

12/07/2022

Our Ref. Licensing Sub-Committee/27 July 2022
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To: Members of the Committee: Councillor Jean Green, Councillor Daniel Allen, Councillor Ruth Brown and Councillor Michael Muir

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

to be held as a

REMOTE MEETING

On

WEDNESDAY, 27TH JULY, 2022 AT 10.00 AM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda
Part I

Item		Page
1.	ELECTION OF CHAIR The Sub-Committee members will elect a Chair and determine who will be the reserve member.	
2.	HEARING PROCEDURE The procedure to be followed by the Chair when conducting the Sub-Committee hearing.	(Pages 3 - 6)
3.	DETERMINATION OF APPLICATION To determine the application for the review of a premises licence in respect of Chicken George, 107A-107B Bancroft, Hitchin, SG5 1NB	(Pages 7 - 54)

CHICKEN GEORGE – PREMISES LICENCE REVIEW HEARING PROCEDURE

Introduction

1. Chair's welcome
2. Introduction of:
 - Councillors sitting on the sub-committee
 - Legal advisor
 - Licensing officers
 - Other Persons instigating the review (Mr Pollock)
 - Other Persons (supporting the review)
 - Other Persons (opposing the review)
 - Premises licence holder (including any representatives)
3. The Chair will outline the procedure for the hearing
4. The Chair will ask the legal advisor to outline the matters for consideration during the course of the hearing

Licensing officer's report

5. 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, responsible authorities and the premises licence holder have been made aware of the amendments.
6. The Chair will ask if there are any questions of fact of the licensing officer from:
 - Other Persons instigating the review (Mr Pollock)
 - Other Persons (supporting the review)
 - Other Persons (opposing the review)
 - Premises licence holder (including any representatives)
7. The sub-committee may ask questions of the licensing officer

The Other Person requesting the review's case (Mr Pollock)

8. The Chair will ask Mr Pollock to present his submission to the sub-committee
9. The Chair will ask if there are any questions of fact of Mr Pollock from:
 - Other Persons (supporting the review)
 - Other Persons (opposing the review)
 - Premises licence holder (including any representatives)
10. The sub-committee may ask questions of Mr Pollock

The Other Person supporting the review submit their case

11. The Chair will ask the Other Persons (in turn) to present their submissions to the sub-committee
12. The Chair will ask if there are any questions of fact of the Other Persons from:
 - Mr Pollock
 - Other Persons (opposing the review)
 - Premises licence holder (including any representatives)
13. The sub-committee may ask questions of the Other Persons

The Other Person opposing the review submit their case

14. The Chair will ask the Other Persons (in turn) to present their submissions to the sub-committee
15. The Chair will ask if there are any questions of fact of the Other Persons from:
 - Mr Pollock
 - Other Persons (supporting the review)
 - Premises licence holder (including any representatives)
16. The sub-committee may ask questions of the Other Persons

The premises licence holder submits its case

17. The Chair will ask the premises licence holder (and/or representatives) to present their submissions to the sub-committee
18. The Chair will ask if there are any questions of fact of the premises licence holder from:
 - Mr Pollock
 - Other Persons (supporting the review)
 - Other Persons (opposing the review)
19. The sub-committee may ask questions of the premises licence holder

Closing statements

20. The licensing officer may make final submissions to the sub-committee
21. The Other Persons (supporting the review) may make final submissions to the sub-committee
22. Mr Pollock may make his final submission to the sub-committee
23. The Other Persons (opposing the review) may make final submissions to the sub-committee
24. The premises licence holder (and/or representatives) may make final submissions to the sub-committee

Conclusion of the evidence session

25. The legal advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the sub-committee
26. The Chair will adjourn the hearing and retire into private session to consider its determination

Decision

27. The Chair will announce the sub-committee's decision in open session and give reasoning for the decision
28. The Chair will close the hearing

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LICENSING SUB-COMMITTEE
Wednesday 27 July 2022

LICENSING ACT 2003

APPLICATION BY MR G POLLOCK
FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF
CHICKEN GEORGE, 107A-107B BANCROFT, HITCHIN, HERTFORDSHIRE, SG5 1NB.

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 The existing premises licence was granted by the licensing authority following an application to vary the licence on 6th January 2022.
- 1.2 The current premises licence is attached as **Appendix A**.

2. REVIEW APPLICATION

- 2.1 The application is for a review of a premises licence following a request from an Other Person under Section 51 of the Licensing Act 2003 (“the Act”).
- 2.2 On 30 May 2022, the licensing authority received an application for the review of the premises licence from Mr Pollock on the grounds that:

‘Since the restaurant opened the residents who live in Ransom Yard, Bancroft, Hitchin SG5 1NB have had continual difficulties in the evenings particularly over weekends accessing and leaving our driveway because Chicken George clientele park in front of the entrance gates despite a number of warning signs and double yellow lines. The Chicken George clientele also occupy the licensed taxi rank there preventing the taxis being able to queue to collect fares.

The restaurant owners have done nothing to help dissuade their clientele from parking illegally and blocking driveways and their clientele often from outside Hitchin have been aggressive when asked to move. This has left residents stranded on the main highway – Bancroft – unable to turn in and access our driveway. This issue has been taken up with local councillors /NHDC/the Police all to no avail and the situation worsens every weekend.

In addition to the above, the litter and noise created during the busy periods has caused other neighbours’ sleepless nights and the smell of the frying oil for nearby residents is awful.

I request the licence granted be reviewed and cancelled and alternative premises with local parking be found as this restaurant is creating public nuisance/ traffic dangers/parking violations and potential for public disorder.

Finally, I note that conditions for granting the licence required the applicant to install CCTV inside and outside the restaurant which has not been done and to provide a rubbish bin for their clientele which is not being provided.'

The application relates specifically to the following licensing objectives:

- The prevention of public nuisance
- Public safety
- The prevention of crime and disorder

Once an application for review has been made representations can be made for any of the four licensing objectives.

2.3 As required by the Act, the licensing authority displayed notices of the review at the premises in accordance with the prescribed regulations. The application was also published on the Council's website on the Licensing Register.

2.4 The application for a review is attached as **Appendix B**.

3. CONSULTATION PROCESS

3.1 On 30 May 2022, the licensing authority received an application for a review of the premises licence from an Other Person.

3.2 As the application was served electronically, the licensing authority served notice of the application to the premises licence holder and the responsible authorities.

3.3 Public notices were displayed on the premises for a period of twenty-eight (28) consecutive days between 1 June 2022 and 29 June 2022 in accordance with the requirements of the Act. Officers visited the premises periodically to ensure that the notices were continually displayed.

3.4 A newspaper advertisement is not required by the Act for an application for a review.

4. REPRESENTATIONS

4.1 No representations were received from any responsible authority.

4.2 As a substantial part of the review application relates to crime and disorder, in particular aggression and illegal parking, the licensing officer checked with the Police Licensing Officer ("the Police Officer") to ensure that she was aware of the review consultation. The Police Officer confirmed that she was aware and would not be submitting a representation. It is for the sub-committee to determine what weight, if any, to attach to that decision.

