

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



19 April 2021

Our Ref    Licensing Sub-Committee - 05.05.2021  
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To:    Members of the Committee: Councillors Daniel Allen, Tom Tyson, Sam North and Lisa Nash

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

to be held as

**A REMOTE MEETING**

On

**WEDNESDAY, 5TH MAY, 2021 AT 1.00 PM**

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**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</b> 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: <a href="https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings">https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings</a> .	(Pages 3 - 4)
<b>2.</b>	<b>HEARING PROCEDURE</b> Procedure to be followed at the Licensing Hearing.	(Pages 5 - 8)
<b>3.</b>	<b>APPLICATION BY CREATIVE MINDS LTD FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE BLOCK, 23 CHURCHGATE, HITCHIN, HERTFORDSHIRE, SG5 1DN.</b> <b>REPORT OF THE LICENSING OFFICER</b>  The application is for the grant of a premises licence under Section 17 of the Act.	(Pages 9 - 66)

## 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 Manager 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

## THE BLOCK HEARING PROCEDURE

### 1. Chair's Welcome

Introduction of:

- Councillors sitting on Sub-Committee
  - Legal advisor;
  - Licensing officer(s);
  - Responsible authority (Environmental Protection)
  - 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 responsible authority (Environmental Protection)
  - 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 responsible authority (Environmental Protection)
  - The other persons
9. The Sub-Committee may ask questions of the applicant.

NHDC Environmental Protection submits its case

10. The Chair will ask NHDC Environmental Protection to present its submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of NHDC Environmental Protection from:
  - The other persons
  - The applicant
12. The Sub-Committee may ask questions of NHDC Environmental Protection

The other persons submit their case

13. The Chair will ask the other persons to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the other persons from:
  - The responsible authority (Environmental Protection)
  - The applicant
15. The Sub-Committee may ask questions of the other persons.

Closing Statements

16. The licensing officer may make final submissions to the Sub-Committee
17. NHDC Environmental Protection may make final submissions to the Sub-Committee.
18. The other persons may make final submissions to the Sub-Committee.
19. The applicant may make final submissions to the Sub-Committee.

Conclusion

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

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<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>5 MAY 2021</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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**LICENSING ACT 2003**

**APPLICATION BY CREATIVE MINDS LTD  
FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF  
THE BLOCK, 23 CHURCHGATE, HITCHIN, HERTFORDSHIRE, SG5 1DN.**

<b>REPORT OF THE LICENSING OFFICER</b>
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**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**.

**3. APPLICATION PROCESS**

- 3.1 On 9 March 2021, Creative Minds Limited made an application to North Hertfordshire District Council for the grant of a premises licence.
- 3.2 The prescribed consultation period was from 10 March 2021 until 6 April 2021 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 A representation was received from NHDC Environmental Protection against the application and are attached as **Appendix C**.
- 4.3 No representations were received from any other responsible authority.
- 4.4 Four (4) representations were received from 'other persons' against the application, two (2) were determined to be not relevant. The relevant representations are attached as **Appendix D**.
- 4.5 The two (2) representation received from 'other persons' against the application but were deemed to be not relevant were one (1) that was anonymous and one (1) that didn't represent how the premises would impact specifically on the licensing objectives.
- 4.6 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 E. It is the amended application in Appendix E that the sub-committee is being asked to determine.**
- 4.7 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.
- 4.8 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.9 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 8.7– 8.11).**
- 4.10 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.
- 4.11 The applicant has been served with a copy of all representations by way of this report.
- 4.12 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."***

*B7*

*The Council recognises that national and worldwide events may impact on its ability to promote this vision, particularly during pandemics and the impact of exiting the EU. The vision detailed in paragraph B6 will always underpin licensing policy however the Council may need to adapt to measures introduced by Government to stimulate the economy or protect public safety. Under these circumstances, temporary measures may not always be within the control of the licensing authority however the Council will always seek to strike a reasonable balance between achieving its vision and promoting the licensing objectives.*

*B8*

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

*B9*

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

*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.*

#### *D3.1*

*The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in*

*friction at places such as late night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.*

#### *D3.2*

*The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem.*

#### *D3.3*

*Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives*

#### *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.*

#### *D4.2*

*The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can properly consider in developing its Licensing Policy Statement.*

#### *D4.4*

*The Council will not operate a quota of any kind, nor will it ordinarily seek to impose general limitations on trading hours in particular areas.*

