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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE DISTRICT COUNCIL OFFICES, GERNON ROAD
LETCWORTH GARDEN CITY, SG6 3JF
ON TUESDAY, 7TH AUGUST, 2018 AT 10.30 AM

MINUTES

Present: *Councillors (Chairman), (Vice-Chairman), Jean Green, Jim McNally and Paul Marment*

In Attendance: *Hannah Sweetman (Senior Licensing Officer), James Ellis (Legal Advisor) and Amelia McNally (Committee and Member Services Officer)*

Also Present: *Mr Duncan Gammie, (Applicant), Mrs Hannah Gammie, (Applicant's wife), Mr Stuart Chilvers, (Objector) and 1 member of the public.*

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION BY DUNCAN GAMMIE, FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF HUCKLE, 26 BUCKLERSBURY, HITCHIN, HERTFORDSHIRE, SG5 1BG.

The report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the application for a premises license is approved subject to the conditions and hours as are set out in the decision notice.

The meeting closed at 12.06 pm

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

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| Date of Hearing | Tuesday 7 August 2018 |
| Members of Panel | Councillors Jean Green, Jim McNally and Paul Marment |
| Applicant(s) Name | Duncan Gammie |
| Premises Address | Huckle, 26 Bucklersbury, Hitchin, Hertfordshire, SG5 1BG |
| Date of Application | 15 June 2018 |
| APPLICATION FOR VARIATION | <p>This is an application for a new 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>Wednesday to Sunday 10.00hrs to 00.00hrs.</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 • New Year's Eve <p>On these days the hours will be from 10.00hrs to 01.00hrs the following morning</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • SECTION J – Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>SECTION J – Supply of Alcohol</p> <p>Wednesday to Sunday 10.00hrs to 23.30hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> |

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| | <ul style="list-style-type: none"> • Christmas Eve, • New Year's Eve <p>On these days the hours will be from 10.00hrs to 00.30hrs the following morning</p> |
| 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>The following conditions are each considered appropriate by the Sub-Committee to promote the licensing objective of Prevention of Public Nuisance</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. Adequate sound proofing must be installed to the party wall separating the upstairs function room on the 1st floor, as indicated on the plan, and the neighbouring property at 27a Bucklersbury. 2. The upstairs function room on the 1st floor, as indicated on the plan, shall only be licensed until 22:00 and open to the public until 22:30. |
| CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES | <p>The licence will be subject to the conditions agreed between the applicant and the following responsible authorities, as set out in Appendix B, C and D to the Licensing Officer's report:</p> <p>Hertfordshire Constabulary –</p> <ol style="list-style-type: none"> 1. DPS / Premises Licence Holder will ensure that CCTV is installed, in working order and shall continually record whilst the premises is open to the public; 2. DPS / Premises Licence Holder will ensure that CCTV cameras are installed and in working order; 3. DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than 24 hours after request; 4. The DPS/Premises Licence Holder will ensure that all CCTV recordings will be kept for a minimum of 28 days; 5. DPS / Premises Licence Holder will ensure that the CCTV cameras cover key and vulnerable parts of the premises, including the entry and exit points at the front; |

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| | <ol style="list-style-type: none"> 6. DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers. One of these persons will be at the premises at all times when the premises are open to the public; 7. DPS / Premises Licence Holder will ensure that a refusals book is maintained and kept at the premises at all times; 8. DPS / Premises Licence Holder will ensure that the refusals book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers; 9. DPS / Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times; 10. DPS / Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers; 11. DPS / Premises Licence Holder will ensure that patrons are not allowed to leave the premises with any open vessels; 12. DPS / Premises Licence Holder will ensure Challenge 25 policy is implemented. <p>NHDC Environmental Protection –</p> <ol style="list-style-type: none"> 1. Deliveries and waste collections relating to the premises shall only take place between 0800 and 2200 Monday to Saturday and 1000 and 2000 on Sundays; 2. No glass bottles shall be emptied into waste bins at the premises between the hours of 2200 and 0800. <p>NHDC Environmental Health –</p> <ol style="list-style-type: none"> 1. The function room on the 1st floor, as indicated on the plan shall not be used for licensable activities unless 2 customer toilets are available on the premises for use by customers. |
| CONDITIONS PROPOSED BY APPLICANT | 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 Section M of their application. |

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| 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 2018 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.3, 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, 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, E3.9.3, F8.1 and F8.2</p> |
| RATIONALE FOR DECISION | <p>1. The Sub-Committee were sympathetic to concerns raised by the objector, namely the potential for noise nuisance to be caused by the licensable activity taking place at the property, particularly in the upstairs function room on the 1st floor, however it was also mindful of NHDC's Licence Policy, in particular B9 which states; <i>"In making a balanced decision, the Council accepts that those living in the town centre environment are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way as to limit its impact beyond what was reasonable."</i></p> <p>With this in mind the Sub-Committee felt that requiring adequate sound proofing was a reasonable step to take in order to meet the objector's concerns.</p> <p>2. The Sub-Committee was also particularly mindful of Licensing Policy D.34 which states that: <i>"The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises, unless this is necessary to promote one or more of the licensing objectives"</i></p> |

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| | The Sub-Committee felt that restricting the licensable activity in the upstairs function room on the 1 st floor to 22:00 was a necessary step 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. |

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