance its decision against all other factors for and against the application.

D1.5

The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this Policy. To achieve this, the Council supports the principles set out in sections 8.41 – 8.44 of the Statutory Guidance which state:

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

D1.6

Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.

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.

D2.5

The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.

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.

D2.8

The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.

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.*

D3.4

The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.

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.

D6.6

The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.

D6.7

The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this Policy and the Guidance, is less likely to result in the imposition of conditions by a Licensing Sub-Committee following representations.

D6.8

It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.

D6.9

Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a Licensing Sub-Committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.

E1.4.3

Where there is insufficient evidence to demonstrate that CCTV is an appropriate and proportionate requirement at a premises, or where CCTV is sought for problems not related specifically to the licensable activities at the premises, CCTV conditions will not be imposed by a licensing sub-committee.

E1.4.4

Where there is evidence of disorder or likely disorder, the Council may deem it appropriate to impose conditions relating to CCTV in order to promote the licensing objectives. Each case will be determined on its own specific circumstances however, considerations may include, but are not limited to:

- the type of camera and number of cameras*
- the locations of the cameras*
- the recording capability of the cameras in terms of providing evidence quality images*
- the times during which the cameras should be operational*
- procedures for repairing the cameras should they become inoperable*
- staffing requirements in respect of a working knowledge of the equipment*
- storage requirements for recordings*
- date/time stamping of recordings*
- provision of recordings to the police on request*

Consideration will be given to the minimum requirements for CCTV to limit the financial burden on a business whilst ensuring the system remains fit-for-purpose.

E3.1.1

Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise 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.

E3.3.1

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.*

E3.4.1

This includes noise and vibration from ventilation, air conditioning and refrigeration equipment. Measures to prevent a public nuisance may include:

- installation of acoustic enclosures or barriers;*
- installation of soundproofing;*
- relocation of equipment;*
- replacement of equipment with new and/or quieter models;*
- timing devices to limit the use of equipment at certain times.*

E3.4.2

Please be aware that such measures may require planning consent from the local planning authority; it is advisable to discuss any intended changes with them prior to undertaking any works.

E3.8.1

Measures to prevent a public nuisance may include:

- entering into a waste contract agreement (including appropriate recycling provision);*
- provision of external litter bins for customers;*
- regular litter picks in the immediate surrounding area of the premises.*

E3.8.2

The Council is aware that it would be unreasonable and disproportionate to require licence holders to be responsible for littering associated with their products when patrons have gone beyond their control. The Council will, however, expect licence holders to take responsibility for ensuring that the immediate surrounding area is regularly cleared of litter associated with their business operation.

E3.8.3

Whilst accepting that littering beyond the control of a licence holder cannot be controlled by licence conditions, litter constituting a public nuisance under the Licensing Act 2003 may still require the licensing authority to restrict opening times or ultimately suspend or revoke a licence where the nuisance directly attributable to that premises cannot be appropriately mitigated.

F4.1

In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.3

Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.

F4.4

The decision of one statutory authority (for example, the licensing authority or the planning authority) is no indication of the likely decision of the other. Indeed, statutory authorities may make representations to each other under each authority's legislation.

F5.1

Planning and licensing are two entirely separate processes and neither authority is bound by a decision of the other. Planning is predominately a decision about what the premises can be used for in relation to local amenity, whilst licensing is predominately a decision about what activities can be provided and how that premises is managed.

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.

F9.1

The Council is of the view that late night refreshment premises, in particular takeaways, play an important part of a vibrant late-night economy. That said, badly managed premises contribute to late night disorder and applicants should consider the potential impact of their premises in the operating schedule of an application.

F9.2

Where appropriate, for example in areas with known late-night economy disorder, the Council may impose conditions in relation to door supervision and evening litter collections. Such conditions will only be imposed, however, where appropriate for promoting the prevention of crime and disorder and/or prevention of public nuisance objectives.