#### *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.*

#### *D6.7*

*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.*

#### **D8.1**

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

#### **D8.2**

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

#### **D8.3**

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

#### **E1.3.1**

*The Council understands that the setting of capacity limits for the purposes of fire safety is not permitted, however, it may be appropriate to restrict capacity in premises in order to help control overcrowding and disorder.*

#### **E1.3.2**

*Where a condition is imposed restricting capacity to promote the prevention of crime and disorder objective, it is likely that a condition requiring door supervisors will also be appropriate to manage capacity.*

#### **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.*

#### **E3.1.3**

*The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:*

- (i) *appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and*
- (ii) *adoption of best practice guidance such as, but not limited to:*
  - *the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;*
  - *Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;*
  - *the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and*
  - *the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.*

#### *E3.1.4*

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

#### *E3.1.5*

*Where there is the potential for public nuisance and the applicant's operating schedule does not fully address the concerns, NHDC's Environmental Protection & Housing Team may request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions are included in the attached appendix of Model Conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate. If the applicant does not wish to volunteer the suggested conditions then a representation may be made which will result in the matter being referred to a licensing sub-committee for determination.*

#### *E3.2.1*

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

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

#### *E3.2.2*

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

#### *E3.2.3*

*Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a*



*residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:*

*2.17*

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

*E3.2.4*

*The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.*

*E3.2.5*

*A licensing sub-committee will not impose restrictions or licence conditions on a licence/certificate that relate to deregulated entertainment in order that they can automatically apply if deregulation is subsequently removed. At a review hearing where it is decided to remove deregulation, the licensing sub-committee should tailor any restrictions and/or conditions based on the evidence submitted to them at that time.*

*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.*

*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.*

#### 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.*

#### *2.15*

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

#### *2.16*

*Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

#### *2.17*

*Conditions relating to noise nuisance will usually concern steps appropriate to control the levels*

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

#### **2.18**

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

#### **2.19**

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

#### **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<sup>5</sup>. 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’.

### **Evidence not to consider**

- 8.7 A number of points made in the representations have been deemed not relevant by the licensing officer. The points have been redacted and cannot be seen. The following paragraphs 8.7 to 8.11 are a summary of the redacted points which, for clarity, should not be discussed during the hearing.
- 8.8 There are comments made regarding experiences of previous businesses operating from the same premises which are not relevant. Each application should be determined on its own merits and it should not be assumed that the applicant's management team will automatically fall into the alleged bad practices of previous occupants. There is a review process available if issues subsequently arise at the premises.
- 8.9 There are comments made regarding the operation of other businesses in the area. The operating schedule of other businesses cannot arbitrarily be imposed on this application without evidence to suggest that similar issues in relation to the licensing objectives would be likely to occur at this premises.
- 8.10 There was a general comment relating to the hours of music that did not demonstrate how those hours would impact on the objector in terms of the licensing objectives.
- 8.11 There are comments received from an anonymous objector who requested to not give details on themselves, they cannot be included as the applicant is entitled to know who is objecting and where they live in relation to the premises.

### **Review of a premises licence**

- 8.12 Should the sub-committee be minded to grant a licence it will exist in perpetuity however there is a safeguard within the Act.
- 8.13 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.
- 8.14 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.
- 8.15 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.

#### **Deregulation of regulated entertainment**

- 8.16 Since 6 April 2015, regulated entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs for audiences of 500 or less on premises licensed for the sale of alcohol.
- 8.17 Should the sub-committee be minded to grant a licence for the sale of alcohol, live and recorded music would not require a licence between the hours of 08:00hrs and 23:00hrs during hours where the premises licence allowed it to be open to the public and the sale of alcohol was authorised.
- 8.18 Any conditions relating to regulated entertainment during the period of deregulation would not have effect.
- 8.19 Deregulation can be removed at a premises licence review whereby live and recorded music would then need to be authorised by the premises licence and any restrictions on timings or imposed conditions would apply.

#### **9. APPENDICES**

- 9.1 Appendix A Application
- 9.2 Appendix B Amendment to the application agreed with Hertfordshire Constabulary
- 9.3 Appendix C Representation from NHDC Environmental Protection
- 9.4 Appendix D Relevant representations from other persons
- 9.5 Appendix E Revised application incorporating amendments agreed with responsible authorities

#### **10. CONTACT OFFICER**

Melanie Gillespie  
Assistant Licensing Officer  
[melanie.gillespie@north-herts.gov.uk](mailto:melanie.gillespie@north-herts.gov.uk)

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## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **CREATIVES MINDS CIC**

*(Insert name(s) of applicant)*

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

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>23 CHURCHGATE , HITCHIN , HERTS</b>			
Post town	HITCHIN	Postcode	SG5 1DN
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£15001</b>	

