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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE FIRST FLOOR ROOMS 2/3, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON TUESDAY, 26TH JUNE, 2018 AT 7.00 PM

MINUTES

Present: *Councillors Councillor Michael Muir (Chairman), Elizabeth Dennis-Harburg and Gerald Morris*

In Attendance:

James Ellis (Legal Advisor), Steve Cobb (Licensing Manager), Hannah Sweetman (Senior Licensing Officer), Rory Cosgrove (Senior Environmental Health Officer) and Hilary Dineen (Acting Committee and Member Services Manager)

Also Present:

At the commencement of the meeting approximately 7 members of the public.

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION BY PUNCH PARTNERSHIPS (PTL) LIMITED FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE COACH AND HORSES, 14 KNEESWORTH STREET, ROYSTON, HERTFORDSHIRE SG8 5AA

The report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the application for a Premises Licence be rejected for the reasons set out in the decision notice.

The meeting closed at 9.50 pm

Chairman

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

Date of Hearing	Tuesday, 26 June 2018
Members of Panel	Councillors E. Dennis-Harburg, G. Morris and M. Muir
Applicant(s) Name	Punch Partnerships (PTL) Ltd
Premises Address	Coach & Horses, 14 Kneesworth Street, Royston, Herts. SG8 5AA
Date of Application	23 April 2018
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. The application is <i>rejected</i>. The Sub-Committee has found that the licensing objectives have not been met by the application and is not satisfied that any conditions attached to the licence could ensure the licence meets these objectives.
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<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>No conditions are considered appropriate.</p>
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	The application has not been granted and therefore no conditions can be attached.
CONDITIONS PROPOSED BY APPLICANT	The application has not been granted and therefore no conditions can be attached.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<p>Where a licence is granted, 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> <p>However, the application has not been granted on this occasion.</p>

<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2018 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.2, 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.3, 2.4, 2.5, 2.7, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 9.3, 9.38, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<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, D2.6, 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, E3.3.1, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</p>
<p>RATIONALE FOR DECISION</p>	<ol style="list-style-type: none"> 1. Having listened to the submissions of all parties, including the Applicant's representative, the Senior Environmental Health Officer and the interested parties; the Sub-Committee were not satisfied that granting the variation applied for would be consistent with the promotion of the four licensing objectives. 2. The Sub-Committee were mindful of the Council's Statement of Licensing Policy, and in particular paragraph B9 which states that <i>"in making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable"</i>, however the Sub-Committee believed that the level of disturbance currently being experienced by the interested parties goes above and beyond what can be considered reasonable, and therefore, granting the variation applied for would, in the Sub-Committee's opinion only exacerbate the current problems. 3. Paragraph B9 goes on to say that <i>"the Council will at all times consider the wider benefits to, and the impact on, the community as a whole and will take a proportionate view on the weight to apply to representations"</i>, in carrying out this balancing exercise, the Sub-Committee attributed greater weight to the representations of the interested parties, and therefore felt that the impact of granting the variation on the community far outweighed the benefit to it and as such it should not be granted. 4. The Sub-Committee considered whether there were any appropriate condition that would allow the variation to be in line with the licensing objectives, including those suggested by the Environmental Health Officer; however it did not feel that there were any.

COMMENCEMENT DATE	The application has not been granted and so there is no commencement date.
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.

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