O1.1

The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:

- (i) Crime and Disorder Act 1998
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.*
- (ii) Human Rights Act 1998
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.*
- (iii) Equality Act 2010
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.*

O2.2

Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

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:

1.3

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

The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

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.

2.15

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.

2.18

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.

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47

Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

9.11

Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. 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.

10.13

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

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.

Definition of ‘appropriate’

- 8.2 When determining applications, licensing authorities must ensure that their decision is based on what is ‘appropriate’ for the promotion of the licensing objectives.
- 8.3 The Guidance explains ‘appropriate’ as:

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.

8.4 It is anticipated that, in due course, case law will provide clarity on the meaning of 'appropriate' as referred to in paragraphs 9.43 and 9.44 of the Guidance. The sub-committee is therefore advised to give 'appropriate' its ordinary meaning, as expanded upon by paragraph 9.43 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.

8.5 This approach, of allowing the courts to provide clarity, is reflected in the following paragraphs of the Guidance:

1.9

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10

Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

8.6 The sub-committee should also be aware that their decision must be proportionate to the evidence received in respect of the application and representation. Proportionality is a key factor in assisting with the definition of 'appropriate'.

Case law

8.7 As the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.

8.8 The Guidance states at paragraph 2.20 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.

- 8.9 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.
- 8.10 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.11 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that “beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right” (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the *Hope and Glory* case.
- 8.12 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

Evidence not to consider

- 8.13 The majority of the representations mention alleged planning breaches and an inconsistency between planning hours and this application. This is not relevant as both the planning and licensing regimes are separate processes with different considerations, with neither being bound by the other. Any planning breaches are a matter for the planning enforcement officers and it is the responsibility of the applicant to ensure that he has the appropriate planning permission to trade in accordance with any licence should the sub-committee be minded to grant the application.
- 8.14 One representation mentioned speeding delivery vehicles with allegations of no appropriate MOTs. There is already sufficient alternative legislation to deal with these matters and the licensing regime should not seek to duplicate any existing restrictions or responsibilities.
- 8.15 Two representations mention car parking issues in the vicinity. Ordinarily car parking is outside the control of the licence holder as he has no power to prevent parking on the highway. This is a matter for civil enforcement officers and the police and should not be considered as part of the determination. Parking would be considered by the planning officers as part of any planning application.

Review of a premises licence

- 8.16 Should the sub-committee be minded to grant a licence it will exist in perpetuity however there is a safeguard within the Act.
- 8.17 Any responsible authority or other person may apply to the licensing authority for the review of a premises licence if they can demonstrate that the premises are not adequately promoting the licensing objectives. In the case of other persons, they would need to demonstrate the direct impact on their household of licensable activities at the premises in terms of one or more of the licensing objectives.
- 8.18 If accepted by the licensing authority, an application for review would result in a twenty-eight (28) day consultation period advertised at the premises and on the licensing authority website where any responsible authority or other person could submit a representation.
- 8.19 A licensing sub-committee would hold a hearing to assess the representations and the oral submissions of the licence holder before considering what, if any, action was appropriate. The options available to the sub-committee would be:
- i) to take no action;
 - ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, or altering permitted timings of licensable activities);
 - iii) to exclude a licensable activity from the premises licence;
 - iv) to remove the designated premises supervisor from the premises licence;
 - v) to suspend the premises licence for a period not exceeding three months; or
 - vi) to revoke the premises licence.

Late night refreshment

- 8.20 Late night refreshment is only licensable between the hours of 23:00hrs and 05:00hrs; outside of these hours no premises licence is required.
- 8.21 The sub-committee are only considering an application for licensable activities between the hours of 23:00hrs and midnight as part of an application for the grant of a premises licence.
- 8.22 No restrictions or conditions can be placed on the premises other than during hours of licensable activity.
- 8.23 There is other legislation such as statutory nuisance that may be able to address issues of smell, odour, litter and noise at the premises prior to 23:00hrs.
- 8.24 Late night refreshment includes the sale of hot food or drink from the premises, including any deliveries. Deliveries may only take place after 23:00hrs if there is a licence in place for the hours of delivery.

