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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE MEETING ROOM 1, TOWN LODGE, GERON ROAD,
LETCWORTH GARDEN CITY ON WEDNESDAY, 6TH SEPTEMBER, 2017 AT 10.00 AM

MINUTES

Present: *Councillors Mike Rice (Chairman), Jean Green and Gerald Morris.*

In Attendance:

Steve Cobb (Licensing Manager), Hannah Sweetman (Licensing Officer), James Ellis (Legal Advisor), Hilary Dineen (Committee and Member Services Officer), Kuljit Sangha (Hertfordshire Constabulary) and Herbie Nyathi (Applicant).

Also Present:

7 HEARING PROCEDURE

The Hearing Procedure was noted.

8 APPLICATION FOR A STANDARD TEMPORARY EVENT NOTICE FOR THE KHOI KHOI BAR AND VINO, 31 HITCHIN STREET, BALDOCK, HERTS. SG7 6AQ

The report of the Licensing Officer was noted.

9 DECISION NOTICE AND COUNTER NOTICE

RESOLVED: That the application for a Temporary Event Notice be refused, and a Counter Notice issued to prevent the event taking place.

[Note: The attached Decision Notice and Counter Notice set out the Sub-Committee's reasons for decision.]

The meeting closed at 12.20 pm

Chairman at the meeting on
Wednesday, 6 September 2017

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

Date of Hearing	Wednesday, 6 September 2017
Members of Panel	Councillors J. Green, G. Morris and M. Rice

Applicant(s) Name	Herbie Nyathi
Premises Address	Khoi Khoi Bar and Vino, 31 Hitchin Street, Baldock, Herts. SG7 6AQ
Date of Application	19 August 2017
APPLICATION FOR TEMPORARY EVENT NOTICES	This is an application for a Temporary Event Notice under Section 100 of the Licensing Act 2003.
DETAILS OF APPLICATION	<p>Date of Event: 8, 9 and 10 September 2017</p> <p>Time: 1500hrs to 0130hrs the following morning on each day</p> <p>Duration of Event: 3 days</p> <p>Licensable Activities: The Sale by Retail of Alcohol (On premises)</p> <p>Details of Event: Balstock Music Festival</p>
DECISION	<p>The Sub-Committee has read the material presented to us and has listened to all the evidence and submissions. The Sub-Committee has considered the Licensing Act 2003, the National Guidance, their Statement of Licensing Policy and has decided:</p> <p><u>To issue</u> a counter notice (prevent the temporary event)</p>
REASONS FOR DECISION	<p>The Sub-Committee has decided to issue a counter notice because they consider it to be appropriate for the promotion of the crime prevention objective.</p> <p>In making this decision the Sub-Committee has taken into account the following evidence relating to the crime prevention objective:</p> <ol style="list-style-type: none"> 1. The Sub-Committee were mindful of the confusion that may have arisen due to the administrative error that lead to the Applicant having contradictory licensing hours between October 2016 and February 2017, however it is confident that the majority of the breaches contained within the police representations occurred after this position was rectified,

	<p>namely February 2017 onward.</p> <p>2. The Sub-Committee had regard to the volume and nature of the breaches contained within the police representations and was confident that should the temporary event be allowed to proceed, the prevention of crime licensing objective would be put at significant risk.</p> <p>3. The Sub-Committee had regard to the Applicant's representations, and despite his assurances that he would be able to promote the licensing objectives, in particular the prevention of crime licensing objective, the Sub-Committee were not convinced, given the evidence before it, that he would be able to do so to the required standard.</p>
CONDITIONS	Not applicable
POLICE CLOSURE POWERS	The Sub-Committee notes that the Police have powers to close premises for up to 24 hours. They may exercise these powers when a temporary event notice is in effect and they are satisfied the event is disorderly, likely to become disorderly or causing nuisance as a result of noise from the premises. Such orders may only be made where it is appropriate in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.

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

Date of Hearing	Wednesday, 6 September 2017
Members of Panel	Councillors J. Green, G. Morris and M. Rice

Applicant(s) Name	Herbie Nyathi
Premises Address	Khoi Khoi Bar and Vino, 31 Hitchin Street, Baldock, Herts. SG7 6AQ
Date of Application	19 August 2017
COUNTER NOTICE	<p>On 19 August 2017, the licensing authority received from you, Herbie Nyathi, a temporary event notice in respect of the proposed temporary licensable activities due to take place on 8, 9 and 10 September 2017 at the Khoi Khoi Bar and Vino, 31 Hitchin Street, Baldock, Herts. SG7 6AQ. The licensing authority is satisfied that it is appropriate to issue this counter notice to promote the crime prevention licensing objective.</p> <p><i>This counter notice is issued pursuant to s105(2)(b) of the Licensing Act 2003.</i></p>

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