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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE BROTHERHOOD HALL, GERNON ROAD, LETCHWORTH
GARDEN CITY ON THURSDAY, 3 AUGUST, 2017 AT 7.00 PM

MINUTES

Present: *Councillors David Barnard (Chairman), Gerald Morris and Mike Rice.*

In Attendance:

Steve Cobb (Licensing Manager), Colin Broadhurst (Licensing Officer), Hannah Sweetman (Licensing Officer), James Ellis (Legal Advisor) and Ian Gourlay (Committee and Member Services Manager).

Also Present:

Robert Botkai (Applicant's Representative), Nicola Law (Applicant), Joleen and Scott Warren (Objectors) and Stephen Donaldson (Objector).

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION BY MALTHURST LIMITED FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF MRH JACKMANS, BALDOCK ROAD, LETCHWORTH GARDEN CITY, HERTS. SG6 2EJ

The report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the application for the variation of a Premises Licence be granted in part, and refused in part, all as set out in the attached Decision Notice.

The meeting closed at 9.20 pm

Chairman at the meeting on
Thursday, 3 August 2017

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**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Thursday, 3 August 2017
Members of Panel	Councillors D. Barnard, G. Morris and M. Rice
Applicant(s) Name	Malthurst Limited
Premises Address	MRH Jackmans, Baldock Road, Letchworth Garden City, Herts.
Date of Application	9 June 2017
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <ol style="list-style-type: none"> 1. To extend the hours for the sale of alcohol to between 00:00hrs and 24:00hrs daily. Refused, however the current hours have been amended to 07:00hrs – 23:00hrs to match the current opening times of the premises. 2. To include the provision of late night refreshment between the hours of 23:00hrs and 05:00hrs daily. Refused 3. To remove all the embedded restrictions attached to the premises licence. Granted 4. To remove all the conditions from the premises licence under the headings 'Operating Schedule Conditions' and 'Conditions attached at a Hearing'. Refused 5. To include on the premises licence the conditions in boxes b) to e) of section 16 of the application. Refused 6. To make alterations to the premises. Granted
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	None

<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<ol style="list-style-type: none"> 1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales: <ul style="list-style-type: none"> - Induction training which must be completed and documented prior to the sale of alcohol by the staff member; - Refresher/reinforcement training at intervals of no more than 6 months; - Training records will be available for inspection by a police officer or other authorised officer on request. 2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain: <ul style="list-style-type: none"> - Details of the time and date the refusal was made; - The identity of the staff member refusing the sale; - Details of the alcohol the person attempted to purchase. <p>This book/register will be available for inspection by a police officer or other authorised officer on request.</p> 3. An incident book/register shall be maintained to record: <ul style="list-style-type: none"> - All incidents of crime and disorder occurring at the premises; - Details of occasions when the police are called to the premises <p>This book/register will be available for inspection by a police officer or other authorised officer on request.</p> 4. The entrance door to the shop will be closed to customers between the hours of 23:00 and 6:00. Any sales between these hours will be made through the night pay window. In addition the CCTV condition in the operating schedule is to be amended to require image retention of 28 days. <p>These conditions were agreed between the police and the premises licence holder to reflect the proposed new trading hours for the premises. As the variation to the trading hours was rejected, these conditions were not attached to the premises licence.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<ol style="list-style-type: none"> 1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for purpose. 2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium. 3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request. 4. The precise position of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time. 5. The system will display, on any recording, the correct time and date of the recording. 6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. 7. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to

	<p>purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.</p> <p>These conditions were proposed by the premises licence holder to reflect the proposed new trading hours for the premises and replace the existing operating schedule conditions on the licence. As the variation to the trading hours was rejected, these conditions were not attached to the premises licence and the existing operating schedule conditions remain.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in an unlimited fine or up to six months imprisonment or both.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (March 2015 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.3, 1.4, 1.16, 1.17, 2.15, 2.16, 2.18, 2.20, 2.21, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B7, B8, B9, D2.1, D2.9, D6.2, D6.3, E3.1.1, E3.1.3, E3.9.1, E3.9.2, E3.9.3, F5.1, F5.2, F8.1 and F8.2</p>
RATIONALE FOR DECISION	<ol style="list-style-type: none"> 1. Having listened to the evidence of both parties, the Sub-Committee were mindful of the objections put forward by the local residents, and are aware of the situation of the premises in a mostly residential area. 2. The Sub-Committee believe that it is not appropriate to extend the hours for the sale of alcohol beyond 23:00 and allow the provision of late night refreshment, as to do so would likely impact on the licensing objectives by causing nuisance to residents in the immediate vicinity, most notably the ability to sleep without disturbance. 3. The Sub-Committee do not believe that any extension in the licensable hours beyond 23:00 can be considered appropriate and no conditions could be imposed that would mitigate the disruption caused by it.

COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.