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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE DISTRICT COUNCIL OFFICES, GERON ROAD, LETCHWORTH
GARDEN CITY SG6 3JF ON WEDNESDAY, 19TH DECEMBER, 2018 AT 7.00 PM

MINUTES

Present: *Councillors Jim McNally, Gerald Morris and Lisa Nash*

In Attendance: *Steve Cobb (Licensing Manager), Hannah Sweetman (Senior Licensing Officer), James Ellis (Legal Advisor) and Amelia McInally (Committee & Member Services Officer)*

Also Present: *At the commencement of the meeting approximately 12 members of the public, including registered speakers.*

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION BY HITCHIN TOWN CRICKET GROUND LTD FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF HITCHIN TOWN CRICKET GROUND, LUCAS LANE, HITCHIN, HERTFORDSHIRE, SG5 2JA

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.

AUDIO RECORDING OF MEETING

The meeting closed at 10.17 pm

Chairman

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

Date of Hearing	Wednesday 19 December 2018
Members of Panel	Councillors Jim McNally, Gerald Morris and Lisa Nash
Applicant(s) Name	Hitchin Town Cricket Club Ltd
Premises Address	Sports Clubhouse, Hitchin Town Cricket Ground, Lucas Lane, Hitchin, Hertfordshire, SG5 2JA
Date of Application	24 October 2018
APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE	<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 (as amended during the consultation period and detailed in Appendix E of the report) 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 08.00hrs to 23.00hrs Friday and Saturday 08.00hrs to 00.30hrs the following morning Christmas Eve, New Year's Eve and Sundays of Bank Holiday weekends 08.00hrs to 01.30hrs the following morning</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>SECTION E – Live Music (Indoors and Outdoors)</p> <p>Sunday to Thursday 12.00hrs to 22.30hrs Friday and Saturday 12.00hrs to 00.00hrs the following morning Christmas Eve, New Year's Eve and Sundays of Bank Holiday weekends 08.00hrs to 01.00hrs the following morning (indoors only)</p> <p>SECTION F – Recorded Music (Indoors and Outdoors)</p> <p>Sunday to Thursday 12.00hrs to 22.30hrs Friday and Saturday 12.00hrs to 00.00hrs the following morning Christmas Eve, New Year's Eve and Sundays of Bank Holiday weekends 08.00hrs to 01.00hrs the following morning (indoors only)</p>

	<p>SECTION I – Late Night Refreshment (Indoors and Outdoors)</p> <p>Friday and Saturday 23.00hrs to 00.00hrs the following morning Christmas Eve, New Year’s Eve and Sundays of Bank Holiday weekends 23.00hrs to 01.00hrs the following morning</p> <p>SECTION J – Supply of Alcohol (On the Premises)</p> <p>Sunday to Thursday 12.00hrs to 22.30hrs Friday and Saturday 12.00hrs to 00.00hrs the following morning Christmas Eve, New Year’s Eve and Sundays of Bank Holiday weekends 12.00hrs to 01.00hrs the following morning Live transmission of British Lions rugby matches, sale of alcohol may commence at 08.00hrs.</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>No further conditions were considered appropriate for the promotion of the licensing objectives..</p>
<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 the operating schedule and agreed with the responsible authorities during the consultation period (as detailed in Appendix E of the report).</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<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>
<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 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.15, 2.16, 2.17, 2.18, 2.19, 2.22, 2.27, 9.42, 9.43 and 9.44.</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, D1.5, D1.6, D1.8, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D6.2, D6.3, D6.7, D6.8, D6.9, D8.1, D8.2, D8.3, E2.1, E2.4.1, E2.7.1, E3.1.1, E3.3.1, E3.8.1, E3.8.2, E3.9.1, E3.9.2, E4.1, F4.1, F4.2, F4.3, F8.1, F8.2 and F8.3</p>
<p>RATIONALE FOR DECISION</p>	<ol style="list-style-type: none"> 1. The Sub-Committee were encouraged by the fact that the Applicant had engaged in early discussions with the responsible authorities in advance of the hearing, and had agreed to additional conditions which satisfied them that the licence was capable of operating without putting the four licensing objectives at risk. 2. However, having listened to all of the representations made during the course of the hearing, it was apparent to the Sub-Committee that the main concern expressed by the objectors was around the later end of the hours during which licensable activities could take place. It was therefore felt appropriate in order to promote the licensing objectives, particularly the prevention of public nuisance, that the hours should be reduced as outline above. 3. On the matter of noise, the Sub-Committee were reassured by the inclusion of a noise limitation device that is an effective method of mitigating noise disturbance emanating from the premises. However, the Sub-Committee were also mindful of the possibility of disturbance being caused by persons leaving the premises late at night, as the surrounding area is residential in nature, and it therefore felt it was appropriate to restrict the times of operation as previously outlined.
<p>COMMENCEMENT DATE</p>	<p>This licence will come into effect from the date of this decision.</p>
<p>RIGHTS OF REVIEW</p>	<p>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 if they believe that activities authorised by the premises licence are having an adverse affect on one or more of the four licensing objectives.</p> <p>If the application for a review is deemed appropriate, a licensing sub-committee hearing will be held following a twenty-eight day consultation period to consider the application and any representations received.</p> <p>The sub-committee has a number of options including no action, amending the licence, suspension or revocation of the licence.</p>

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