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/> | please complete section (B) |
| d) a charity   | <input type="checkbox"/> | 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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
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	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please diagive 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.**

<b>Name</b> CREATIVE MINDS CIC
<b>Address</b> 23 CHURCHGATE , HITCHIN , HERTS , SG5 1DN
<b>Registered number (where applicable)</b> 11844860
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> COMMUNITY INTEREST COMPANY PROVIDING VOCATIONAL TRAINING AND POSITIVE ACTIVITES FOR YOUNG PEOPLE IN THE COMMUNITY. HIRE OF VENUE AND RESOURCES TO BE USED TO PROVIDE ADDITIONAL FUNDING FOR PROVISION.

Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY		
0	1	0	4	2	0	2

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

DD		MM		YYYY		

Please give a general description of the premises (please read guidance note 1)

Premises is a large one level first floor community venue. Training and education space with reception area toilets, kitchen, recording studio and performance area. Studio Toilets are Kitchen areas are self-contained.  
With small roof terrace

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?

(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)                             | x<br><input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)                             | x<br><input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/>      |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/>      |
| e) live music (if ticking yes, fill in box E)                        | x<br><input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)                    | x<br><input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)             | x<br><input type="checkbox"/> |

- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

x  
☐

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

☐

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

x  
☐

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day      Start      Finish				Both	<input checked="" type="checkbox"/>
Mon	12.00	23.30	<b><u>Please give further details here</u></b> (please read guidance note 4) Community venue for hire to small theatre groups, schools, playwriter, creative persons, dialogues and rehearsal space and .pantos . Outdoor performances will finish at 21.30pm		
Tue	12.00	23.30			
Wed	12.00	23.30	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5) N/A		
Thur	12.00	23.30			
Fri	12.00	23.30	<b><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></b> (please read guidance note 6) N?A		
Sat	12.00	23.30			
Sun	12.00	23.00			



## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) Film screening to raise funds. “Everyman” style film screenings, table service, sofa seating. Films from Cinema for all and charitable organisation’s . All outdoor screenings will finish at 21.30pm		
Mon	12.00	23.30			
Tue	12.00	23.30			
Wed	12.00	23.30			
Thur	12.00	23.30	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Fri	12.00	23.30			
Sat	12.00	23.30			
Sun	12.00	23.00			
			<b>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</b> (please read guidance note 6)		

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><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></b> (please read guidance note 6)
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) Live music outside will finish at 21.30 pm and will be acoustic sets only.		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur	12.00	23.30			
Fri	12.00	23.30			
Sat	12.00	23.30	<b><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></b> (please read guidance note 6)		
Sun	12.00	23.00			

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) Outside music will be until 21.30pm		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	12.00	23.00			
Fri	12.00	23.45			
Sat	12.00	23.45	<b><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></b> (please read guidance note 6)		
Sun	12.00	23.00			

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12.00	23.00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	12.00	23.00			
Wed	12.00	23.00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	12.00	23.00			
Fri	12.00	23.30	<b><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></b> (please read guidance note 6)		
Sat	12.00	23.30			
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Comedy shows, poetry evenings, quiz nights		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3) Outdoor entertainment will finish at 21.30pm	Indoors	<input type="checkbox"/>
Mon	12.00	23.00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	12.00	23.00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed	12.00	23.00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Thur	12.00	23.00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri	12.00	23.30	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Sat	12.00	23.30	<b><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></b> (please read guidance note 6)		
Sun	12.00	23.00	<b><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></b> (please read guidance note 6)		

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					



# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	x <input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) Alcohol for roof terrace will be served in plastic cups, no bar on the outside.		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	12.00	23.45			
Sat	12.00	23.45			
Sun	12.00	22.00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>	Amanda Ashley
<b>Date of birth</b>	■■■■■■■■■■
<b>Address</b>	■■■■■■■■■■ ■■■■■■■■■■ ■■■■■■■■■■
<b>Postcode</b>	■■■■■■■■■■
<b>Personal licence number (if known)</b>	LICPL/00759/14
<b>Issuing licensing authority (if known)</b>	NORTH HERTS DISTRICT COUNCIL

## K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

## L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	10.00 am	24.00 pm	
Tue	10.00 am	24.00 pm	
Wed	10.00 am	24.00 pm	
			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Thur	10.00 am	24.00 pm	
Fri	10.00 am	24.00 pm	
Sat	10.00 am	24.00 pm	
Sun	12.00 am	23.00 pm	

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## 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)

The premises are not open to the general public on a daily basis, the venue is used for community cultural events, private hire and events to increase the funding of a community interest company providing alternative education for young people at risk. Education is carried out MON to FRI 10.00AM to 16.00pm so no members of public will be on the premises. Event bookings during term times will be weekends including Thursdays to Sunday only. Youth Club is Tuesday evening till 22.00pm and the sound proofed and treated recording studio at the back of the premises is for hire when there are no events with staff. The venue space is for use by other community organisations free of charge to run their projects and engage the community in their services. Bookings during the week may increase during school holidays. All bookings will be subject to a customer agreement compliant with our license.

