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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE TOWN LODGE MEETING ROOM 1, GERONON ROAD,
LETCWORTH GARDEN CITY ON MONDAY, 27TH NOVEMBER, 2017 AT 7.00 PM

MINUTES

Present: *Councillors Michael Muir (Chairman), Jean Green and Gerald Morris.*

In Attendance:

*Steve Cobb (Licensing Manager), James Ellis (Legal Advisor) and Ian Gourlay (Committee and Member Services Manager)
Mick O'Connor (applicant's Representative)
Chris Cody (Landlord)
Maria Iredale (Objector)*

Also Present:

19 HEARING PROCEDURE

The Hearing Procedure was noted.

20 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE THREE HORSESHOES, WILLIAN ROAD, WILLIAN, HERTS. SG6 2AE

The report of the Licensing Officer was noted.

21 DECISION NOTICE

RESOLVED: That the application be granted, subject to the conditions and hours set out in the attached Decision Notice.

The meeting closed at 8.34 pm

Chairman at the meeting on
Monday, 27 November 2017

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

Date of Hearing	Monday, 27 November 2017
Members of Panel	Councillors J. Green, G. Morris and M. Muir
Applicant(s) Name	Greene King Retailing Ltd.
Premises Address	The Three Horseshoes, Willian Road, Willian, Herts. SG6 2AE
Date of Application	4 October 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> <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 As per current licence Friday and Saturday 0800hrs to 0230hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Christmas Eve, • Christmas Day, • Boxing Day, • New Year's Day, • Easter Sunday and Easter Monday, • The Sunday and Monday of Spring, May and August Bank Holidays. <p>On all these days the opening hours will be from 0800hrs to 0200hrs the following morning, save for where these days fall on a Friday or Saturday</p>

2. LICENSABLE ACTIVITIES

The licensable activity applied for is:

- **PART J - Supply of alcohol**

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

PART J - Supply of alcohol

Sunday to Thursday As per current licence

Friday and Saturday 0800hrs to 0200hrs the following morning

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Year's Day,
- Easter Sunday and Easter Monday,
- The Sunday and Monday of Spring, May and August Bank Holidays.

On all these days the sale of alcohol will be permitted from 0800hrs to 0130hrs the following morning, save for where these days fall on a Friday or Saturday

The hours for the following Licensable activities will remain the same as per the existing Premises Licence:

- **PART E – Live Music**
- **PART F – Recorded Music**
- **PART H – Anything of a Similar Nature – Parts E, F or G**

<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 condition is considered appropriate by the Sub-Committee to promote the licensing objective of Prevention of Public Nuisance.</p> <p>The condition is:</p> <ol style="list-style-type: none"> 1. The DPS, or a suitably authorised member of staff, must ensure that the area outside the premises up to the junction with Willian (Main) Road is free from glass receptacles such as bottles.
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>None.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>The Licensable area will be extended to include the external trade areas in accordance with the submitted licensing plan.</p> <p>This licence will be subject to the conditions on the existing licence and those further 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, including:</p> <ol style="list-style-type: none"> 1. Amending the existing condition which reads “the outside area of the premises will cease to be used no later than 23:00h every evening” to read “With the exception of the designated smoking area identified on the licensing plan, the outside area of the premises will cease to be used no later than 23:00h every evening”. 2. The outdoor area will be monitored periodically when being used for licensable activities. 3. Signage will be displayed reminding customers to respect the neighbours and leave quietly.

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 (April 2017 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>1.3, 1.4, 1.16, 1.17, 2.1, 2.14, 2.15, 2.16, 2.17, 2.18, 2.20, 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>B6, B7, B8, B9, D2.1, D2.9, D6.2, D6.3, D8.1, D8.2, D8.3, E3.1.1, E3.1.3, E3.2.1, E3.2.2, E3.2.3, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</p>
RATIONALE FOR DECISION	<ol style="list-style-type: none"> 1. Having considered the objection put forward by the Interested Party, and discussions during the course of the hearing, the Sub-Committee felt there was less of an objection following a discussion between the parties. 2. The Sub-Committee were mindful of the problems mentioned by the Interested Party and felt that the inclusion of the aforementioned condition was appropriate to promote the licensing objective of Prevention of Public Nuisance.
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.