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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, 26TH OCTOBER, 2017 AT 7.00 PM

#### MINUTES

**Present:** *Councillors Mike Rice (Chairman), Jim McNally and Gerald Morris.*

**In Attendance:**

*Steve Cobb (Licensing Manager), Hannah Sweetman (Licensing Officer), James Ellis (Legal Advisor), Ian Gourlay (Committee and Member Services Manager), Mr Frank Fender (Applicant's Representative), Ms Debbie Sherman (Applicant), Ms Kym Downing (Applicant), Mr G. Maddex (Objector) and Ms W. Bowker (Objector).*

**Also Present:**

**10 HEARING PROCEDURE**

The Hearing Procedure was noted.

**11 APPLICATION FOR PREMISES LICENCE FOR THE RADCLIFFE, 31 WALSWORTH ROAD, HITCHIN, HERTS.**

The report of the Licensing Officer was noted.

**12 DECISION NOTICE**

**RESOLVED:** That the application for a new Premises Licence be granted, subject to appropriate conditions.

[Note: Please see attached Decision Notice, which sets out the conditions and reasons for the decision.]

The meeting closed at 9.00 pm

Chairman at the meeting on  
Thursday, 26 October 2017

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

Date of Hearing	Thursday, 26 October 2017
Members of Panel	Councillors J. McNally, G. Morris and M. Rice
Applicant(s) Name	Charles Wells Limited
Premises Address	The Radcliffe, 31 Walsworth Road, Hitchin, Herts. SG4 9ST
Date of Application	26 September 2017
<b>APPLICATION FOR GRANT</b>	<p>This is an application for the grant of a Premises Licence under section 17 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> <p>1. The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Monday to Saturday 0600hrs to 12 Midnight          Sunday 0600hrs to 2300hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> <li>• New Years Eve and New Years Day</li> </ul> <p>On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• PART B – Films</li> <li>• PART C – Indoor Sporting Events</li> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART I – Late Night Refreshment</li> <li>• PART J - Supply of alcohol</li> </ul>

The hours during which the licensable activities may take place are:

**PART B - Films**

**PART C – Indoor Sporting Events**

Monday to Thursday 1100hrs to 2300hrs  
Friday and Saturday 1100hrs to 12 Midnight  
Sunday 1200hrs to 2230hrs

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

- New Years Eve and New Years Day

On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.

**PART E – Live Music**

Monday to Friday 1800hrs to 2300hrs  
Saturday 1200hrs to 12 Midnight  
Sunday 1200hrs to 2230hrs

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

- New Years Eve and New Years Day

On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.

**PART F – Recorded Music**

Monday to Wednesday 1600hrs to 2300hrs  
Thursday to Saturday 0600hrs to 12 Midnight  
Sunday 0600hrs to 2230hrs

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

- New Years Eve and New Years Day

On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.

**PART I – Late Night Refreshment**

Monday to Saturday 2300hrs to 12 Midnight

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

- New Years Eve and New Years Day

	<p>On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.</p> <p><b>PART J - Supply of alcohol</b></p> <p>Monday to Wednesday 0900hrs to 2300hrs  Thursday to Saturday 0900hrs to 12 Midnight  Sunday 0900hrs to 2230hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> <li>• New Years Eve and New Years Day</li> </ul> <p>On all these above days the hours will be extended from the standard terminal hour on New Years Eve until the standard opening hour on New Year's Day.</p>
<p><b>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p>
<p><b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b></p>	<ol style="list-style-type: none"> <li>1. The premises licence holder will ensure that all ground floor windows and doors to the conservatory and meeting room will closed after 23:00hrs at times that regulated entertainment is being provided at the premises.</li> <li>2. 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 the local residents and to keep the noise to a minimum.</li> <li>3. Deliveries and waste collections relating to the premises shall only take place between 09:00 and 20:00hrs.</li> <li>4. No glass bottles shall be emptied into waste bins at the premises between 20:00 and 09:00</li> </ol>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Part M of their application, and subject also to the conditions agreed with NHDC Environmental Protection set out in Appendix C of the Licensing Officer's report.</p>

<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	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.
<b>STATUTORY GUIDANCE CONSIDERATIONS</b>	<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 paragraphs to be of particular relevance in reaching this decision:</p> <p><b>Paragraphs 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.15, 2.16, 2.17, 2.18, 2.19, 2.21, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10</b></p>
<b>LICENSING POLICY CONSIDERATIONS</b>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy 2016 in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p><b>Sections B6, B7, B8, B9, D2.1, D2.4, D2.6, D2.9, D3.1, D3.4, D6.2, D6.3, D6.8, E3.1.1, E3.1.2, E3.3.1, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</b></p>
<b>RATIONALE FOR DECISION</b>	<ol style="list-style-type: none"> <li>1. The changes represented in the present licence application, as compared to the existing licence, are not of a nature that the Sub-Committee felt would threaten the promotion of the licencing objectives.</li> <li>2. Having listened to the objections put forward by the objectors at the hearing, it was apparent that there had been a degree of misunderstanding concerning the licensable activity of sale of alcohol, and that that misunderstanding was resolved during the course of the hearing.</li> </ol>
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the date of this decision.
<b>RIGHTS OF REVIEW</b>	At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person that is affected by the application 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.