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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON ROAD, LETCHWORTH GARDEN CITY ON WEDNESDAY, 19TH JUNE, 2019 AT 1.00 PM

MINUTES

Present: *Councillors Elizabeth Dennis-Harburg (Chairman), Sam North and Adem Ruggiero-Cakir*

In Attendance: *James Ellis (Legal Advisor), Steve Cobb (Licensing Manager), Molly Shiells (Licensing Officer) and Amelia McNally (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting there were 8 members of the public, including 6 registered speakers.*

19 HEARING PROCEDURE

The Licensing Hearing Procedure was noted.

20 APPLICATION FOR THE GRANT OF A PREMISES LICENCE

The report of the Licensing Officer was noted.

21 DECISION NOTICE

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

The meeting closed at 3.40 pm

Chairman

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Decision Notice

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| Date of Hearing | Wednesday 19 June 2019 | | | | | | | | | | | | | | |
| Members of Panel | Councillors Elizabeth Dennis-Harburg, Sam North and Adem Ruggiero-Cakir | | | | | | | | | | | | | | |
| Applicants Names | Massimo Cierzo, Tracey Cierzo and Rebecca Cierzo | | | | | | | | | | | | | | |
| Premises Address | The Buffs Football Club Bakers Close, Clothall Road, Baldock, SG7 6PE | | | | | | | | | | | | | | |
| Date of Application | 30 April 2019 | | | | | | | | | | | | | | |
| APPLICATION FOR THE GRANT OF A 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> <ol style="list-style-type: none"> The application is <u>approved</u> subject to the conditions and hours as are set out below. <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table border="1"> <tr> <td>Sunday to Thursday</td><td>12:00hrs – midnight</td></tr> <tr> <td>Friday</td><td>12:00hrs – 01:00hrs the following morning</td></tr> <tr> <td>Saturday</td><td>12:00hrs – 01:30hrs the following morning</td></tr> </table> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The hours during which the licensable activities may take place are:</p> <p>Indoor Sporting Events</p> <table border="1"> <tr> <td>Sunday to Thursday</td><td>12:00hrs – 23:30hrs</td></tr> <tr> <td>Friday</td><td>12:00hrs – 00:30hrs the following morning</td></tr> <tr> <td>Saturday</td><td>12:00hrs – 01:00hrs the following morning</td></tr> </table> <p>Live Music (Indoors)</p> <table border="1"> <tr> <td>Sunday to Saturday</td><td>12:00hrs – 23:00hrs</td></tr> </table> | Sunday to Thursday | 12:00hrs – midnight | Friday | 12:00hrs – 01:00hrs the following morning | Saturday | 12:00hrs – 01:30hrs the following morning | Sunday to Thursday | 12:00hrs – 23:30hrs | Friday | 12:00hrs – 00:30hrs the following morning | Saturday | 12:00hrs – 01:00hrs the following morning | Sunday to Saturday | 12:00hrs – 23:00hrs |
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| | <p>Recorded Music (Indoors)</p> <table border="1"> <tr> <td>Sunday to Thursday</td><td>12:00hrs – 23:00hrs</td></tr> <tr> <td>Friday</td><td>12:00hrs – 00:30hrs the following morning</td></tr> <tr> <td>Saturday</td><td>12:00hrs – 01:00hrs the following morning</td></tr> </table> <p>Late Night Refreshment (Indoors)</p> <table border="1"> <tr> <td>Sunday to Thursday</td><td>23:00hrs – 23:30hrs</td></tr> <tr> <td>Friday</td><td>23:00hrs – 00:30hrs the following morning</td></tr> <tr> <td>Saturday</td><td>23:00hrs – 01:00hrs the following morning</td></tr> </table> <p>Supply of Alcohol (For consumption on the premises)</p> <table border="1"> <tr> <td>Sunday to Thursday</td><td>12:00hrs – 23:30hrs</td></tr> <tr> <td>Friday</td><td>12:00hrs – 00:30hrs the following morning</td></tr> <tr> <td>Saturday</td><td>12:00hrs – 01:00hrs the following morning</td></tr> </table> | Sunday to Thursday | 12:00hrs – 23:00hrs | Friday | 12:00hrs – 00:30hrs the following morning | Saturday | 12:00hrs – 01:00hrs the following morning | Sunday to Thursday | 23:00hrs – 23:30hrs | Friday | 23:00hrs – 00:30hrs the following morning | Saturday | 23:00hrs – 01:00hrs the following morning | Sunday to Thursday | 12:00hrs – 23:30hrs | Friday | 12:00hrs – 00:30hrs the following morning | Saturday | 12:00hrs – 01:00hrs the following morning |
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| <p>OPERATING SCHEDULE CONDITIONS</p> | <p>The licence will be subject to the conditions offered by the applicant and agreed with the responsible authorities during the consultation period as detailed in Appendix D of the licensing officer's report (Conditions 1 to 21 inclusive).</p> | | | | | | | | | | | | | | | | | | |
| <p>IMPOSED 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 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. The premises licence holder will ensure that consumption of alcohol by patrons is not permitted beyond eight (8) metres from the façade of the rear of the building. This area will be identified by temporary barriers/markings for the avoidance of doubt. 2. The premises licence holder will ensure that no patrons are admitted into the premises after midnight, save for existing patrons using the smoking area. | | | | | | | | | | | | | | | | | | |
| <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, would result in an unlimited fine or up to six months imprisonment or both.</p> | | | | | | | | | | | | | | | | | | |

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| 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, 2.10, 2.15, 2.16, 2.18, 2.19, 2.20, 2.21, 2.22, 8.41, 8.42, 8.44, 8.47, 9.12, 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, B8, D1.5, D1.8, D2.1, D2.4, D2.5, D2.9, D3.1, D3.3, D3.4, D6.2, D6.3, D6.8, D8.2, D8.3, E3.1.1, E3.2.1, E3.3.1, E3.7.1, E3.7.2, E3.8.2, E3.9.2, E4.1, F4.1, O1.1, O2.2</p> |
| RATIONALE FOR DECISION | <ol style="list-style-type: none"> 1. The Sub-Committee felt that by virtue of the conditions agreed between the Applicants and the Responsible Authorities, as well as the conditions agreed during the course of the hearing, that granting the licence would not put at risk the promotion of the four licensing objectives. 2. The two conditions agreed during the hearing, namely around the permitted area for drinking on the field to the rear of the premises, and the restriction on admittance after midnight, were particularly appropriate, as these would seem to assuage the concerns expressed by residents that drinking at the far end of the field, and a migration of drinkers from the town at the end of the evening, would lead to a public nuisance. |
| COMMENCEMENT DATE | <p>This licence will come into effect from the date 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, fire, environmental health, etc.), or any other person likely to be affected by the premises, may apply to the licensing authority to request a review of the licence because of matters causally linked to the premises in connection with any of the four licensing objectives.</p> <p>The review is a request for the Council to look at the existing licence, following a period of public consultation, and decide whether it adequately promotes the four licensing objectives defined under the Licensing Act 2003.</p> <p>At a review hearing, the sub-committee has a range of options available, starting with no additional action through to revocation of the licence.</p> |

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