4.3 Thirteen (13) representations were received from Other Persons supporting the review application and are attached as **Appendix C**.

4.4 Thirty-six (36) representations were received from Other Persons opposing the review application and are attached as **Appendix D**.

- 4.5 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.6 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.**
- 4.7 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.
- 4.8 The premises licence holder has been served with a copy of all representations by way of this report.
- 4.9 The applicant for the review, the premises licence holder, 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.
- 4.10 This report and all appendices have been published on the Council's website and all hearing invitations required to satisfy paragraph 4.9 above have included a link to the relevant web page.

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) to take no action;
 - ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, removing live and recorded music deregulation, 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.
- 5.4 National Guidance Section 11.20 states:

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council’s Statement of Licensing Policy 2021 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.

B10

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

D2.1

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

D2.4

In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The

scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.

D2.5

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.*

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.

D6.8

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.

D11.1

Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the licensing sub-committee are:

- (i) to take no action;*
- (ii) to modify the conditions of the licence;*
- (iii) to exclude one or more licensable activities from the scope of the licence;*
- (iv) to remove the designated premises supervisor;*
- (v) to suspend the licence for a period not exceeding three months; or*
- (vi) to revoke the licence.*

D11.2

In determining whether or not an application for a review is relevant, the Council will have due regard to the Guidance in relation to whether an application is frivolous, vexatious or repetitive. The Council acknowledges that the Act precludes a representation by a responsible authority from being deemed frivolous, vexatious or repetitive.

D11.9

NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

E2.1

The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

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.***

E3.1.4

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.

E3.2.1

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).*

E3.2.4

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.*

E3.9.1

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

E3.9.3

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

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.

F8.1

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

F8.2

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

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.*

1.17

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

2.1

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

2.15

*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.

9.12

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

9.42

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

9.43

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

9.44

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

business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9

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

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

11.10

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;***

- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

16.55

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

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.

Case law

- 8.2 As the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.3 The Guidance states at paragraph 2.20 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.4 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.

- 8.5 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.6 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that “beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right” (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the Hope and Glory case.
- 8.7 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

Evidence not to consider

Parking

- 8.8 There is existing legislation to deal with parking issues without the need for intervention under the Licensing Act 2003. Civil enforcement officers (parking wardens) for most parking issues under traffic regulation orders and the Police for obstruction of the highway
- 8.9 For parking to be relevant to this hearing it would have to be causally linked to the premises and there are many other takeaways, restaurants, and licensed premises on Bancroft, most of which open for longer hours and on more days than Chicken George.
- 8.10 Parking conditions on the licence would not be enforceable as it is outside the control of the licence holder. The licensing team have witnessed several occasions where the licensee has attempted to move people along, but they have refused.
- 8.11 If the sub-committee were to take action on parking, it would have to be satisfied that the problem is caused only by Chicken George and not the other premises so that the problem wouldn't exist if Chicken George wasn't there

Anti-social behaviour

- 8.12 Numerous references were made in respect of crime and disorder by way of aggression and threats however the Police could not provide evidence of any allegations made relating to the premises and chose not to support the application for review.

Live and recorded music

- 8.13 Following deregulation of some licensable activities, businesses are permitted to provide live and recorded music on a premises licensed for the sale of alcohol without the need for a licence between the hours of 08:00hrs and 23:00hrs if the audience is fewer than 500 people.

Restriction of licensed hours

- 8.14 The decision must be evidence based so any hours not currently being used by the premises cannot be restricted as there is no evidence suggesting that they are causing any adverse impact on the licensing objectives

Kitchen extraction system

- 8.15 There is existing legislation for Environmental Health to deal with this under their own powers and they have made no representation supporting the residents claims or suggesting that they need any assistance with the matter

Revocation of the premises licence

- 8.16 Under the current trading hours the premises only require a licence for the sale of alcohol; the removal of the licence would prevent them from continuing with these sales. The decision to remove the sale of alcohol must be evidence based
- 8.17 Without a premises licence, the premises would still be able to operate as a restaurant between 05:00hrs and 23:00hrs every day of the week as well as providing deregulated live music as a workplace and incidental recorded music
- 8.18 In the absence of a licence, no controls would exist between 05:00hrs and 23:0hrs every day.

Evidence to consider

- 8.19 Several references were made in respect of crime and disorder during the consultation period of the initial application for a premises licence. The local residents made a number of statements regarding existing litter and anti-social behaviour problems in the area, specifically on and around the taxi rank. It is clear that there is evidence of the issues currently being considered being present before the current business occupied the premises.

New evidence

- 8.20 Other Persons must restrict their oral submissions to the relevant issues raised within their representations although they may expand on their written submission by way of examples or further linked information. They cannot raise new issues not mentioned within the written representation, for example if they have only raised issues of crime and disorder, they cannot introduce issues of public safety orally at the hearing.

Unlike the Other Persons, the premises licence holder is not restricted to advanced written representations and may raise any relevant issues orally at the hearing.

- 8.21 Any new documentation not circulated in advance of the hearing to all parties within the hearing paperwork cannot be introduced during the hearing or presented to the sub-committee without all party consent.
- 8.22 New documentation received in advance of the start of the hearing may be accepted at the discretion of the licensing manager provided:
- (i) it is circulated to all parties present prior to the start of the hearing
 - (ii) adequate time is given prior to the start of the hearing for parties to consider the documentation
 - (iv) the late admission or refused admission of the documentation does not unduly prejudice any party to the hearing

Enforcement activity

- 8.23 Prior to the premises opening I received 5 complaints all eventually deemed to be vexatious as I investigated each one immediately, with the complaints being completely unfounded. During the first 2 months of the premises opening, I investigated a further 4 complaints, again completely unfounded.
- 8.24 In the time that the premises has been open to the public the licensing team have carried out regular unannounced visits and observations of the premises where we have not seen any of the issues referred to
- 8.25 Complaints have been received for every business that has operated from the premises with a licence and the issues are not unique. It has planning permission to be used in this way and it is in a busy town centre surrounded by other similar premises

9. APPENDICES

- 9.1 Appendix A Current premises licence
- 9.2 Appendix B Application for the review
- 9.3 Appendix C Representations from Other Persons in support of the review
- 9.4 Appendix D Representations from Other Persons in opposing the review

10. CONTACT OFFICER

- 10.1 Jasmine Jennings
Licensing Officer
jasmine.jennings@north-herts.gov.uk

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Licensing Act 2003

Part A

Format of premises licence

North Hertfordshire District Council
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 07 May 2020
Current issue date: 21 January 2022


