

# STEVENAGE BOROUGH COUNCIL

## LICENSING COMMITTEE MINUTES

**Date: Wednesday, 3 August 2022**

**Time: 6.00pm**

**Place: Council Chamber, Daneshill House, Stevenage**

**Present:** Councillors: Maureen McKay (Chair), Loraine Rossati (Vice-Chair), Lin Martin-Haugh, Claire Parris and Graham Snell.

**Start / End Time:** Start Time: 6.00pm  
End Time: 7.54pm

### **1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were submitted on behalf of Councillors Myla Arceno, Rob Broom, Nazim Chowdhury, John Duncan, Bret Facey, Liz Harrington, Chris Howells, Graham Lawrence CC and Andy McGuinness.

There were no declarations of interest. However, the Chair (Councillor Maureen McKay) announced that, prior to the meeting and as was customary, she had received a briefing on the application from Licensing Officers. The Environmental Health Officer who had objected to the application had also been present for much of this briefing. The Chair advised that the discussion with the Environmental Health Officer had only been in relation to the content of the objection set out in the published agenda papers and that she had not pre-determined her view on the application. Upon being asked, the applicant confirmed that he was content for the Councillor McKay to continue to participate in and Chair the meeting.

### **2 MINUTES OF PREVIOUS MEETING**

It was **RESOLVED** that the Minutes of the meeting of the Licensing Committee held on 2 December 2021 be approved as a correct record and signed by the Chair, subject to the removal of the names of Councillors Doug Bainbridge and Jody Hanafin being removed from Minute 1 – Apologies for Absence, and also the addition of the name of Councillor Graham Snell to the list of those Members who had submitted their apologies for absence for the meeting.

### **3 TERMS OF REFERENCE**

The Committee considered its Terms of Reference, as approved at the Annual Council Meeting held on 25 May 2022.

It was **RESOLVED** that the Committee's Terms of Reference be noted.

#### **4 APPLICATION FOR A TEMPORARY EVENT NOTICE - RITTY'S PLACE, 6 BAKER STREET, OLD TOWN, STEVENAGE**

The Committee considered a Temporary Event Notice (TEN) in respect of a proposed event on Saturday, 6 August 2023 at Ritty's Place, Baker Street, Stevenage. It was noted that, under Section 105 of the Licensing Act 2003, the only options open to the Committee when determining a TEN would be either to not accept any objection(s), thereby allowing the event to proceed as applied for; or to accept the objection(s), and authorise the serving of a counter notice to prevent the event from proceeding lawfully.

The Licensing Officer presented a report outlining the facts of the Temporary Event Notice (TEN) application.

The Licensing Officer advised that Mr Clinton Moulton, who is both the Director and Premises Licence Holder of Ritty's Place Ltd, had 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 on Saturday, 6 August 2022 between the hours of 12:00hrs and 23:00hrs. Mr Moulton had stated that the maximum number of people, including staff, organisers or performers at any one time that he intended to allow to be present at the premises during the times stated would be 40. The application was accepted as valid and duly made by the Council on 15 July 2022.

The Licensing Officer explained that Ritty's Place was a small Caribbean restaurant situated at the end of Baker Street, junction with Church Road in the Old Town of Stevenage. Baker Street was accessible via the High Street, Middle Row and Church Road. The restaurant currently had a premises licence which allowed 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 were Monday to Sunday 07:00hrs until 00:00hrs. Annex 2, condition 5 of the premises licence stipulated that music played at the premises would be for background purposes only.

The Licensing Officer commented that there was a history of unsubstantiated noise complaints from a local resident relating to the volume of music being emitted from the inside of these premises.

The Licensing Officer advised that representations had been received from Environmental Health on 19 July 2022. These related to the Licensing Objective of the prevention of public nuisance. The applicant was 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 would be taking place on the same date. The Old Town Live event finished at 22:00hrs. Environmental Health had concerns that if the Temporary Event notice was 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 were also concerns with regard to amplified music being played both inside and outside of the premises, which was situated in a noise sensitive area as it was surrounded by residential accommodation.