### b) The prevention of crime and disorder

SIA door staff will always be hired when alcohol is part of a event according to numbers attending the event. Staff will be asked to search bags and if needs be pat down persons attending events to search for unauthorised alcohol or drugs. Door staff will be on the front door, in the main room and on the terrace if open, they will be rotated around areas and carry out regular toilet checks. Guest Lists will be on place for all private hires and ID checked. Door Staff will be hired for 30mins at end of event to ensure area is dispersed quickly and quietly. All bar staff and floor staff will be trained to watch for signs of drug use, as well as excessive alcohol use, they will be trained to refuse alcohol to those who show signs of over indulgence. We have CCTV on the premises in the main rooms and on the front door of the premises, we have 8 cameras. Including one on the smoking area that may be used downstairs at front of premises.

When terrace is open plastic cups will be used, capacity of terrace will be 60 and patrons will be encouraged to sit down, door staff will monitor this. No drinks at all in smoking area or to leave first floor.

All private hires will be risk assessed prior to accepting bookings. Aims of education company will be considered before accepting bookings. All events will be pre- booked or ticketed for patrons.

Signage will encourage people to leave quickly and quietly

We have a very experienced DPS who will attend all private hire events or another member of staff holding a personal license.

DPS or similar will attend PubWatch meetings.

As a education provider we have strong, effective safeguarding policy's for children and young people , our DPS is our safeguarding officer and a safeguarding lead Trustee for another charity our events staff are made up of some of our educational staff who are DBS checked and fully compliant with our policies.

Premises has operated for 18months on Tens Licenses with no complaints or refusals from any responsible authorities or Neighbours

### c) Public safety

We have full health and safety, fire safety and risk assessments policies , fire alarms with smoke detectors in all rooms of the premises. We also have a disability statement for the premises. Our terrace has been reviewed by the Fire Officer at Hitchin Fire Station, he suggested a capacity of 100 on the terrace but we have decided to limit it to 60. Capacity of premises for events will be 120 some events such as film screenings where there is furniture in use the capacity will only be 60. Door staff will use clickers at front door and guest lists and clickers on terrace. Terrace will only be available to hirers prepared to accept use conditions. Premises is ventilated with ceiling fans. Last orders will be called 25mins before end of event or hire and music will be lowered for drinking up time. Cloakroom is available for all hires, events. Cold Drinking water is always available. First Aid trained staff will be available for events. We have electrical certificates from Landlords. Recording studio will be locked during events and hire this is the only self-contained room in the venues, this is to ensure no one can be missed inside. This premises have operated for 18months with Tens licenses with no complaints or refusals from any responsible authority or Neighbours. We will keep a refusals book and train staff when and how to refuse alcohol service.

#### **d) The prevention of public nuisance**

Our educational courses include music production which teaches loud is not good sound. Good quality sound is not loud, windows will be shut at all times and upstairs doors to prevent sound outbreak. The terrace has sound boards at the end closest to housing and speakers are positioned to direct sound away from residential. All bookings must submit a list of musicians and DJs before booking is accepted , any changes must be confirmed prior to events. We will provide a list of recommended DJs and Musicians for bookers. Music will be shut off 10mins prior to end of booking so people leaving the event can be instructed by door-staff to leave quietly and quickly. People using the smoking area will be encouraged to smoke and return inside quickly. The premises has sound proofing on the side nearest to residential properties and double closing doors between the first floor and stairs to outside. The outside terrace is open until 9.30pm and this can be closed from inside the premises at this time. Signage will ask the patrons to respect the Neighbours and leave the premises quietly and quickly. Door staff will work for 30mins after the end of event to ensure this. All events are ticketed or guestlists so queues will move quickly from front of premises. Rubbish will be removed from premises the following morning; glass will not be emptied at night. Premises has a fully ventilated kitchen to expel food smells. Smoking area will be swept after events. Premises has operated for 18months with Tens licenses with no complaints or refusals from any responsible authority or Neighbours .