.....
Authorised signatory

Premises licence number: 11066

Part 1 – premises details

Chicken George
107A - 107B Bancroft, Hitchin, Hertfordshire, SG5 1NB

This licence is granted in perpetuity

Licensable activities authorised by the licence

Section I: Provision of Late Night Refreshments:(Indoor)
Section J: Sale or Supply of Alcohol:(On the premises)

The times the licence authorises the carrying out of licensable activities

Section I: Provision of Late Night Refreshments:(Indoor)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	23:00	midnight
Friday	23:00	00:30
Saturday	23:00	00:30
Sunday	n/a	n/a

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

All bank holidays, December 20, December 21, December 22, December 23, December 27, December 28, December 29, December 30

On these days, the permitted opening hours will be 23:00hrs to 00:30hrs

New Year's Eve

On these days, the permitted opening hours will be 23:00hrs to 02:00hrs

THE ABOVE HOURS APPLY TO THE AREA ON THE PLAN MARKED AS 'RESTAURANT'

There is no restriction on the provision of late night refreshment for delivery between the hours of 05:00hrs and 23:00hrs as it is not licensable. Between these hours, the public will be permitted on the premises to purchase late night refreshment in accordance with the hours open to the public on this licence.

Section J: Sale or Supply of Alcohol:(For consumption on the premises)

Day	Start Time	End Time
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	midnight
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:00

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

All bank holidays

On these days, the permitted opening hours will be 12:00hrs to 23:30hrs

December 20, December 21, December 22, December 23, December 27, December 28, December 29, December 30

On these days, the permitted opening hours will be 12:00hrs to 00:30hrs

New Year's Eve

On these days, the permitted opening hours will be 19:00hrs to 02:00hrs

THE ABOVE HOURS APPLY TO THE AREA ON THE PLAN MARKED AS 'RESTAURANT'

The opening hours of the premises		
Day	Start Time	End Time
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	00:30
Friday	12:00	01:00
Saturday	12:00	01:00
Sunday	12:00	23:30

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

All bank holidays, December 20, December 21, December 22, December 23, December 27, December 28, December 29, December 30
On these days, the permitted opening hours will be 12:00hrs to 01:00hrs

New Year's Eve
On these days, the permitted opening hours will be 19:00hrs to 02:30hrs

THE ABOVE HOURS APPLY TO THE AREA ON THE PLAN MARKED AS 'RESTAURANT'

THE FOLLOWING HOURS APPLY TO THE AREA ON THE PLAN MARKED AS 'TAKEAWAY'

Monday to Wednesday 12:00hrs to 23:00hrs
Thursday to Saturday 12:00hrs to 23:30hrs
Sunday 12:00hrs to 22:00hrs

These hours apply each day of the year with the exception of:
All bank holidays, December 20, December 21, December 22, December 23, December 27, December 28, December 29, December 30
On these days, the permitted opening hours will be 12:00hrs to 23:30hrs

For consumption on the premises

Part 2

Name, (registered) address, telephone number and email of holder of the premises licence

Chicken George (Hitchin) Limited
The Hive, Suite 3 Bell Lane, Stevenage, Hertfordshire, SG1 3HW
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

12384165

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Christopher Tung-Shing Cheah
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: 7429
Issuing authority: North Hertfordshire District Council

Annex 1 – Mandatory conditions

No supply of alcohol may be made under this licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence; or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Responsible person means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen(18) years who has been authorised to sell alcohol at the licensed premises.

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
- (c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective.
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

- (i) a holographic mark; or
- (ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

- (i) beer or cider: half pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. In this condition:

(a) permitted price is the price found by applying the formula $P = D + (D \times V)$ where:

(i) P is the permitted price;

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

(b) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) relevant person means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in capacity which enable the member or officer to prevent the supply in question; and

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Operating Schedule Conditions (Prevention of crime and disorder)

CD1

The premises licence holder / designated premises supervisor (DPS) 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.

CD2

The premises licence holder / designated premises supervisor (DPS) 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, including any fire exits.

CD3

The premises licence holder / designated premises supervisor (DPS) 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.

CD4

The premises licence holder / designated premises supervisor (DPS) 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.

CD5

The premises licence holder / designated premises supervisor (DPS) 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.

CD6

The premises licence holder / designated premises supervisor (DPS) 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 a police officer, police community support officer or police licensing officer. One (1) of these persons will be at the premises at all times when the premises are open to the public.

CD7

The premises licence holder / designated premises supervisor (DPS) 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.

CD8

The premises licence holder / designated premises supervisor (DPS) will nominate other persons who will deputise for the Premises Licence Holder or DPS when he/she are absent from the premises. The premises licence holder / DPS will ensure that any nominated deputy is a personal licence holder. The premises licence holder / DPS will ensure that the identity of the deputy is known by all other staff at such times.

CD9

The premises licence holder / designated premises supervisor (DPS) will ensure that a refusals log/book is maintained and kept at the premises at all times, whether electronically or hard copy.

CD10

The premises licence holder / designated premises supervisor (DPS) will ensure that the refusals log/book will be made available for inspection upon request by a police officer, police community support officer or police licensing officer.

CD11

The premises licence holder / designated premises supervisor (DPS) will ensure that an incident book is maintained and kept at the premises at all times.

CD12

The premises licence holder / designated premises supervisor (DPS) will ensure that the incident book will be made available for inspection upon request by a police officer, police community support officer or police licensing officer.

CD13

The premises licence holder / designated premises supervisor (DPS) will ensure that customers are not permitted to leave the premises with any open vessels of alcohol.

CD14

The premises licence holder / designated premises supervisor (DPS) will ensure that sale of alcohol will not be for off sales.

CD15

The premises licence holder / designated premises supervisor (DPS) 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.

Restaurant Area**CD16**

The premises licence holder / designated premises supervisor (DPS) will ensure sale of alcohol is for the purpose of consuming in the restaurant area only, as marked on the plan that states Restaurant.

CD17

The premises licence holder / designated premises supervisor (DPS) will ensure sale of alcohol will only be to a person(s) seated taking a table meal in the restaurant area only, as marked on the plan that states Restaurant and for consumption by such a person(s) as ancillary to their meal.

CD18

The premises licence holder / designated premises supervisor (DPS) will ensure that all orders for table meals, including sale of alcohol will take place at the bar in the restaurant area only, as marked on the plan that states Restaurant. Once the drinks (including alcohol) orders are ready, the customer will take them to their allocated table in the restaurant area only. Once the food orders are ready, the staff will bring them over to the seated customer.

New Year's Eve**CD19**

On New Year's Eve, the premises licence holder/ designated premises supervisor will ensure that the takeaway will not operate for the ordering or collection of food by the public.

CD20

New Year's Eve hours will apply to both the restaurant and takeaway area as marked on the plan, however during this time the premises licence holder / designated premises supervisor (DPS) will ensure that the takeaway service will not be in operation. The New Year's Eve hours are for a ticket only event. The ticket can only be purchased in advance and not at the door. There will be a guest list in place during this event.

