

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD IN THE TOWN LODGE MEETING ROOM 1,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON TUESDAY, 14TH NOVEMBER, 2017 AT 2.00 PM**

MINUTES

Present: *Councillors David Barnard, Jim McNally and Gerald Morris.*

In Attendance:

*Hannah Sweetman (Senior Licensing Officer), Simon Ellis (Development and Conservation Manager) and Ian Gourlay (Committee and Member Services Manager)
Jason Kitchener (applicant)
Marnie Tennant (objector)
Stephanie Moritz (objector)*

Also Present:

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF STYLUS, 35A HIGH STREET, BALDOCK, HERTS.

The report of the Licensing Officer.

3 DECISION NOTICE

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

[Note: The Decision Notice, setting out the conditions and reasons for the decision, is attached.]

Audio Recording of Hearing

The meeting closed at 3.35 pm

Chairman at the meeting on
Tuesday, 14 November 2017

This page is intentionally left blank

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

Date of Hearing	Tuesday, 14 November 2017
Members of Panel	Councillors D. Barnard, J. McNally and G. Morris
Applicant(s) Name	Jason Kitchener, Susan Kitchener and Abigail Skinner
Premises Address	Stylus, 35a High Street, Baldock, Herts. SG7 6BG
Date of Application	20 September 2017
APPLICATION FOR GRANT	<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>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <p>Sunday to Thursday 0800hrs to 2300hrs Friday and Saturday 0800hrs to 2330hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART B – Films • PART E – Live Music • PART F – Recorded Music • PART J - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p>

	<p>PART B - Films PART E – Live Music PART F - Recorded Music PART J - Supply of alcohol</p> <p>Sunday to Thursday 0800hrs to 2230hrs Friday and Saturday 0800hrs to 2300hrs</p>
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</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>The following conditions are each considered appropriate by the Sub-Committee to promote the licensing objective of [state licensing objective]</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. The DPS/Premises Licence Holder will ensure that there are prominent, clear and legible notices displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<ol style="list-style-type: none"> 1. The premises licence holder will ensure that all windows and doors will be closed after 2200hrs at times that regulated entertainment is being provided at the premises. 2. Deliveries and waste collections relating to premises shall only take place between 0700hrs and 1800hrs, Mondays to Saturdays. 3. No glass bottles shall be emptied into waste bins at the premises between 2000hrs and 0900hrs.
<p>CONDITIONS PROPOSED BY APPLICANT</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 Paragraph 4.2 of the Licensing Officer's report.</p> <p>Plus</p>

	<p>1. Live music events to be limited to 52 separate events within one calendar year, with the frequency being no more than 1 event per week, plus an additional two events permitted during the week of the Balstock event each September to allow live music events to take place consecutively during Friday, Saturday and Sunday.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<p>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.</p>
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2017 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, 1.5, 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</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, D2.4, D2.5, D2.6, D2.9, D3.4, D6.2, D6.3, D6.8, E3.1.1, E3.1.3, E3.3.1, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</p>
RATIONALE FOR DECISION	<p>1 Having considered the objections put forward during the course of the hearing, the Sub-Committee felt there was broad support for the venture to go ahead, and it was felt that the inclusion of the aforementioned conditions were appropriate to promote the four licensing objectives.</p> <p>2. The Sub-Committee were reassured by the fact that the applicant had installed sound proofing to the ceiling of the premises, and were mindful that noise limiters were also considered a possibility, albeit the Sub-Committee did not feel it appropriate to require noise limiters at this time.</p> <p>3. The Sub-Committee were mindful of the need for a drinking up period, and so amended the opening hours to allow for this.</p>

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 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.