#### **e) The protection of children from harm**

As a educational project we have full safeguarding policies and all staff are DBS checked and work across the training project and the events. Our Education project works with young people exploited by gangs and staff are trained to spot the signs of exploitation. Staff who work on the education project will work the events to subsidise their earnings. Our DPS is a safeguarding officer for both our project and as a Trustee of a Charity. All children attending private events must leave the premises before 9.30pm , they will not be allowed in immediate bar area and must be accompanied by adults unless the event is Under 18s. Under 18s events will be required to have a adult to child ratio agreed with hirer and DBS staff will be on site with Door staff.

#### **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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• 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)</li> </ul>
Signature	A. Ashley

Date	1/3/21
Capacity	On behalf of company applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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) Amanda Ashley 23 CHURCHGATE			
Post town	HITCHIN	Postcode	SG5 1DN
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

#### 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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**From:** Amanda Ashley  
**Sent:** 01 April 2021 12:44  
**To:** SANGHA, Kuljit 8250  
**Cc:** Licensing  
**Subject:** Re: Creative Minds, 23 Churchgate, Hitchin - New Premises Licence Application

These conditions are acceptable.

Kind Regards

Amanda Ashley  
On behalf of  
Creative Minds Cic  
Sent from my iPhone

On 30 Mar 2021, at 13:51, SANGHA, Kuljit 8250 wrote:

Hi Amanda,

Thank you for taking the time to speak with me regarding your application for a new premises licences. After our lengthy conversation in terms of your business plan and what you are trying to achieve, I have listed below a number of proposed conditions. Could I ask you to take a look below and let me know if you are happy to accept the conditions then please email NHDC licensing, cc me and our generic licensing inbox, confirming that you accept the conditions. For convenience I have included their email address as follows: [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk).

**PROPOSED CONDITIONS:**

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 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.
3. 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.
4. 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.
5. DPS/Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers 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.
6. 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.
7. DPS / Premises Licence Holder will ensure that the CCTV system is located in a safe and secure location, where it is only accessible by premises management.

8. DPS/Premises Licence will ensure that all licensable activities that are conducted in the outside terrace area, marked on the plan as 'outdoor space', will end at 22:00hrs.
9. DPS/Premises Licence Holder will ensure that during 'events' including underage events, film screening events and private hire parties, there will be a minimum of two (2) SIA approved door staff at the premises, with at least one covering the entry/exit point downstairs and one upstairs. They will be on duty from the start of the event until time of closing.
10. All SIA door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.
11. All SIA door staff employed at the entrance/exit of the premises, whilst on duty will wear high visibility clothing (reflective jackets/tabards).
12. DPS/Premises Licence Holder will ensure that at least one personal licence holder is on duty at the premises at all times when sale of alcohol is being undertaken at the premises and will ensure that persons identity is known to all other staff engaged in the sale of alcohol.
13. DPS/Premises Licence Holder will ensure that a refusals log/book is maintained and kept at the premises at all times, whether electronically or hard copy.
14. DPS/Premises Licence Holder will ensure that the refusals log/book will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.
15. DPS/Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
16. 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.
17. DPS/Premises Licence Holder will ensure that customers are not permitted to leave the premises with any open vessels of alcohol.
18. DPS/Premises Licence Holder will ensure that a Challenge 25 policy is in operation at the premises at all times and signage will be displayed to inform customers that such a scheme is in operation.
19. DPS/Premises Licence Holder will adopt a 'No ID No Sale' policy.
20. DPS/Premises Licence Holder will ensure that whilst the premises are used during term time for education purposes from Monday to Friday between 10:00hrs – 16:00hrs, sale of alcohol will not be permitted during those days and times.
21. DPS/Premises Licence Holder will ensure that regular checks are conducted in the outside terrace area, marked on the plan as 'outdoor space', to ensure that vessels are removed once the customer has finished their food/drink.

Regards

Mrs Kuljit Sangha

Police Licensing Officer for North Herts

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



### **NHDC Environmental Protection**

Further to below clarification from the applicant, my comment for this application is as follows.

We object to the use of the Terrace beyond 9pm . We oppose the proposed time of 10pm finish with the undertaking of turning the music down at 9.30pm. The condition we will apply would be that the use of the Terrace to end at the latest 9pm . This is not acceptable to us for the following reasons.

1. Given the location of the venue and projected noise from such events, we believe this will result in disturbance to the nearby residential homes.
2. The same condition is applied to all similar establishments that use the outside area in that location
3. Given the reduction of background noise at night and as the day draws out projected noise of such events will be much more audible and therefore could result in noise nuisance.

