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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT CONCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY SG6 3JF
ON THURSDAY, 9TH MAY, 2019 AT 2.00 PM

MINUTES

Present: *Councillors Mike Rice (Chairman), Daniel Allen and Ben Lewis*

In Attendance: *James Ellis (Legal Regulatory Team Manager), Teresa Campion (Legal Advisor), Hannah Sweetman (Senior Licensing Officer) and Amelia McInally (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting 2 members of the public, including 2 registered speakers.*

16 HEARING PROCEDURE

The Hearing Procedure was noted.

17 APPLICATION BY GREENE KING RETAILING LTD FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE VICTORIA, ICKLEFORD ROAD, HITCHIN, HERTFORDSHIRE, SG5 1TJ.

The Report of the Licensing Officer was noted.

18 DECISION NOTICE

That the application for a variation to the Premises Licence was approved subject to the conditions and hours as are set out in the Decision Notice.

The meeting closed at 3.25pm

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Decision Notice

Date of Hearing	Thursday 9 May 2019				
Members of Panel	Councillors D. Allen, B. Lewis and M. Rice				
Licence Holder	Greene King Retailing Limited				
Premises Address	Victoria, Ickleford Road, Hitchin, Hertfordshire, SG5 1TJ				
Date of Application	14 March 2019				
DECISION	<p>This is an application for a variation of an existing 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>The Sub-Committee has decided to grant the application subject to the timings and conditions below.</p>				
LICENSABLE ACTIVITIES AND TIMINGS	<p>Thursday</p> <p>The premises licence is amended to substitute the new plan attached to the application and to include the following licensable activities and timings in addition to those currently authorised by the premises licence.</p> <p><u>SALE OF ALCOHOL (For consumption on the premises)</u></p> <table border="1"> <tr> <td>Thursday</td> <td>23:00hrs to midnight</td> </tr> </table> <p><u>HOURS OPEN TO THE PUBLIC</u></p> <table border="1"> <tr> <td>Thursday</td> <td>23:00hrs to 00:30hrs the following morning</td> </tr> </table> <p>All other activities remain unchanged following the grant of the application</p>	Thursday	23:00hrs to midnight	Thursday	23:00hrs to 00:30hrs the following morning
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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 further conditions were considered appropriate.</p>				

<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions offered by the applicant during the hearing in order to promote the licensing objectives.</p> <p>A complaints log will be kept at the premises and any complaints in relation to noise or other nuisance will be recorded in it. The log will record the date and time of the complaint, the name of the person making the record, the name of the complainant (if known) and any action taken thereafter to remedy the complaint.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS</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, could 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 1.4, 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, 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. They have found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B9, D2.1, D2.9, D6.2, D6.3, D8.1, D8.2, D8.3, E3.1.1, E3.1.3, E3.9.1, E3.9.2, E3.9.3, F8.1, F8.2</p>
<p>RATIONALE FOR DECISION</p>	<ol style="list-style-type: none"> 1. The Sub-Committee, having considered all of the information available to it, did not consider that the extension in hours by one hour on a Thursday would compromise the promotion of the four licensing objectives. 2. The Sub-Committee was mindful of the objections expressed in the objector's written representations, particularly about noise being caused by patrons as they leave the premises. It should be noted that it is already a condition of the licence that clear and legible notices should be displayed at exits etc. requesting that patrons respect the needs of local resident, and whilst it has been assured that these signs are now in place, the Sub-Committee would reiterate that these are important and welcomes that they are now on display as required. 3. The Sub-Committee welcomed the offer of a condition concerning a logbook, and feel that this measure is appropriate for the promotion of the four licensing objectives, particularly the Prevention of Public Nuisance.
<p>COMMENCEMENT DATE</p>	<p>This decision takes immediate effect.</p>



RIGHTS OF APPEAL	<p>An appeal may be made against this decision by:</p> <ul style="list-style-type: none">• the holder of the premises licence• any other person who made relevant representations in relation to the application <p>The appeal and appeal fee must be lodged with the Clerk to Stevenage Magistrates Court no later than twenty-one (21) days after the day on which the parties were notified by the Licensing Authority of this decision.</p>
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person, such as a resident affected by licensable activities at 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.</p>

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