

**Meeting** Licensing Committee

**Portfolio Area** Communities, Community Safety and Equalities

**Date** Wednesday 3<sup>rd</sup> August 2022

**APPLICATION FOR A TEMPORARY EVENT NOTICE – RITTY’S PLACE, 6 BAKER STREET, OLD TOWN, STEVENAGE.**

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**1 PURPOSE**

- 1.1 To determine an application for a Temporary Event Notice for Ritty’s Place, 6 Baker Street, Old Town, Stevenage.

Environmental Health has served an objection notice in respect of this application.

**2 RECOMMENDATIONS**

- 2.1 That the Committee reviews the objection presented by the responsible authority and any representation from the applicant (and/or representatives) and determines what action should result in respect of the Temporary Event Notice.

### **3 SUMMARY OF APPLICATION**

- 3.1 Mr Clinton Moulton who is both the Director and premises licence holder of Ritty's Place Ltd has applied for the grant of a Temporary Event Notice for The sale by retail of alcohol, and the provision of regulated entertainment both on and off the premises at Ritty's Place, 6 Baker Street, Old Town, Stevenage SG1 3AL on Saturday 6<sup>th</sup> August 2022 between the hours of 12:00hrs and 23:00hrs. Mr Moulton has stated that the maximum number of people including staff, organisers or performers at any one time that he intends to allow to be present at the premises during the times stated will be 40. This application was accepted as valid and duly made by the Council on 15th July, 2022. A copy of the application is attached at Appendix A.

### **4 BACKGROUND INFORMATION**

- 4.1 Ritty's Place is a small Caribbean restaurant situated at the end of Baker Street, junction with Church Road in the old town of Stevenage. Baker Street is accessible via the High Street, Middle Row and Church Road. A location map is attached at Appendix B.
- 4.2 The restaurant does currently have a premises licence which allows the sale of alcohol Monday to Sunday 12:00hrs until 23:30hrs, the provision of late night refreshment Monday to Sunday 23.00hrs until 23:30hrs and the playing of recorded music Monday to Sunday 07:00hrs until 23:00hrs (inside only). The premises opening hours are Monday to Sunday 07:00hrs until 00:00hrs. Annex 2, condition 5 of the premises licence requests that music played at the premises will be for background purposes only.
- 4.3 There are other refreshment outlets in Baker Street, Middle Row as well as premises which back onto Church Road which have a premises licence, none of which are licenced to play amplified music outside.
- 4.4 There is a history of unsubstantiated noise complaints from a local resident relating to the volume of music being emitted from the inside of these premises.

### **5 RESPONSIBLE AUTHORITIES**

- 5.1 Representations have been received from Environmental Health on 19<sup>th</sup> July 2022. These concern the Licensing Objective the prevention of public nuisance. The applicant is intending to play amplified music inside and outside the premises until 23:00hrs to coincide with the Old Town Live music event on High Street, Stevenage which takes place on the same date. The Old Town Live event finishes at 22:00hrs. Environmental Health has concerns that if the Temporary Event notice is granted until 23:00hrs, people leaving the Old Town Live event at 22:00hrs may stop and gather outside of Ritty's Place causing public nuisance. There are also concerns with regards to amplified music being played both inside and outside of the premises. The premises are situated in a noise sensitive area as it is surrounded by residential accommodation.

- 5.2 Environmental Health has contacted Mr Clinton the premises user to discuss their objections and to try to come to an agreement which will allow the proposed licensable activities to proceed. Environmental Health has suggested that speakers should not face in the direction of the residential accommodation and that only background music is to be played outside in line with the existing level of music currently played inside the premises under the premises licence. It has also been suggested that the music outside the premises and the use of the outside seating area should cease at 22.00hrs to prevent public nuisance.

Mr Clinton Moulton had not yet responded in respect of the suggested modifications outlined by Environmental Health at the time this report was finalised.

A copy of the representation is attached at Appendix C.

## **6 INTERESTED PARTIES**

- 6.1 Only the Police and Environmental Health have the right to make objections relating to a Temporary Event Notice.

## **7 IMPLICATIONS**

### **7.1 Financial Implications**

- 7.1.1 There are no financial or resource implications arising from the content of this report.

### **7.2 Legal Implications**

- 7.2.1 The following options are available to the committee under section 105 of the Licensing Act 2003:
- Objection is accepted, a counter notice is served and the event may not legally proceed.
  - Objection is not agreed and the event proceeds

### **7.3 Policy Implications**

#### **7.3.1 *Stevenage Borough Council Statement of Licensing Policy 2020 – 2025***

The following sections of the licensing authority's statement of licensing policy apply to this application:

17.2 The Licensing Authority, in determining if the application for a review is relevant, will have regard to the current guidance issued by the Secretary of State under section 182 of the Act in so far as to whether an application is frivolous, vexatious or repetitious. Representations made by a responsible authority cannot be deemed as being frivolous, vexatious or repetitious.

### **7.3.2    *Guidance issued under section 182 of the Licensing Act 2003***

The Committee is reminded of the Guidance issued under section 182 of the Licensing Act 2003. Paragraphs 7.32 – 7.39 & 9.31 – 9.44 of the Guidance describe the powers of a Licensing Authority on the determination of an application.

### **7.4        **Equalities and Diversity Implications****

- 7.4.1    Any decision by the Committee is based on evidence before it at the meeting; there are no equalities and diversity implications.

### **7.5        **Crime and Disorder****

- 7.5.1    The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

## **8        **BACKGROUND DOCUMENTS****

- BD1    Licensing Act 2003
- BD2    Stevenage Borough Council, Statement of Licensing Policy 2020-2025
- BD3    Guidance issued under section 182 of the Licensing Act 2003

## **9        **APPENDICES****

- A    Application for Temporary Event notice
- B    Location map
- C    Representations from Responsible Authorities
- D    Premises Licence for Ritty's Place, 6 Baker Street, Stevenage.