I hope this is helpful. Please do not hesitate to contact me if you require any further information

Amir

**From:** Amanda Ashley

**Sent:** 29 March 2021 15:52

**To:** Morteza Salarkia

**Subject:** Re: 12089 revised application form and plan - Creative Minds

Afternoon

I'm a bit confused by your comments as you appear to say you are satisfied from a noise point of view , but I will try give you further information.

1. The Terrace will be used on Friday, Saturday and Sunday during the spring summer months April to September. This will not be every weekend and not all 3 days only as and when hired for private events which are all limited to 60 people. Baby Showers, Brunches, Family Gatherings, Pop Up Restaurants, Private parties. No 18ths or 21st Hirers are limited to background music or acoustic live music. Hire of roof terrace end must be 10pm . This is laid out fully in our booking form for hirers and fully explained to them prior to booking.

2. Hirers must turn off music by 9.30pm and leave the roof terrace by 10pm. Other establishments including the Sun Hotel, The Market Theatre have outside licenses until 11.30pm. Chic Bars Music starts as we are leaving our premises 10.30pmish and can be heard very clearly we have not asked for 11.30pm as we steer all our hirers to daytime early evening bookings. The point of our terrace is to have a party in the Sun. This is how we operated last summer 2020 on tens licenses I believe there were no complaints sound or otherwise from neighbours.

3. The Fire Officer came for a advisory visit before we opened the terrace last year, I cant remember his name but I believe I have a copy of a letter from him on site. We did not expect him to say as many people as he did and we had already priced our provision for less than 60 people so we stuck to the 60 capacity. We used this number last summer most events were actually under 60 and again no as far as I'm aware no complaints of sound or anti-social behaviour.

4. We have amended to 24.00pm for Friday and Saturdays for inside the premises only. Any bookings for the roof terrace will always shut at 10pm and these are only possible on Fridays, Saturdays and Sundays. Midnight inside the premises is in line with all other licenses establishments in the area some are 3am. Again we have had tens for the past 18months some till 2am and we have had no complaints that I have been made aware of.

5. We have a Covid safe plan , Fire plans and a Health and Safety Plan

6. We are a registered training provider with the Department of Education we have a UPIN Number for our registration we have however agreed with licensing our application will not be for a educational provision we will be licensed in the company name.

7. I would like to remind you that we operated the premises on tens licenses for the past 18months as we knew the previous license to the premises had been revoked, while this should in no way impact our application ,we wanted to prove that we could run the premises safe fully with no complaints prior to applying for a full license. I believe we have done there have been no complaints sound or otherwise and we have decided on the types of events we will and wont book on the premises in a attempt to be good neighbours, I believe we have achieved this . As a community interest company that raises funds from our premises to fund our work with young people in the community we have considered our application carefully based on 18months experience of the premises including during lockdowns when we have been unable to raise additional funds for our work.

I am a experienced personal license holder and have had no complaints or hearings against my personal license.

Regards

Amanda Ashley  
Creative Minds CIC

On Monday, 29 March 2021, 09:00:38 BST, Morteza Salarkia wrote:

Dear Ms Ashley

I believe I spoke to you on the phone yesterday regarding the above application.

I have reviewed your revised application from the Environmental Health Noise aspect specifically and I have the following comment .

1. In my view the use of the Terrace has not been defined properly to enable us assess any potential issues. it has been left as an open proposal without any details of events you may hold and frequency of such events . You need to provide us with more details .
2. In our view, considering the location and taking into account conditions applied to other establishments licences in the area , you need to revise the proposed finishing time of 9.30pm in relation to the use of the Terrace. This will not be acceptable to us.
3. In the application you refer to the fact the Fire Service has agreed that the Terrance can accommodate up to 100, do you have this confirmation in writing, although I noted that you have stated you will not go over more 60 people. In our view that may even be too many. This an observation and for you to ensure a proper risk assessment is carried out and available for the Council to refer to if required.

4. Under section L there appears to be some inconsistency / error on the hours of business or opening and finishing times. Under section L you put 10 am – 24.00pm Monday to Saturday and 10am – 23.00pm on Sundays. In our view you need to review these as these will not be acceptable . In general , on week days this must not go beyond 23.00pm and Sundays not beyond 22.00pm
5. Although overall, I am satisfied with the Noise Control statement within the application , this remain to be seen in practice.
6. Please note that whilst the Covid regulation in place , you must have a full Covid19 Risk Assessment in place and the premises and it use must be Covid compliance. Please note that all these may require a review once the Covid regulation comes to an end
7. Finally, it would be helpful if you could clarify your Educational Establishment status, ie under which educational regulatory system or body your organisation is credited or certified be considers as a Educational Establishment.