- 8.25 If this application were granted in its current form, the current restrictions would apply:
- (a) all customers must have left the premises and it must be closed to the public by Midnight; and
 - (b) no deliveries can take place after midnight.

Template letters

- 8.26 It is apparent that most of the representations are based on a template letter. Whilst this is permissible, the sub-committee should consider how much weight to apportion to the representations.
- 8.27 Considerations may include whether or not representations would have been submitted without the template being provided, balanced against whether the other persons would have had sufficient understanding of the licensing objectives to object without it.
- 8.28 The sub-committee should seek to establish the actual impact on each other person of the premises now and the likely impact should the application be granted.

9. APPENDICES

- 9.1 Appendix A Application
- 9.2 Appendix B Amendment to the application agreed with Hertfordshire Constabulary
- 9.3 Appendix C Revised application incorporating amendments agreed with responsible authorities
- 9.4 Appendix D Representations from other persons opposing the application
- 9.5 Appendix E Representations from other persons supporting the application

10. CONTACT OFFICER

Melanie Gillespie
Assistant Licensing Officer
melanie.gillespie@north-herts.gov.uk

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)	
Surname					First names				
Date of birth					I am 18 years old or over <input type="checkbox"/> Please tick yes				
Nationality									
Current residential address if different from premises address									
Post town							Postcode		
Daytime contact telephone number									
E-mail address (optional)									

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/>		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Hmadah slamah
Address 151b Bearton road Hitchin

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) [REDACTED]
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	1	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>It is a takeaway/delivery pizza & kebab shop</p>
--

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

--

What licensable activities do you intend to carry on from the premises? Takeaway/ delivery

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)

- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
	-----	-----			
Tue					
	-----	-----			
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
	-----	-----			
Thur					
	-----	-----			
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
	-----	-----			
Sun					
	-----	-----			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12	12	<u>Please give further details here</u> (please read guidance note 4) Delivery & takeaway food		
Tue	12	12			
Wed	12	12	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	12	12			
Fri	12	12	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) No		
Sat	12	12			
Sun	12	12			

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

we will ensure the staff on duty at the premises are competent and aware of the terms and conditions of the licence.

b) The prevention of crime and disorder

we have CCTV and will be monitored. any drugs and alcohol on the premises will be reported to the relevant authorities

c) Public safety

no smoking signs will be displayed in the premises. fire exits are clearly marked for staff and customers.

d) The prevention of public nuisance

the intention is to provide the delivery service reducing the amount of people in the area, to keep the noise reduced

e) The protection of children from harm

children under the age of 16 should be accompanied by an adult

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. /
- I have enclosed the plan of the premises. /
- I have sent copies of this application and the plan to responsible authorities and others where applicable. /
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. /
- I understand that I must now advertise my application. /
- I understand that if I do not comply with the above requirements my application will be rejected. /
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> ● [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
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	<p>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).</p> <ul style="list-style-type: none"> 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	16/10/2020
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe 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.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:

- 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please 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 or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. 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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work

checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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[REDACTED]

From: [REDACTED]
Sent: 15 December 2020 10:56
To: Licensing
Cc: kuljit.sangha [REDACTED]
Subject: Fw: Uptown Pizza, 151b Bearton Road, Hitchin - New Premises Licence Application

We agree with the conditions

Kerrie

----- Forwarded message -----

From: "SANGHA, Kuljit 8250" [REDACTED]
To: [REDACTED]
Sent: Tue, 15 Dec 2020 at 10:52
Subject: Uptown Pizza, 151b Bearton Road, Hitchin - New Premises Licence Application

Hi Kerrie,

With reference to our conversation this morning, please see below email.

