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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY SG6 3JF
ON MONDAY, 21ST OCTOBER, 2019 AT 10.30 AM

MINUTES

Present: *Councillors Elizabeth Dennis-Harburg (Chairman) Elizabeth Dennis-Harburg, Ian Albert and Mike Rice*

In Attendance: *Teresa Champion, Steve Cobb (Licensing Manager), Molly Shiells (Licensing Officer), Amelia McInally (Committee, Member and Scrutiny Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer) and Charlie Skeels (Licensing Apprentice)*

Also Present: *At the commencement of the meeting approximately 21 members of the public, including registered speakers.*

22 HEARING PROCEDURE

The Licensing Hearing Procedure was noted.

23 DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE

The Report of the Licensing Officer was noted.

24 DECISION NOTICE

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

The meeting closed at 3.20pm

Chairman

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Decision Notice

Date of Hearing	Monday 21 October 2019																
Members of Panel	Councillors E. Dennis-Harburg, I. Albert and M. Rice																
Licence Holder	Sandon Bury Farm Limited																
Premises Address	Sandon Bury Farm, Sandon, Buntingford, Hertfordshire, SG9 0QY																
Date of Application	27 August 2019																
DECISION	<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>The Sub-Committee has decided to grant the application subject to the timings and conditions below.</p>																
LICENSABLE ACTIVITIES AND TIMINGS	<p><u>LIVE MUSIC (Indoors)</u></p> <table border="1"> <tr> <td>Sunday to Thursday</td> <td>08:00hrs to 23:00hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>08:00hrs to 23:30hrs</td> </tr> <tr> <td>Day preceding a bank holiday</td> <td>08:00hrs to 23:30hrs</td> </tr> </table> <p><u>LIVE MUSIC (Outdoors)</u></p> <table border="1"> <tr> <td>Sunday to Saturday</td> <td>10:00hrs to 20:00hrs</td> </tr> </table> <p>Outdoor music is not permitted to last for longer than one (1) hour and is only permitted in association with music accompanying a ceremony.</p> <p><u>RECORDED MUSIC (Indoors)</u></p> <table border="1"> <tr> <td>Sunday to Thursday</td> <td>08:00hrs to 23:00hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>08:00hrs to 23:30hrs</td> </tr> <tr> <td>Day preceding a bank holiday</td> <td>08:00hrs to 23:30hrs</td> </tr> </table> <p><u>RECORDED MUSIC (Outdoors)</u></p> <table border="1"> <tr> <td>Sunday to Saturday</td> <td>10:00hrs to 20:00hrs</td> </tr> </table> <p>Outdoor music is not permitted to last for longer than one (1) hour and is only permitted in association with music accompanying a ceremony.</p>	Sunday to Thursday	08:00hrs to 23:00hrs	Friday and Saturday	08:00hrs to 23:30hrs	Day preceding a bank holiday	08:00hrs to 23:30hrs	Sunday to Saturday	10:00hrs to 20:00hrs	Sunday to Thursday	08:00hrs to 23:00hrs	Friday and Saturday	08:00hrs to 23:30hrs	Day preceding a bank holiday	08:00hrs to 23:30hrs	Sunday to Saturday	10:00hrs to 20:00hrs
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	<p><u>LATE NIGHT REFRESHMENT (Indoors and Outdoors)</u></p> <table border="1"> <tr> <td>Friday and Saturday</td> <td>23:00hrs to 23:30hrs</td> </tr> <tr> <td>Day preceding a bank holiday</td> <td>23:00hrs to 23:30hrs</td> </tr> </table> <p><u>SALE OF ALCOHOL (For consumption on the premises)</u></p> <table border="1"> <tr> <td>Sunday to Thursday</td> <td>08:00hrs to 22:30hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>08:00hrs to 23:30hrs</td> </tr> <tr> <td>Day preceding a bank holiday</td> <td>08:00hrs to 23:30hrs</td> </tr> </table> <p>The number of events is limited to seventy-five (75) days per calendar year with no more than three (3) event days per calendar week.</p> <p><u>HOURS OPEN TO THE PUBLIC</u></p> <table border="1"> <tr> <td>Sunday to Thursday</td> <td>08:00hrs to 23:00hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>08:00hrs to midnight</td> </tr> <tr> <td>Day preceding a bank holiday</td> <td>08:00hrs to midnight</td> </tr> </table>	Friday and Saturday	23:00hrs to 23:30hrs	Day preceding a bank holiday	23:00hrs to 23:30hrs	Sunday to Thursday	08:00hrs to 22:30hrs	Friday and Saturday	08:00hrs to 23:30hrs	Day preceding a bank holiday	08:00hrs to 23:30hrs	Sunday to Thursday	08:00hrs to 23:00hrs	Friday and Saturday	08:00hrs to midnight	Day preceding a bank holiday	08:00hrs to midnight
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<p>CONDITIONS PROPOSED BY APPLICANT AS PART OF THE APPLICATION</p>	<p>This licence will be subject to the conditions offered by the applicant during the application in order to promote the licensing objectives and appended to this Decision Notice. These conditions were listed on the application summary circulated by the licensing officer at the commencement of the hearing.</p>																
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will only 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 objectives of:</p> <ul style="list-style-type: none"> • prevention of crime and disorder • prevention of public nuisance <p>The conditions are:</p> <p>The sale of alcohol between the hours of 8am and 11am is restricted to guests staying in the overnight accommodation as part of a meal.</p> <p>The premises licence holder shall ensure that a telephone number and/or email address for residents to raise concerns during or after an event is available.</p> <p>Both these conditions were agreed by the applicant during the course of the hearing.</p>																