The Licensing Officer reported that Environmental Health had contacted Mr Clinton to discuss their objections and to try to come to an agreement which would allow the proposed licensable activities to proceed. Environmental Health had suggested that speakers should not face in the direction of the residential accommodation and that only background music was to be played outside, in line with the existing level of music currently played inside the premises under the premises licence. It had 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. At the time the report was finalised, Mr Moulton had not yet responded in respect of the suggested modifications suggested by Environmental Health.

An initial period of Member questioning ensued, during which:

- the applicant stated that he would be prepared to terminate the TEN at 10.00pm;
- the Licensing Officer explained that the applicant had been made aware of the objection to the event submitted by Environmental Health; and
- the Environmental Health Officer commented that she had been involved in a number of conversations with the applicant and had made a number of suggestions as to how he could better control the proposed event. However, the applicant had not responded to her regarding these suggestions.

The Chair then adjourned the meeting for a period of 10 minutes and invited the Environmental Health Officer and the applicant to leave the meeting in order for them to discuss the application and decide on a course of action.

On returning to the meeting, the Environmental Health Officer stated that the applicant had informally agreed to terminate the activities applied for in the TEN at 10.00pm, in order to coincide with the finish of the Old Town Live event. He had also stated that he would work together with the Old Town Live event organisers so that when the acoustic stage was in operation he would reduce the volume of his amplified music at Ritty's Place, and would only increase the volume between acts appearing of the acoustic stage. The speakers would be placed so that they would face towards Middle Row. During the event, he would periodically walk around the local neighbourhood to gauge the impact of the noise and adjust the volume of his music accordingly. He would be employing 2 Door Supervisors to control the customers that might assemble in the vicinity of Ritty's Place.

A further period of Member questioning followed, during which:

- it was confirmed that only the Police and/or Environmental Health were permitted to object to a TEN application;
- it was clarified that the small number of unsubstantiated noise complaints relating to the premises had been from the occupant of the residential property immediately adjacent to Ritty's Place; and
- it became apparent that the applicant did not possess a pavement licence from Hertfordshire County Council permitting him to use the area outside of his premises for activities associated with the Premises Licence.

Upon being asked by the Chair, the Environmental Health Officer commented that, although the voluntary actions offered by the applicant to control the event were welcomed, she still had reservations about the level of noise likely to be generated from the amount of people congregating near the site to listen to the music; the measures proposed to control these people; and the robustness of the proposed boundary sound checks.

The Chair then adjourned the meeting, and asked all parties to leave the room whilst the Committee determined the application.

At the conclusion of the Committee's deliberations, all parties were invited back into the meeting to hear the outcome. The Chair read out the following resolution made by the Committee and the reason for its decision.

It was **RESOLVED** the application for a Temporary Event to be held at Ritty's Place between the hours of 12:00hrs and 23:00hrs on Saturday, 6 August 2022 be refused, and that a Counter Notice be issued thereby preventing the unlicensed activities contained in the Temporary Event Notice from taking place.

**REASON FOR DECISION:** Having heard representations from SBC Environmental Health and the Premises Licence Holder, the Committee noted that the Premises Licence Holder had offered to terminate the amplified music at 22:00hrs, to coincide with the finish of the Old Town Live music event.

However, the Committee was mindful that the premise is in a noise sensitive area surrounded by residential accommodation.

The Committee was of the view that the submitted proposal for the playing of amplified music inside and outside of the premise would constitute an unacceptable level of noise in the vicinity of the nearby residential properties to the extent that it would undermine the prevention of public nuisance licensing objective.

Furthermore, the applicant had failed in his duty to secure from Hertfordshire County Council the requisite pavement licence to allow the outdoors activity applied for to take place lawfully.

In addition, the Committee was not confident that the applicant would be able to take the noise controls required to comply with the Temporary Event Notice.

**5 URGENT PART 1 BUSINESS**

None.

**6 EXCLUSION OF PUBLIC AND PRESS**

Not required.

**7 URGENT PART II BUSINESS**

None.

**CHAIR**