CD21

On New Year's Eve, the premises licence holder / designated premises supervisor(DPS) will ensure sale of alcohol is for the purpose of consuming in the restaurant area, as marked on the plan that states Restaurant and takeaway area, as marked on the plan that states Takeaway.

CD22

On New Year's Eve, the premises licence holder / designated premises supervisor(DPS) will ensure sale of alcohol will only be to a person(s) seated taking a table meal in the restaurant area, as marked on the plan that states Restaurant and in the takeaway area, as marked on the plan that states Takeaway, for consumption by such a person(s) as ancillary to their meal.

CD23

On News Year, the premises licence holder / designated premises supervisor(DPS) will ensure that all orders for table meals, including sale of alcohol will take place at the bar in the restaurant area only, as marked on the plan that states Restaurant. Once the drinks (including alcohol) orders are ready, the customer will take them to their allocated table in the premises. Once the food orders are ready, the staff will bring them over to the seated customer.

CD24

The premises licence holder / designated premises supervisor (DPS) will ensure that on New Year's Eve, a minimum of two (2) SIA approved door staff to be on duty at the premises between the hours of 19:00hrs and the time the premises is closed to the public.

CD25

The premises licence holder / designated premises supervisor (DPS) will ensure all Security Industry Authority (SIA) registered 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.

CD26

The premises licence holder / designated premises supervisor (DPS) will ensure that all staff involved in the sale of alcohol receive training, including refresher training, relating to the licensing objectives. Training records must be kept in a permanent format.

Operating Schedule Conditions (Prevention of public nuisance)**PN1**

The designated premises supervisor (DPS) or some other responsible person shall manage (where necessary) any entry queue, external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised.

PN2

The premises licence holder / designated premises supervisor (DPS) will ensure that clear and legible notices shall be displayed at all entrance and exit points and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum.

PN3

The premises licence holder / designated premises supervisor (DPS) will ensure that all windows and external doors to the premises shall be closed at all times during regulated entertainment except for ingress, egress or in the case of an emergency.

PN4

The premises licence holder / designated premises supervisor (DPS) will ensure that no drinks shall be permitted in the designated smoking area at any time.

PN5

The premises licence holder / designated premises supervisor (DPS) will ensure that deliveries and waste collections relating to the premises shall only take place between 08:00hrs and 22:00hrs (Monday to Saturday) and 10:00hrs and 20:00hrs(Sunday).

PN6

The premises licence holder / designated premises supervisor (DPS) will ensure that no glass bottles shall be emptied into waste bins externally at the premises between 22:00hrs and 08:00hrs.

PN7

The premises licence holder / designated premises supervisor (DPS) will ensure that the premises waste bins and glass refuse are located at the rear of the premises and away from public access.

PN8

The premises licence holder / designated premises supervisor (DPS) will ensure that a waste bin shall be placed outside the front of the premises for customers use. Staff will undertake hourly litter checks outside the premises where they will collect, sweep and clean any litter associated with the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority**H1**

The premises licence holder will ensure that the fire doors in the premises remained closed except for ingress, egress, or in the case of an emergency.

Annex 4 – Plans

See attached

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate 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 Graeme Robert Pollok

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Chicken George, 107 Bancroft	
Post town Hitchin	Post code (if known) SG5 1NB

Name of premises licence holder or club holding club premises certificate (if known) Chicken George Limited – Director Christopher Tung-Shing CHEAH
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Pollok

First names

Graeme Robert

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

7 Ransom Yard, Bancroft

Post town

Hitchin

Post Code

SG5 1NB

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|----------------------------|
| 1) the prevention of crime and disorder | ✓ <input type="checkbox"/> |
| 2) public safety | ✓ <input type="checkbox"/> |
| 3) the prevention of public nuisance | ✓ <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)
Operating a restaurant and takeaway including selling of alcohol

- Prevention of Crime and Disorder
- Public safety
- Prevention of Public Nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

In 2020 NHDC Council licensed the owner of Chicken George to open a new restaurant on Bancroft main road in Hitchin despite many objections from residents and other businesses. Since the restaurant opened the residents who live in Ransom Yard, Bancroft, Hitchin SG5 1NB have had continual difficulties in the evenings particularly over weekends accessing and leaving our driveway because Chicken George clientele park in front of the entrance gates despite a number of warning signs and double yellow lines. The Chicken George clientele also occupy the licensed taxi rank there preventing the taxis being able to queue to collect fares.

The restaurant owners have done nothing to help dissuade their clientele from parking illegally and blocking driveways and their clientele often from outside Hitchin have been aggressive when asked to move. This has left residents stranded on the main highway – Bancroft – unable to turn in and access our driveway. This issue has been taken up with local councillors /NHDC/the Police all to no avail and the situation worsens every weekend.

In addition to the above, the litter and noise created during the busy periods has caused other neighbours sleepless nights and the smell of the frying oil for nearby residents is awful.

I request the licence granted be reviewed and cancelled and alternative premises with local parking be found as this restaurant is creating public nuisance/ traffic dangers/parking violations and potential for public disorder.

Finally, I note that conditions for granting the licence required the applicant to install CCTV inside and outside the restaurant which has not been done and to provide a rubbish bin for their clientele which is not being provided.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **31/5/22**

Capacity **Personal**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Graeme Pollok 7 Ransom Yard Bancroft	
Post town Hitchin	Post Code SG5 1NB
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) 	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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Appendix C – Support of Review

Laura Jordan – 10 Ransom Yard [REDACTED]

I support the request for a licence review. Parking We have been asking since opening for Chicken George to provide better control of their customers who frequently park on double yellow lines preventing easy access to the yard. On being asked to move they have been verbally aggressive on more than one occasion. Whilst Chicken George will no doubt argue they aren't responsible for their customers, their customers remain a nuisance. In my view this is on contradiction to "The designated premises supervisor (DPS) or some other responsible person shall manage (where necessary) any entry queue, external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised." "The premises licence holder / designated premises supervisor (DPS) will ensure that clear and legible notices shall be displayed at all entrance and exit points and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum." We have repeatedly asked CG to provide a queue monitor at busy times, if they were to do so they could easily direct those customers joining their queue to park in car parks before doing so, Smell - Prevention of Public nuisance No notices are displayed and Chicken George do little to assist us when seeking to access our driveway. The smell of the chicken is at points excessive [REDACTED]
[REDACTED]
[REDACTED]

Liam Jordan – 10 Ransom Yard [REDACTED]

