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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY ON WEDNESDAY, 21ST NOVEMBER, 2018 AT 10.30 AM

MINUTES

Present: *Councillors Mike Rice, Jean Green and Michael Muir*

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

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION BY HAMID SABAHIPOUR FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF OFFLEY PLACE, KINGS WALDEN ROAD, OFFLEY, HITCHIN, HERTFORDSHIRE, SG5 3DX

The Report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the amended application be approved subject to the conditions and hours as are set out in the Decision Notice.

Chairman

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

Date of Hearing	Wednesday 21 November 2018
Members of Panel	Councillors Mike Rice, Jean Green and Michael Muir
Applicant(s) Name	Hamid Sabahipour
Premises Address	Offley Place, Kings Walden Road, Offley, Hitchin, Herts SG5 3DX
Date of Application	2 October 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> <p>1. The amended application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <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 I – Late Night Refreshment • PART J - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART B - Films</p> <p>Monday to Sunday 10.00hrs to 23.00hrs</p> <p>PART E – Live Music</p> <p>Sunday to Thursday 10.00 hrs to 00.00 hrs the following morning Friday and Saturday 10.00 hrs to 01.00 hrs the following morning</p> <p>PART F – Recorded Music</p> <p>Sunday to Thursday 10.00 hrs to 00.00 hrs the following morning Friday and Saturday 10.00 hrs to 01.00 hrs the following morning</p> <p>PART I - Late Night Refreshment</p> <p>Monday to Sunday 23.00 hrs to 03.00 hrs the following morning</p>

	<p>PART J - Supply of alcohol</p> <p>Monday to Sunday 10.00 hrs to 01.00 hrs the following morning Monday to Sunday 10.00 hrs to 03.00 hrs the following morning for residents and their bonafide guests</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 Sub-Committee did not feel that any further conditions were appropriate in the circumstances.</p>
<p>CONDITIONS AGREED WITH RESPONSIBLE AUTHORITIES DURING THE CONSULTATION PERIOD FORMING PART OF THE AMENDED APPLICATION</p>	<p>The following conditions were voluntarily added to the application by the applicant during the consultation process following negotiation with NHDC Environmental Protection to satisfy the objective of the Prevention of Public Nuisance. These conditions form part of the approved application:</p> <ol style="list-style-type: none"> 1. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, the external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised. 2. Clear and legible notices shall be displayed at all entrance and exit points serving the small and large function rooms and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum. 3. All windows and external doors to the small function room (including the access lobby to the large function room) shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except for ingress, egress or in the case of an emergency. 4. All north-west facing side and roof windows and external doors to the large function room shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except in the case of an emergency. All other windows (with the exception of the south-east facing roof windows) and external doors to this function room (including the access lobby to the small function room) shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except for ingress, egress or in the case of an emergency. 5. For events taking place in the small function room, the designated smoking area for patrons shall be located in the

	<p>paved area immediately outside the door serving the access lobby to the large function room.</p> <p>6. Live and recorded music constituting regulated entertainment shall not take place in the small function room after 0000 Sundays to Thursdays.</p> <p>7. Live and recorded music constituting regulated entertainment shall not take place in the large function room after 0000 Sundays to Thursdays on more than two (2) days per calendar week.</p> <p>8. Live and recorded music constituting regulated entertainment shall only take place outside after 2300 and until no later than 0000 on no more than four (4) days per calendar year and only on a maximum of one (1) day per calendar week on either a Friday or a Saturday.</p> <p>9. Live and recorded music constituting regulated entertainment shall only take place outside after 2300 and until no later than 0000 within an enclosed marquee and only when the type, location and orientation of the enclosed marquee and sound systems to be used for an event and agreed in writing by the Council's Noise Control Officer at least four (4) weeks prior to the event taking place.</p>
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 Part M of their application.
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 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, 1.9, 1.10, 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, 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, D2.9, 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	<ol style="list-style-type: none"> 1. The Sub-Committee were of the opinion that the conditions agreed with NHDC Environmental Protection were sufficient to promote the licensing objectives. 2. The Sub-Committee considered the evidence provided by the Applicant that, as the new building at the site is yet to be utilised, the problems experienced by the Objector was based on historic events. 3. The Sub-Committee considered the remarks made by the Objector with regard the south-east facing roof windows being permitted to remain open; and the potential for nuisance to be caused by this, but were also mindful that all other windows and doors will be required to be shut. The Sub-Committee were therefore satisfied that the condition agreed around this point was already sufficient and appropriate to promote the licensing objectives.
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.