I hope this helpful

**Amir Salarkia**  
**Interim Environmental Protection & Housing Manager**  
**North Hertfordshire District Council**

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**Gyula and Diane Szanto - The Block 23, Churchgate**

We are writing concerning the proposal for the hours applied for the above business.

We object and are very concerned.

Historically this premises has been granted licenses and the noise from there has caused considerable disturbances to local homes.

[REDACTED]

If The Block is granted the applied for licence there will be considerable continual disturbances to the families in, The Biggin, Jill Grey Place and the close surrounding area.

We feel this should not be allowed to happen and should be rejected for the consideration to the existing community.

Please can you keep us informed of the progress of this and names of people to contact.

**Tracey Grainger – 4 Jill Grey Place**

[REDACTED]

**Chris Back – 6 Jill Grey Place**

I object to a licence being granted under the terms of this application. The main reason for my objection falls under the category "prevention of public nuisance", specifically noise nuisance. By way of background information, I (and other local residents) suffered considerable noise disturbance from a previous user of the premises, [REDACTED]

[REDACTED] The disturbance continued and only ceased when the licence was withdrawn. I am anxious that there should be no repeat of such long term stress-inducing disturbance. The application asks for a licence for the supply of alcohol and variety of other activities (performance of plays and dance, screening of films, and the playing of live and recorded music). The hours and location (indoors/outdoors) vary slightly for the various activities. With respect to the supply of alcohol, the attached written application does state "no bar on the outside" although I do not see this explicitly on the online application. I see no specific constraints for outside on the consumption of alcohol. With respect to the various activities, the application proposes that "all outside entertainment will finish at 21:30". Inside, the hours appear to match those for the supply of alcohol. My personal preference would be that the outside not be used at all. Noise carries very easily from this elevated terrace with a direct line of sight to my (and other residents') windows. With the numbers of users mentioned in the written application ("capacity of terrace will be 60"), the size of the terrace and the corresponding density of users, I do not believe that the "sound boards" (with substantial gaps) will do much to prevent disturbance. If the outside terrace has to be licensed, I would like to see the following conditions or restrictions: #1. Explicit mention of "no bar on the outside". #2. No use of the outside terrace after 21:00. #3. No use of the outside terrace for any of the listed "activities". I think that #2 would be consistent with the conditions applied to Wetherspoons outdoor area. [REDACTED]

[REDACTED] I think #3 is necessary because of the potential additional noise from these activities. Although 60 people with raised voices can already seem very loud, the addition of (or replacement by) music or film soundtrack could be even worse. Positioning speakers

"to direct sound away" would, in my opinion, only slightly mitigate the problem. Furthermore, I would like to see noise limits and conditions on inside activities, including keeping doors and windows closed. Speaking from experience, when doors and windows are open, a lot of noise escapes from inside. Noise limits are still necessary even when doors and windows are kept closed - low frequencies easily penetrate and carry. The written application states that the "Premises has operated for 18 months with Tens licences with no complaints ... from ... neighbours". I have no idea how many temporary events have been held during the past eighteen months. However it seems likely to me that since the start of Covid-19 restrictions, events and gatherings would have been severely curtailed, and so this might not be a very useful guide to future circumstances. Furthermore, since the premises are intended to be used for event bookings, there is no guarantee that the nature of any such bookings might not change significantly. In summary, I ask that consideration be given to the very real issues of noise disturbance experienced by myself and other residents, and that the licence conditions reflect the potential disturbance that could be caused by use of the outside terrace.

**Revised application incorporating operating schedule conditions agreed with the Police**

<b>Performance of Plays (indoors and outdoors)</b>		
Day	Start	Finish
Monday to Saturday	12.00	23.30
Sunday	12.00	23.00
Outdoor performances to finish at 21.30		

<b>Exhibition of Films (indoors and outdoors)</b>		
Day	Start	Finish
Monday to Saturday	12.00	23.30
Sunday	12.00	23.00
Outdoor screenings to finish at 21.30		

<b>Live Music (indoors and outdoors)</b>		
Day	Start	Finish
Sunday to Wednesday	12.00	23.00
Thursday to Saturday	12.00	23.30
Outdoor performances to finish at 21.30 and be unamplified only		

<b>Recorded Music (indoors and outdoors)</b>		
Day	Start	Finish
Sunday to Thursday	12.00	23.00
Friday and Saturday	12.00	23.45
Outdoor performances to finish at 21.30		