Context I support the license review request based on the constant parking issues [REDACTED]
[REDACTED]. I have lived on Bancroft for over 10 years and have enjoyed a good relationship with neighbouring businesses in the past. When the original license was heard for Chicken George several residents raised concerns regarding parking etc. relating to the increased footfall. At the hearing Chicken George management advised that they wanted to work with residents and did not want to cause any issues. This is not the case. Residents and councilors since opening have tried to reach out the owners/ management on numerous occasions to reach amicable solutions and indeed have provided several options- these can be shared if required. These have not been listened to or acted on, hence the request for a formal license review. Parking- on the grounds of Prevention of Crime and disorder, public safety, and Prevention of Public Nuisance. Users of Chicken George constantly park illegally in the taxi rank and across driveways despite double yellows, h bars and signage, meaning that residents are either blocked in their driveway or left stranded on a Bancroft (we have logs of details which highlight the level of this on peak days/ times). Due to the location near a busy junction this means residents are left vulnerable to accidents while stranded on Bancroft and emergency access to properties is restricted. It also means that in busy times there is effectively no taxi rank in Hitchin. Despite this been raised on various occasions no action has been taken by the owners/ management. Indeed, initial signage placed in Chicken George reminding clients to park considerately have been removed and social media reminding clients has stopped. It could be argued that not all illegal parking is related to Chicken George- I would like to advise due to the following this is not the case: 1. Chicken George has a higher level of footfall than other establishments in the area and a geographically wide social media presence, this naturally means a higher level of car usage and thus the source of the issue.

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2. As a resident often left waiting for clients to return, we know exactly where they have come from, and they always come from one premises- said Chicken George. Smell-Prevention of Public Nuisance The smell at the rear of Chicken George that directly faces our properties is at times obnoxious, to the extent we have called environmental health.

[REDACTED]

Johnny Lindqvist – Mews House 22A Bancroft [REDACTED]

I am writing in relation to an application for review of the premises licence belonging to Chicken George (Hitchin) Limited. I am a local resident living on Bancroft opposite Chicken George and, as such, am in the unfortunate position of having frequently experienced several of the issues described in the review application; in particular, inconsiderate customer parking, aggressive customer behaviour and litter.

The parking is a particular concern with people parking in front of the gated driveway that gives access to my property as well as four other properties (Merchant House and Mews Court 1, 2 and 3). This despite the curb being dropped and the road marked with double yellow lines, clearly indicating that A) here is an access road; and B) parking is not permitted. Nonetheless I frequently find it blocked either when attempting to exit or enter the driveway.

While I have not kept a record of how many times this has happened and who was responsible, I can say that only twice has the offender been visiting a venue other than Chicken George. By a very large margin the majority of offenders are Chicken George customers. I know this because whenever a car is blocking the driveway the solution is to go into Chicken George and ask (loudly so all customers can hear) that the car be moved. What makes it worse is that often no one bothers to respond until you inform them that, regretfully, the alternative is to call the police. At that point it is not uncommon to be met with hostility, jeering, verbal abuse (including swearing) and threatening behaviour. It would seem that in the eye of the offender the interruption of dinner to move their illegally parked car is a greater nuisance than preventing me from accessing/leaving my property.

My greatest worry is that I (or my neighbours) should be prevented from leaving our properties in an emergency. This isn't just a hypothetical scenario. One neighbour is seriously ill and requires nurses to visit four times every day. They are often prevented from accessing or leaving the property, which of course is very concerning. On at least one occasion nurses have had to find alternative parking elsewhere in Hitchin and return on foot carrying medication to access the property. On another, our neighbour was going to hospital and was forced to walk from the back of Mews Court, down the drive and out onto Bancroft to access the vehicle taking him there, something which took considerable effort and caused a great deal of discomfort. I shudder to think what could have happened had it been a more time-sensitive medical emergency.

I've only lived in my property for a little over a year but am reliably informed by others who have lived here longer that the issue of parking in front of the driveway was never an issue

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before Chicken George opened up across the road. The parking is not only restricted to their customers, food delivery drivers collecting orders from Chicken George also block the drive.

Litter is another issue, but more of a nuisance than a serious concern. I doubt if I'd have bothered to write to you if that was the only issue. That said, I often see Chicken George customers eating in their cars and later find that they've simply dumped their packaging on the curb. This tends to pile up behind our railing and/or collect by our basement window. Unsightly and unpleasant as you can imagine.

Maria Pollock – 7 Ransom Yard [REDACTED]

I'm writing to support the application to review the license for Chicken George based on public safety, prevention of crime and disorder and protection of children from harm. Since Chicken George opened, the number of people and cars on Bancroft increased drastically making life very difficult for residents nearby. There are cars of Chicken George customers parked in front of our entrance gates to Ransom Yard all the time (we have many, many pics) so we never know when we can go out or come in to our own driveway., We have often been verbally abused by the drivers when we ask them to move, making myself and my 13 year old son feel very unsafe to leave our own premises. There have been occasions where we have missed appointments and events because we can't exit the driveway onto Bancroft. Chicken George is a very popular restaurant and takeaway with very small premises, so often people gather outside eating and drinking making lots of noise and leaving the rubbish on the pavement causing a public nuisance. There is no bin provided by the restaurant as per the original licence conditions either. Personally I have nothing against Chicken George or the owner of Chicken George [REDACTED]

[REDACTED] it is only a matter of time before there is an accident/ an affray or damage caused to property as residents and customers of Chicken George confront each other. This situation is untenable and has and continues to cause stress to my family.

Saleh Ahmed – 2 Stirling Close - [REDACTED]

I'm a taxi driver, I work in the day and most their customers and all of their delivery drivers always park on our rank. Customers don't know if they are taxis or chicken George drivers. This has effected our work massively. Their drivers have no care of the taxi rank and they are rude when we ask them to move. Customers leave their cars parked at the rank for hours and sit and eat in. This isn't good for the taxi rank at all.

Sheraz Gul – 26 Birch Grove [REDACTED]

This chicken George food shop is at very location. 1st it is next to Taxi Rank, most of there customers parked on taxi rank and people confused that where is taxi rank. There delivery drivers parked on taxi rank as well. After 3pm every day its a chaos on Bancroft Road just beacuse of there customers car they parked everywhere. It is totally hazard. Even people after buying food don't move away until they finish eating food in car while parked on double yellow line or Taxi Rank. [REDACTED]

[REDACTED] Dont want this shop at this place.

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Shamriz Khan – 6 Forge Close [REDACTED]

I think the premises licence should be revoked because, their customers park on double yellow lines and block driveways and on the pavements and also on taxi rank, it stops taxis from parking on the taxi rank therefore taxi customers can't get a taxi or have to walk up the road to get a taxi. When told to move their vehicles they refuse and get very aggressive

Janine Gough – 76 Wilshere Crescent [REDACTED]

I agree with all the complaints cars park where ever they want no respect for anyone else. They take all the street up .leave mess and rubbish on a night time ,they have there double doors open music on and people out side taking up the path way waiting around.

Cath Cole – 1 Ransom Yard [REDACTED]

I fully support the review of this licence. Whilst, as neighbours, we support local business - especially independent business - the levels of litter, anti social behaviour and truly inconsiderate parking across driveways and entrance ways by Chicken George customers has reached unacceptable levels. Worse still, when we ask the offending customers not to drop litter or drivers to move their cars, we are often abused - there have been times I have feared for my own safety. Many of these issues (and more) were raised as concerns when the premises licence was first issued, but were ignored. Now we have many many months' of evidence to illustrate our concerns we welcome a review so we can find a resolution which works for all parties.