Regards

Kuljit

Kuljit Sangha

Mrs Kuljit Sangha

Police Licensing Officer for North Herts

Hitchin Police Station, College Road, Hitchin, SG5 1JX

From: SANGHA, Kuljit 8250
Sent: 11 December 2020 11:03
To: [REDACTED]
Subject: Uptown Pizza, 151b Bearton Road, Hitchin - New Premises Licence Application

Good Morning Kerrie & Hmadah,

Thank you for taking the time to speak with me today with regard to your application. Please find below a number of proposed conditions as discussed around cctv, etc, please could you confirm that all of the below conditions are acceptable. If they are then please reply to myself and cc NHDC Licensing department. For convenience I have included their email address licensing@north-herts.gov.uk.

1. DPS / Premises Licence Holder will ensure that a closed circuit television (CCTV) system is installed at the premises, maintained in full working order and will continually record at all times, both inside and outside the premises, whilst open to the public.
2. DPS / Premises Licence Holder will ensure that the CCTV cameras cover key and vulnerable parts of the premises including the entry and exit points to the premises.
3. 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 a request has been made.
4. DPS / Premises Licence Holder will ensure that all CCTV recordings will be date and time stamped and will be kept for a minimum of twenty eight (28) days.
5. DPS / Premises Licence Holder will ensure that prior to opening the premises to the public in accordance with the premises licence operating hours, the CCTV system will be checked to ensure that it is recording for a minimum of twenty eight (28) days.
6. DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the business owner 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 and Police Community Support Officers. One of these persons will be at the premises at all times when the premises are open to the public.
7. DPS / Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
8. DPS / Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.

Please could you reply by 12pm on Monday 14/12/20. Please feel free to give me a call if you wish to discuss further.

Regards

Kuljit

Kuljit Sangha

Mrs Kuljit Sangha

Police Licensing Officer for North Herts

Hitchin Police Station, College Road, Hitchin, SG5 1JX

████████████████████

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Late night refreshment (indoors and outdoors)

Monday to Sunday 23:00hrs to midnight

Hours premises open to the public

Monday to Sunday 23:00hrs to midnight

Operating schedule conditions offered by the applicant after consultation with the police

The premises licence holder will ensure that a closed-circuit television (CCTV) system is installed at the premises, maintained in full working order and will continually record at all times the licence has effect, both inside and outside the premises, whilst open to the public.

The premises licence holder will ensure that the closed-circuit television (CCTV) cameras cover key and vulnerable parts of the premises including the entry and exit points to the premises.

The premises licence holder will ensure that viewable and un-edited copies of recordings from the closed-circuit television (CCTV) system will be provided to Police, no later than twenty-four (24) hours after a request has been made.

The premises licence holder will ensure that all closed-circuit television (CCTV) recordings will be date and time stamped and will be kept for a minimum of twenty-eight (28) days.

The premises licence holder will ensure that prior to opening the premises to the public in accordance with the premises licence operating hours, the closed-circuit television (CCTV) system will be checked to ensure that it is recording for a minimum of twenty-eight (28) days.

The premises licence holder will ensure that a minimum of two (2) persons, namely the business owner and duty manager are fully trained to access and operate the closed-circuit television (CCTV) system and download copies of any footage, upon request by police officers, police community support officers or police licensing officers. One (1) of these persons will be at the premises at all times when the licence has effect and the premises are open to the public.

The premises licence holder will ensure that an incident book is maintained and kept at the premises at all times.

The premises licence holder will ensure that the incident book will be made available for inspection upon request by police officers, police community support officers or police licensing officers.

Operating schedule conditions offered by the applicant as part of the application

The premises licence holder will ensure that children under the age of sixteen (16) years are only permitted on the premises when accompanied by an adult.