EFFECT OF FAILING TO COMPLY WITH CONDITIONS	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.
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, 2.7, 2.8, 2.10, 2.15, 2.16, 2.18, 2.19, 2.22, 2.26, 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. They have found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B8, D1.4, D1.5, D1.6, D1.8, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D3.1, D3.3, D3.4, D6.2, D6.3, D6.6, D6.7, D6.8, D6.9, D8.1, D8.2, D8.3, E2.1, E2.2, E2.4.1, E2.7.1, E3.1.1, E3.2.1, E3.3.1, E3.8.1, E3.8.2, E3.9.2, E4.1, E4.3, F4.1, F4.2, F8.1, F8.2, 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 offered by the Applicants following consultation with the Responsible Authorities, as well as the conditions agreed during the course of the hearing by the applicants, that granting the licence would not put at risk the promotion of the four licensing objectives. 2. The Sub-Committee felt that it was necessary to vary the times of the licensing activities with regard to the sale of alcohol and provision of live and recorded music to allow for drinking up time and clearance of the licensed premises by the end of the permitted opening hours. 3. The two conditions agreed during the hearing, listed in the section above entitled "Imposed Conditions Deemed Appropriate for the Promotion of the Licensing Objectives", were added because of the concerns of residents over public nuisance and crime and disorder.
COMMENCEMENT DATE	This decision takes immediate effect.
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**

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 apply to 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.

At a review hearing, the sub-committee has a range of options available, starting with no additional action progressing through to revocation of the licence.

INFORMATION NOTE

For transparency, the sub-committee place on record that an event day is any day when licensable activity (the sale or supply of alcohol, regulated entertainment or late night refreshment) take place.

For example, the sale of alcohol to residential guests on a Friday night, a wedding on the Saturday and a Sunday breakfast/brunch with alcohol would constitute three event days.

APPENDIX

OPERATING SCHEDULE CONDITIONS INCLUDED WITHIN THE APPLICATION

1. The premises licence holder will ensure that clear and legible notices are displayed outside of the venue indicating the normal hours of operating under the premises licence.
2. The premises licence holder will ensure that all staff receives appropriate training in the promotion of the licensing objectives. Staff will be required to ask guests to use and leave the premises in an orderly manner minimising any disturbance to nearby residents.
3. The premises licence holder will ensure that a closed circuit television (CCTV) system is installed to monitor entrances, exits and other high risk areas of the premises. The CCTV system will be to a standard capable of facial recognition. The CCTV system will be maintained in good working order and be in operation at all times the premises is operating under the premises licence.
4. The premises licence holder will ensure that alcohol is not permitted to be taken from the premises.
5. The premises licence holder will ensure that drinking vessels will be made of toughened glass, plastic or other materials (where available) that will prevent any sharp edges from occurring when broken. Where glass bottles are used, they will be retained and disposed of on the premises.
6. The premises licence holder will ensure that an incident book will be maintained by the management staff which details all occurrences of disorder including details of refused alcohol sales. The incident book will be kept on the premises at all times and will be available for inspection by a responsible authority upon request.
7. The premises licence holder will ensure that the external areas of the venue are adequately lit during hours of operation including pedestrian walkways and car parking areas.
8. The premises licence holder will ensure that the entrance to the venue will be strictly controlled by staff at all times during an event.
9. The premises licence holder will ensure that the venue's emergency procedures are set out in a public safety risk assessment which shall be provided to any responsible authority upon request.
10. The premises licence holder will ensure that the telephone number of a local reputable taxi operator is available for the benefit of guests.
11. The premises licence holder will ensure that clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and vicinity quietly.
12. The premises licence holder will ensure that deliveries to the premises are restricted to the hours of 08:00hrs to 20:00hrs Monday to Friday and 08:00hrs to 18:00hrs on Saturdays; no deliveries or collections will take place on a Sunday.



13. The premises licence holder will ensure that litter bins are provided inside and directly outside the premises; staff will undertake regular litter checks during events.
14. The premises licence holder will ensure that a Challenge 25 Policy will be in place at the premises with relevant signage displayed in the bar areas. Acceptable ID will be required from any person who appears to be under twenty-five (25) years of age before they are sold or supplied alcohol. Acceptable forms of ID are a photographic driving licence, passport or a card bearing the PASS hologram.
15. The premises licence holder will ensure that all children under the age of twelve (12) years are accompanied by an adult at all times.
16. The premises licence holder will ensure that the provision of regulated entertainment, late night refreshment and sale or supply of alcohol will be restricted to events which are for private functions only.
17. The premises licence holder will ensure that after 18:00hrs, guests using the premises will only be allowed to congregate outside in the fully enclosed courtyard save for egress and in the case of emergencies.
18. The premises licence holder will ensure that doors and windows at the licensed premises are closed during the provision of licensable activities save for ingress, egress and in the case of emergencies.
19. The premises licence holder will ensure that no live or recorded music will take place in the outdoor areas except for music accompanying outdoor ceremonies. In this instance, ceremony music will be limited to a maximum of one (1) hour.
20. The premises licence holder will ensure that a noise limiter will be installed within the acoustic enclosure within the Black Barn and will be calibrated in the presence of and set to the satisfaction of the Council's Noise Officer. The noise limiter will not be removed, adjusted or replaced without consultation with and approval from the Council's Noise Officer.