Christine Clarke – 42 Bancroft [REDACTED]

Residents and businesses have made reports to the council before and the matter still continues. The location of this food establishment has run perfectly fine as a good restaurant venue for decades before Chicken George arrived. However the volume of food, the intoxicating fried greasy smell is polluting the air and unbearable for residents and businesses in close proximity. The police do nothing about the illegal parking, drug taking round the back, far right party meetings and anti social behaviour as they can be seen most thursday-sunday nights parked at the rear eating chicken, whilst others have to put up with vomit on the doorsteps, damaged property, fire alarms being purposely set off by disgruntled customers, aggressive and rude clientele and staff that do not care as long as the cash tin keeps ringing. Complaints have been made several times but it's time for action.

Geraldine Bricis – 105 Bancroft [REDACTED]

I will not repeat what my neighbour Graeme Pollok has written in his email to you dated 6th June, 2022. He has adequately explained the situation we are all in. [REDACTED]
[REDACTED]
[REDACTED]

With regard to Chicken George [REDACTED], I would like to add that I now personally experience large amounts of litter outside my property. Be it take away food

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boxes, empty cans of drink or cigarette butts which have become unsightly and not to mention food vomit. During the evening and at night, the noise levels have also vastly increased. Being a Grade 2* Listed property, I am not permitted double glazing. I have experienced broken and cracked windows from people sitting on my window ledge or from fights outside. I experience cars parking outside my house on the taxi rank, playing loud music, I hear take-away customers shouting at my neighbours [REDACTED]

[REDACTED]

I agree with Graeme's assessment that the following keypoints are relevant: 1) The prevention of crime and disorder 2) Public safety and 3) The prevention of public nuisance.

[REDACTED]

[REDACTED] It is not acceptable that we cannot access our homes from a busy road due to Chicken George customers parking over my gates on frequent basis.

I hope that you will consider, the additional items I have mentioned and my support for Graeme's email which, states clearly the stress we are having to put up with when it is our right to live in peace without increasing and regular crime and disorder, issues of public safety and public and noise nuisance.

Mitch Polder – Park View [REDACTED]

Chicken George has become a hive for anti social behaviour, criminal drug activity, vomiting and defacing businesses and town property, drinking outside the restaurant, staff anti social behaviour round the back, parking on double yellow lines, blocking residents driveways and laughing about it on social media. Just because people like the chicken, why should the town, businesses and residents have to put up with it?

Mauricio Campos – Ransom Yard - [REDACTED]

From the day Chicken George open doors in town, I have experienced many cases where people park just outside the Gate blocking the way to get in or out our community

Also, the streets ever been that full of packaging, cans, napkins and general rubbish specially early on weekends

It is very disappointing seeing that no one at Chicken George employees care at all about these two facts

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I would like to take this opportunity to express my concerns about the non positive changes that Hitchin has now facing since this business started

I think more things can be done to live in a better atmosphere I think people in that business should be as concerned as we are in regards the behaviour their customers have which affect the wellbeing of the neighbors

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Paul Sharma – 10 Mountjoy - [REDACTED]

When u moved in the TOWN CENTRE didn't u know its full of Restaurants,, [REDACTED]
[REDACTED]

Rebecca Bex – 26 Jubilee Close – [REDACTED]

Never had an issue with Chicken George, fantastic business and good food, brought a lot of good to the town

Adrian Day – 65 Taverner Drive – [REDACTED]

The major issues with this venue can all be sorted if the council did their job enforcing parking at the site. There is so much room for parking on this road but the council refused to support local businesses and local residents outside of working hours. Chicken George has given people a reason to come back to hitchin that got driven out by over priced housing. Shame on the council for letting a few people try and destroy a local family run business that is putting valuable tax money into the Local economy. The fact that the residents had an issue with this place before they moved in shows they never gave it a chance.

Stephen King – 14 Meadowbank – [REDACTED]

Very good business supporting and employing local people. massive asset to Hitchin town

Laura Sabri – 60 Ninesprings Way – [REDACTED]

I support this business and the benefits they bring to the town.

Charne Jones – 6 Bunyan Road – [REDACTED]

I live right near Chicken George with my family and they are absolutely respectful to neighbours, with no notable noise, and no public disturbance. To be clear, I am in support of the restaurant KEEPING it's licence. They are an exciting addition to Hitchin and play by the rules. We are a family home, with a 3 year old, never had any issues whatsoever with them and use them frequently as they're excellent.

Ryan Ross – 81 River Mead – [REDACTED]

The restaurant is a great asset to the town and surrounding areas.

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Cheryl Jacobsen – 24 Furze Close – [REDACTED]

I use this shop all the time and never had any issues commented. The parking has never been an issue and never seen any littering or trouble whilst queuing outside the shop. Both myself and my young children love coming here.

Peter Ruston – 67 Dacre Road – [REDACTED]

An asset to the people of Hitchin and also brings people to the town

Shelley Wright – 187 Meadow Way – [REDACTED]

Brilliant chicken shop Even better than Luton nice to go out and have food moody and grumpy people shouldn't of moved to hitchin right in the town Ps I witnessed one of the men and woman who live here shouting at a young lady what was waiting for someone calling her all name under the sun and threaten to key her car

Fiona Harkin – 4 Red Rails – [REDACTED]

Chicken George is a friendly restaurant with quality food and service, I have dined there many times with my family who live nearby and have never experienced any episodes of public disorder or noise from other customers, it is a clean and well run establishment

Yvonne Kelly – 2 Harcourt Street – [REDACTED]

I have visited this establishment in many occasions. I have queued up in the street. I have never seen customers throwing litter, not seen inappropriate parking etc. Litter can be dropped from anywhere, I feel this is more a sabotage on a hard working establishment more than a genuine objection that someone might have. For an establishment that generally closes at 9pm I find a lot of this hard to believe.

Andrew Heath – 189 Cambridge Road – [REDACTED]

This business supports local employment and the community. It's location is in the commercial heart of hitchin and I disagree with the severity of this application. My experience with this establishment has always been positive and they are respectful to the surrounding businesses and residents. I would like to express my objection to this application. Chicken for the people.

Vincenzo Lomonaco – 34 Turnpike Lane – [REDACTED]

I absolutely object to amendment of the licence this business has always acted in the best interests of employees, customers and neighbours how can they control everyone's behaviour especially outside the premises with regards to parking and peoples behaviour. The whole street is full of takeaways and restaurants it's unfair to attack a successful employer like this and will be a blow to the towns high street.