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Ioredana and John Turner, 78 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

We have been resident in Brampton Park Road for the last twenty - four years. Based on our location that is within 5 meters of the premises. We object to the license application for the following reasons:

[REDACTED]

We have also heard that multiple residents have written to the establishment several weeks ago to ask t [REDACTED] that the noise from the fan be reduced. [REDACTED]

The Prevention of public nuisance objective would be negative affected if the application was granted because:

the noise of two of the extract fans, especially the fans would continue until at least 12.30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented in: and

The noise from additional traffic and opening and slamming of cars door would continue until 12.30am (when all the staff leave the premises) seven days a week. The additional traffic includes customers, delivery vehicles and staff; and

The noise from cleaning the premises after closing would occur from 12.00am until at least 12.30am, seven days a week; and The odour from the premises would continue until 12.30 am, seven days a week; and

The litter generated by customer of the customer of establishment would be increased due to the additional hour of trading – until 12.00 am, seven days a week; and

Regarding the selection of 'Both' at the top of Section, indicating the intention to serve food indoor and outdoor, the noise generated by customers being served and /or consuming food outside the premises until 12.00am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to generated due to the serving and consumption outside.

Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:

a) Section M points (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise - it would not increase it above current levels due to the increased traffic, opening and closing car doors etc.

b) There is no other evidence of either consideration or mitigation of the above disturbances in the application. We are not against takeaway at all, we are still using the services, we are pleased that the business is doing well at this difficult time. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Danny Cormack, 7 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

My home address is within 80 metres of the premises and is 7 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department. For this reason I would like to request a Noise Impact Assessment be carried out in connection with this application.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Alan Rhind, 2 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

From the licensing objectives:

- a) General The establishment already operates 12 noon to midnight 7 days a week. This means local residents have very little respite from the noise disturbance caused by an extractor fan which run at all times during hours of operation, plus an external fridge fan which activates and deactivates 24 hours a day 7 days a week, plus the constant arrival at and departure from the premises of delivery vehicles All are noise contributors in a residential area
- b) The prevention of crime and disorder The influence on this of a delivery service being available cannot be viewed as a guarantee of less late evening footfall
- c) Public safety See above point ref increased late night traffic

Andrew Keeping, 63 Bearton Road, Hitchin, Hertfordshire, SG5 1UP

I wish to object to the proposed changes the reason for this is increased noise and traffic, environmental impact by noise and smell, increased rubbish and attraction to vermin, [REDACTED]
[REDACTED]
[REDACTED]

Nazneen Nawaz, 3 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

Business has taken no steps reduce issues coming from ongoing noise / disruption. Particularly around delivery drivers and people gathering around the shop late in the eve.

Shelley Raperport, 1 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

We live directly above this takeaway-Both me& my husband work shift work,and with the hours being extended,it will seriously affect our sleep, [REDACTED]
[REDACTED]

The amount of rubbish people leave will get worse

People coming from the pub waiting for food will be very noisy and disruptive. People in there cars waiting for food at midnight with stereos blaring,when my husband has to wake up at 4.30AM is very disruptive too.

However,if they worked 10.30-10.30 we would not have a problem,as we understand this is a business.

Rosie Clayton, 77 Brampton Park Rd, Hitchin, Hertfordshire, SG5 1XE

My home address is within 10 metres of the premises and is 2 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department. For this reason I would like to request a Noise Impact Assessment be carried out in connection with this application.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Edgar Davies and Steph Hart, 155 Bearton Rd, Hitchin, Hertfordshire, SG5 1UA

My home address is within 30 metres of the premises and is 4 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED].
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Paul Bedwell, 3 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

My home address is within 15 metres of the premises and 2 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Louisa Warner, 152 Bearton Road, Hitchin, Hertfordshire, SG5 1UA

My home address is within 10 metres of the premises and on the opposite side of Brampton Park Road from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED].
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented. During the summer months this is especially troublesome as we sleep with our bedroom windows (which are directly overlooking the premises) open; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Vicki Hibbert, 8 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XD

My home address is 8 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department. I personally have had many sleepless nights not being able to sleep because of the noise from the fans.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Nicholas Remington, 20 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

My home address is within 300 metres of the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.