<b>Performance of Dance (indoors only)</b>		
Day	Start	Finish
Monday to Thursday	12.00	23.00
Friday and Saturday	12.00	23.30

<b>Anything of a similar description to live music, recorded music, or a performance of dance (indoors and outdoors)</b>		
Day	Start	Finish
Sunday to Thursday	12.00	23.00
Friday and Saturday	12.00	23.30

<b>Supply of Alcohol (for consumption on the premises)</b>		
Day	Start	Finish
Monday to Thursday	12.00	23.00
Friday and Saturday	12.00	23.45
Sunday	12.00	22.00

<b>Hours Premises are Open to the Public</b>		
Day	Start	Finish
Monday to Saturday	10.00	midnight
Sunday	12.00	23.00

### **Operating schedule conditions offered as part of the original application**

1. The premises licence holder will ensure that, when employed, Security Industry Authority (SIA) door staff will be asked to search bags and, where appropriate, 'pat search' patrons at the entrance.
2. The premises licence holder will ensure that, when employed, Security Industry Authority (SIA) door staff will be positioned on the front door and patrolling the main room/terrace (including toilets).
3. The premises licence holder will ensure that, when employed, Security Industry Authority (SIA) door staff will be employed for thirty (30) minutes at the end of the event to supervise quick and quiet dispersal of patrons.
4. The premises licence holder will ensure that only non-glass drinking vessels are used for consumption of drinks on the terrace and that no drinks are permitted in the smoking area or off the premises.
5. The premises licence holder will ensure that the capacity for the outside terrace does not exceed sixty (60) persons at any one time.
6. The premises licence holder will ensure that all events will be pre-booked or ticketed only with a list of guests available at the front door for private events.
7. The premises licence holder will ensure that clear and legible signage is placed at exits requesting patrons to leave quickly and quietly.
8. The premises licence holder will ensure that all children under the age of sixteen (16) years attending private events must leave the premises no later than 21.30hrs and be accompanied by an adult, save for under eighteen (18) age events.

### **Additional Operating schedule conditions offered following discussion with the Police**

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



15. The designated premises supervisor (DPS) and premises licence holder will ensure that the closed-circuit television (CCTV) system is located in a safe and secure location, where it is only accessible by premises management.
16. The designated premises supervisor (DPS) and premises licence holder will ensure that all licensable activities that are conducted in the outside terrace area, marked on the plan as 'outdoor space', will end at 22:00hrs.
17. The designated premises supervisor (DPS) and premises licence holder will ensure that during 'events' including underage events, film screening events and private hire parties, there will be a minimum of two (2) Security Industry (SIA) approved door staff at the premises, with at least one covering the entry/exit point downstairs and one upstairs. They will be on duty from the start of the event until time of closing.
18. All Security Industry (SIA) door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.
19. All Security Industry (SIA) door staff employed at the entrance/exit of the premises, whilst on duty will wear high visibility clothing (reflective jackets/tabards).
20. The designated premises supervisor (DPS) and premises licence holder will ensure that at least one personal licence holder is on duty at the premises at all times when sale of alcohol is being undertaken at the premises and will ensure that persons identity is known to all other staff engaged in the sale of alcohol.
21. The designated premises supervisor (DPS) and premises licence holder will ensure that a refusals log/book is maintained and kept at the premises at all times, whether electronically or hard copy.
22. The designated premises supervisor (DPS) and premises licence holder will ensure that the refusals log/book will be made available for inspection upon request by police officers, police community support officers and police licensing officers.
23. The designated premises supervisor (DPS) and premises licence holder will ensure that an incident book is maintained and kept at the premises at all times.
24. The designated premises supervisor (DPS) and premises licence holder will ensure that the incident book will be made available for inspection upon request by police officers, police community support officers and police licensing officers.
25. The designated premises supervisor (DPS) and premises licence holder will ensure that customers are not permitted to leave the premises with any open vessels of alcohol.
26. The designated premises supervisor (DPS) and premises licence holder will ensure that a Challenge 25 policy is in operation at the premises at all times and signage will be displayed to inform customers that such a scheme is in operation.
27. The designated premises supervisor (DPS) and premises licence holder will adopt a 'No ID No Sale' policy.
28. The designated premises supervisor (DPS) and premises licence holder will ensure that whilst the premises are used during term time for education purposes from Monday to Friday between 10:00hrs – 16:00hrs, sale of alcohol will not be permitted during those days and times.
29. The designated premises supervisor (DPS) and premises licence holder will ensure that regular checks are conducted in the outside terrace area, marked on the plan as 'outdoor space', to ensure that vessels are removed once the customer has finished their food/drink.

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