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Jotham Wanyoni – 66 Periwinkle Lane – [REDACTED]

I fully support Chicken George licence to be retained. The individual concerned seems to have an axe to grind. I am a local resident and use town centre facilities very often. I have not witnessed what is being suggested. The late night noise could be from a late opening restaurant next to Chicken George

Melissa Jeeves – 82 Heathfield Road – [REDACTED]

This company brings a lot of trade to the town which is slowly dying. With minor tweaks things can improve instead of ruining someone's income and life in a time when we should be supportive of independent shops like we do all the other ones in the town. These complaints go hand in hand with living in town [REDACTED]
[REDACTED]

Leesa Lane-Denton – 36 Campfield Way – [REDACTED]

When trying to make living to survive I don't see anything wrong beautiful food.

Nigel Jones – 1 Storehouse Lane – [REDACTED]

Surely better enforcement of the parking regulations would be a great help There have always been catering establishments on that site so the smell of cooking should be nothing new

Nicola Prebble – 45 Bancroft – [REDACTED]

I am really shocked and saddened to hear this situation has occurred. My shop has been open in town since 1999 and in Bancroft and near Chicken George for a lot of that time. I felt that I needed to support the restaurant on one thing in particular, and that's rubbish. I campaigned for nearly a year to get bins added along Bancroft, and I have always been refused as I'm told they are not needed, this may have been the case 10 years ago, but times have changed. If you walk along a road later in the evening especially along Bancroft, there are no bins which is ridiculous in my opinion. Benches were installed which is great, it's lovely to see people sat enjoying food from one of many eateries, but whilst we don't have bins we will always have rubbish. And to lay that solely on a business to police is ridiculous. Most people want to throw our rubbish away, but walking from Chicken George towards Fishponds Rd there is maybe 1 bin. Rubbish is from all eateries at times, we have pizza boxes, kebab boxes, burger wrappers, McDonalds bags in the lay-bys but mostly because there is no bin. I was told that Bancroft was manned by a litter picker and that is why no bins, but why can't we have both? It has been amazing seeing Bancroft come alive in the last 2 years, Chicken George do so much for the people and our town, Hitchin is a foodie place to be.. I have not seen an increase outside my shop of litter, sick, damage, antisocial behaviour. Most of that already existed with the late bars and kebab and existing chicken shops in town. While I understand a person's concerns, we do have to take into consideration that we chose to live on a road that is full of takeaways, we will have to accept,

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at times, drunken people waiting for taxis, people eating food from all over town, smells of food being cooked. It's all part of town living. I hope that you support a thriving local business, and do not remove the licences or worse still, make them move or leave Hitchin. After the past 2 years we all need support, help and ideas to make beneficial changes. Our world as we know it has changed, with delivery services we eat at home more, but with that we also have more cars on the road too. Is Bancroft busy at night? Yes it really is, but that's great, that means we are thriving, lets be thankful we have a restaurant that so many people love and want to visit. [REDACTED]

Jay Folly – 7 Lynton Avenue – [REDACTED]

During the 2 years that Chicken George has been open in Hitchin, I have frequented the premises on a regular weekly basis. I have read the complaint and can honestly state I have never seen any of the issues raised. Parking has never been an issue, as I have always found a designated space along Bancroft. The taxi rank has only ever had 3-4 taxis queued at a time, and I have never witnessed a public vehicle parked within the designated Taxi bays. I have never witnessed litter on the street, in fact, I would comment the street is always clean and a credit to the town centre. As Chicken George have distinct packaging, it would stand out like a sore thumb if discarded on the street. The complaint of noise against the premises is something else I have never witnessed. The general atmosphere around the shop is feeling of any high street up and down the county... People going about their day shopping/socialising with the customary sound of traffic. The venue plays background music that is at a level for customers to chat during a meal without having to raise voices and certainly inaudible from the street. As a licensee myself, I have not witnessed anything that causes concern of the premises breaking any of the four licensing objectives. There are currently 5 food takeaways within 30 metres of Ransom Yard (Cafe 77, Eat Well, Taste Buds, Ali Baba & Chicken George) To single out one premises as causing the individual concerns seems unfair and unjust. As Ali Baba is open into the early hours it would seem to be the premises that would be causing sleepless nights, as Chicken George closes hours prior to Ali Baba. Chicken George should be commended on the success it has made.

[REDACTED]. Encouraging people to have a pleasant evening meal/socialise in the town is something the council should be embracing and encouraging more.

Jack Taylor – 33 The Maples – [REDACTED]

I fully object to a review Chicken George licence to serve alcohol. They are a wonderful establishment and Hitchin should be proud that we may attract this type of restaurant. I fail to see how any of Mr Pollok's objections come from their alcohol licence. He makes no suggestion of disorderly behaviour. Just says his home near multiple restaurants & bars, in the town centre, can hear the restaurant and smell the fryer oil - both of which he should have been able to smell and hear from the chicken shop which is next door to Chicken George and has been for a long time prior to Chicken George Jnr. There is no suggestion that the numerous pubs of Hitchin should their licence for this. As with Chicken George and the whole of Hermitage there are more cars looking to stop to use the businesses than spaces available. This may mean some individuals park inconsiderately but I fail to see how much more Chicken George Jnr may do as they do post notices asking clientele to be

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respectful. This feels more like a lack of parking issue down this stretch of road. Which is common throughout Hitchin and not the fault of any one restaurant.

Nicola Callow – 253 Bedford Road – [REDACTED]

Chicken George is an asset to our local community, injecting money into the economy and raising Hitchin's status as a destination. There is plenty of nearby parking in the Sainsbury's site and it is not the restaurant owner's responsibility to check and enforce where customers have parked

Ed Callow – 253 Bedford Road – [REDACTED]

As an independent business in a small town, the licence holder deserves full support. They provide an excellent product and service which is clearly well liked in Hitchin, and should not be punished for that success. Residents who have complained should bear in mind that the high street was a lively, thriving place before they moved there, with all of the noise, social activity and traffic which that entails. Removing Chicken George's licence on this basis would set a worrying precedent for the closing down of any business which residents deem a "nuisance".

Christopher Reid – 184 Boundary Lane – [REDACTED]

Great place to take the children for dinner don't see the issue being in the town is a benifit we visit from Welwyn garden city only wish we had this place in our town any successful food place will create a little noise and smell its a food place and a town centre I believe the residence may have chose the wrong area to live for there comforts and discomforts as a town centre 9 / 10 comes with bars food and late night traffic unfortunately like any area of life it pros and cons being in town a pro for what you need travel etc but cons is noise and location aswell it life i done believe a business should be at risk over these complaints as long as the shops putting signs up and trying there best I see no issues here

Sarah McKay – 20 Sanfoine Close – [REDACTED]

I just like to say they don't even open at them times maybe look at what hours they do open and I would like to ask what about the take away next door that is closer to the person complaining what about the smell from that takeaway that is open is the early hours also it's not chicken George's fail where there customers part! I think if chicken George closes then so should that take away! I know many people that travel into hitchin for chicken George then go on to shop in our town surly chicken George is a credit to our town

Anna Wyse – Glebe House – [REDACTED]

Chicken George is an asset to the town centre and thriving local businesses should be supported.