3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]

4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:

a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and

b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and

c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and

d. The odours from the premises would continue until 12.00 am, seven days a week; and

e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and

f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and

g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.

5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:

a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.

b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Elizabeth Tye, 19 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

My home address is 21 houses along the street from the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Corinne Remington, 20 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

My home address is within 300 metres of the premises. I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Jo Young, 76 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

My home address is within 10 metres of the premises I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.
3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]
4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:
 - a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and
 - b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and
 - c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and
 - d. The odours from the premises would continue until 12.00 am, seven days a week; and
 - e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and
 - f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and
 - g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.
5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:
 - a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.
 - b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Anna Hirschfeld, 41 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XF

[REDACTED]
[REDACTED] I object to the license application for the following reasons:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.

3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]

4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:

a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and

b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and

c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and

d. The odours from the premises would continue until 12.00 am, seven days a week; and

e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and

f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and

g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.

5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:

a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.

b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area.

Paul Cooper, 76 Brampton Park Road, Hitchin, Hertfordshire, SG5 1XE

My home address is within 20 metres of the premises and is 3 houses along the street from the premises. I object to the license application for the following reasons:

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. I have heard that multiple residents have long running (over multiple years) noise complaints especially about the fans with the Environmental Health department.

3. I have also heard that residents have written to the establishment several weeks ago to ask that [REDACTED] the noise from the fans be reduced. [REDACTED]
[REDACTED]

4. The "Prevention of a public nuisance" objective would be negatively affected if the application was granted because:

a. The noise from the fans, especially the extractor fans, would continue until at least 12:30 am, 7 days a week. It is assumed that at least 30 minutes extra running time would be required after closing time due to the fact that the cooking equipment has a cooling period during which fumes still need to be vented; and

b. The noise from additional traffic and opening & slamming of car doors would continue until at least 12:30 am (when the staff finally leave after cleaning), seven days a week. The additional traffic includes customers, delivery vehicles and staff; and

c. The noise from cleaning the premises after closing would occur from 12.00 am until at least 12.30 am, seven days a week; and

d. The odours from the premises would continue until 12.00 am, seven days a week; and

e. The litter generated by customers of the establishment would be increased due to the additional hour of trading – especially post Covid; and

f. The likely noise and disturbance from customers arriving after pub closing time until 12.00am, seven days a week; and

g. Regarding the selection of "Both" at the top of Section I, indicating the intention to serve food indoors and outdoors, the noise generated by customers being served and/or consuming food outside the premises until 12.00 am seven days a week would be anticipated to be highly detrimental to the local residents. Food is not currently served outside the premises so the noise would be entirely new. Additional litter would also be expected to be generated due to the serving and consumption outside.

5. Unfortunately the disturbance to residents and businesses (in relation to the points above) has not been mitigated:

a. Section M point (a), (b) and (d) of the application indicate the intention to deliver more. This would not reduce the noise – it would increase it above current levels due to the increased traffic, opening & closing car doors etc.

b. There is no other evidence of either consideration or mitigation of the above disturbances in the application. I am not against takeaways at all (I am a customer of several!) and I am pleased that the business is doing well. However these late hours are not appropriate for this otherwise narrow, terraced residential area which had no such problems when I bought my house on the street. [REDACTED]
[REDACTED]

Paul Cooper, 76 Brampton Park Road - ADDENDUM

Further to my earlier objection, I would like to request a Noise Impact Assessment please.

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Rebecca Farrow

24 Bearton Road, Hitchin, Hertfordshire, SG5 1UB

I don't think it's unreasonable to have this takeaway operating until midnight. I live close & use it regularly. Considering the economic situation I think we should be doing everything we can to support local, independent businesses & helping them to make a go of their businesses.

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