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Katie Schreiber – 26 Manor Crescent – [REDACTED]

Chicken George has been a great addition to Hitchin and should be continued. The complaint by local residents is ridiculous.

Hannah Vincenti – 4 Marketplace – [REDACTED]

I have previously lived on Hermitage Road for over two years with the back of our flat overlooking the shared back carpark and access yard for all the businesses. Smells and noises from ALL of the fast food premises around there are present. This is totally normal and expected for a town centre. These residents unfortunately moved in during a period where the former restaurant and bar premises (dutchy pot) had been closed and the premises sat empty for a number of years. The residents should have been aware before they moved in that the likely hood of a new restaurant opening would become a reality. The residents have had an unusual obsession and vendetta against the owners of chicken George since they have opened. In fact the emails they and the landlord Hitchin property trust have sent to chicken George could most definitely be classed as harassment. The owners of chicken George have put signs up asking customers to park respectfully, they have also had their extraction checked professionally and it meets all current requirements. Should the council wish to remove their licence it should remove the licences of all other food premises around in that area. The kebab shop, the Chinese, the burger shop, the list goes on. It is simply bullying of the residents to keep going at chicken George because they didn't win their battle over the extraction. I am happy to speak in any consultation in favour of chicken George keeping their license. The high Street needs more businesses like them to survive and thrive

Andy Barrington – 18 Berwick Close – [REDACTED]

First class business who do everything they can to prevent poor parking-absolutely no more smells from there than any other establishment-absolute nonsense

Victoria Cumberland – 2 Bunyan Close – [REDACTED]

Smell of oil expected with area of residence - a busy high street home to several takeaways

Sam Taylor – 4 Wakes Row – [REDACTED]

There is and always has been restaurants in this location for years along with the smells that emanate from them. Chicken George sound like they're being penalised for doing well. The road is a public highway with double yellow lines and a taxi rank nearby - how can any restaurant police who parks where? I can't imagine the owner was aggressive - possibly frustrated by the issues people are causing and the complaints he is receiving. As far as I know staff litter pick regularly. A bin would also help. There is already cctv.

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Miss L Meineck – 30 Peppermint Road – [REDACTED]

This is a well run, valued local business and I fully support its license being continued

Sam Cook – 3 Paynes Park – [REDACTED]

I support Chicken George retaining their license. They are a great asset to Hitchin and always do as much as they can to prevent any issues in the area. I think we should be supporting local businesses instead of trying to tear them down. Their tears don't fall, they crash around me.

Etana Williams – 3 Paynes Park – [REDACTED]

Chicken George is such a lovely place to eat and order from. It wouldn't be the same diverse options of food without it!

Niall Power – 44 Allwoods Place – [REDACTED]

I support Chicken George maintaining their current licence. Chicken George has been a great boost to the Hitchin economy and food scene since opening. I believe that Chicken George have, and continue to operate in line with the conditions of their licence. To address some of the other comments from Mr Pollok: I agree that there is an issue with parking on Bancroft, but with many businesses in close proximity, is not possible to simply attribute this to a problem caused by Chicken George. Additionally, it is not for Chicken George to enforce the current parking conditions on Bancroft, this is the job of the Local Authority and I rarely see any traffic enforcement officers in the area. I visit this area regularly and hardly ever see any taxis utilising the numerous taxi spaces or anybody queuing for taxis. [REDACTED]

[REDACTED] Bancroft is quite a wide road that certainly has more potential for parking. I also do not agree that there is an issue with litter caused by Chicken George. That part of Bancroft is always generally quite clean, and Chicken George have had a bin outside their shop (in addition to those inside) for clientele to utilise for as long as I can remember. As the majority of their customers are either eating in the restaurant or takeaway/delivery, it would be unlikely for customers to eat their food directly outside the shop and then dispose of their rubbish on the street.

Cllr Ian Albert – 20 Holdbrook – [REDACTED]

Chicken George is a hugely successful for Hitchin. That's fantastic! And it is clearly a place people travel from many miles away to eat or collect takeaways. And the various online delivery companies like Deliveroo and Go-Gettes are very busy there as well. During the Covid closures, I helped to advise Chicken George on the Government business Grant's available that were being administered by North Herts Council. I know the importance of Chicken George to many people in our town. It's a great business! But with such popularity comes responsibility for restaurants and problems for residents whose access to homes are regularly blocked, for other businesses in the building and the nearby taxi rank. When residents (and Councillors) have asked members of the public to move their illegally parked cars, they have received verbal abuse. They have also not found it easy to have a contact

Appendix D – Object to Review

point when there are problems. I understand the frustrations of residents. There are also pictures of police cars blocking access ways, while the police collected their own takeaways from Chicken George. And they are one of statutory consultees. That's definitely not a good look or a good example for the public. Access is critical. This is not just a public nuisance but one of public safety. I am aware of one resident who has regular medical care, where the nurse has not been able to gain entrance several times due to what was found to be Chicken George customers. The last hearing mentioned that there is some street parking nearby. On street parking is at a premium. In practice, there are very few spaces and some of those are designated as Disabled parking. So I completely understand the frustrations of residents in the area. The situation, as predicted, has exacerbated itself since Chicken George's arrival. In fairness, there are a number of new restaurants in the Bancroft area since Chicken George opened. So the problems of parking does not only sit with them. However, I am not at all convinced that removing their premises licence, including late night and supply of alcohol licence, will fix the parking problems. Therefore, on those grounds I do not support this. It would also have the effect of removing all current conditions like CCTV. However, the licensee does need to explain clearly whether they have met all the conditions imposed at the last hearing, for example the various CCTV conditions. It is not clear to me that this is the case. The licensee does need to explain whether they are doing the hourly litter picks and have put a bin outside for waste. The licensee does need to explain whether delivery drivers are using the front door and whether they are monitoring their parking, as promised at last hearing.

[REDACTED]

Returning to the parking issue, at the last hearing, Chicken George said they wanted to be good neighbours and they didn't want to cause any problems. More than needs to be done to help residents. They used to have a window sign about parking, some bollards and social media. But this all seems to have stopped. I recognise parking issues which are a nuisance are not solely down to Chicken George customers. There are other new and existing restaurants all fairly close together in Bancroft. Leaving aside possible reduction in licensed hours, I believe best approach is the establishment of a Good Neighbour Charter that could be agreed between the restaurants and residents that can cover parking, noise and other issues like smells and litter. Being good neighbours applies both to businesses and residents. While none of the restaurants have direct responsibility for poor parking, they can help more with reminding customers about places to park, preventing noise and reducing litter in the area and across the town. This must be aligned with more District and County Council and Police engagement with signage and enforcement. I hope that some of this will begin to reduce the problems faced by the residents of Bancroft and enable better relations with restaurants in the area.