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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY SG6 3JF
ON FRIDAY, 6TH DECEMBER, 2019 AT 10.30 AM

MINUTES

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

In Attendance: *Teresa Campion (Legal Advisor), Steve Cobb (Licensing Manager), Molly Shiells (Licensing Officer), Jasmine Jennings (Assistant Licensing Officer), Amelia McInally (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting 4 members of the public, including registered speakers.*

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 GRANT OF A PREMISES LICENCE FOR THE STATION KNEBWORTH

The Report of the Licensing Officer was noted.

3 DECISION NOTICE

The meeting closed at 1.17 pm

Chairman

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Decision Notice

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| Date of Hearing | Friday 6 December 2019 | | | | | | | | | | | | |
| Members of Panel | Councillors I. Albert , E. Dennis-Harburg, and M. Rice | | | | | | | | | | | | |
| Applicant | Knebworth Parish Council | | | | | | | | | | | | |
| Premises Address | The Station Hotel Station Approach, Knebworth, Hertfordshire, SG6 6AT. | | | | | | | | | | | | |
| Date of Application | 15 October 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>The licensable activities and timings granted are as follows:</p> <p>LIVE MUSIC (Indoors) RECORDED MUSIC (Indoors) PERFORMANCE OF DANCE (Indoors)</p> <table border="1"> <tr> <td>Monday to Saturday</td> <td>07:00hrs to midnight</td> </tr> <tr> <td>Sunday</td> <td>07:00hrs to 23:30hrs</td> </tr> </table> <p><u>SALE OF ALCOHOL (For consumption on and off the premises)</u></p> <table border="1"> <tr> <td>Monday to Saturday</td> <td>10:00hrs to 23.30</td> </tr> <tr> <td>Sunday</td> <td>10:00hrs to 23:00</td> </tr> </table> <p><u>HOURS OPEN TO THE PUBLIC</u></p> <table border="1"> <tr> <td>Monday to Saturday</td> <td>07:00hrs to midnight</td> </tr> <tr> <td>Sunday</td> <td>07:00hrs to 23:30hrs</td> </tr> </table> | Monday to Saturday | 07:00hrs to midnight | Sunday | 07:00hrs to 23:30hrs | Monday to Saturday | 10:00hrs to 23.30 | Sunday | 10:00hrs to 23:00 | Monday to Saturday | 07:00hrs to midnight | Sunday | 07:00hrs to 23:30hrs |
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| CONDITIONS PROPOSED BY APPLICANT AS PART OF THE APPLICATION | <p>This licence will be subject to the conditions offered by the applicant during the application in order to promote the licensing objectives. These conditions were listed on the application form and the conditions proposed by Environmental Protection in Appendix C of the licensing officer's report as amended by the applicant at the hearing to remove the following conditions: "There is to be no smoking in any part of the rear beer garden which is the right hand side fire exit. The designated smoking area shall be located at the</p> | | | | | | | | | | | | |



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| | <p>front of the property. This area is to be designated by a sign and managed at all times.”</p> <p>“No persons are to be permitted into any area of the rear beer garden after 22.00 hrs Sunday to Thursday or after 22.30 hrs Friday and Saturday.”</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 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 condition(s) are:</p> <p>DPS/premises licence holder will ensure that age challenges and refusals will be recorded on the EPOS till system.</p> <p>DPS/premises licence holder will ensure that any refusal of alcohol record will be made available for inspection upon request by police officers, community support officers or police licensing officers.</p> <p>DPS/premises licence holder will ensure that an incident book is maintained and kept at the premises at all times.</p> <p>DPS/premises holder will ensure that the incident book will be made available for inspection upon request by police officers, police community support officers or police licensing officers.</p> <p>DPS/premises licence holder will ensure that the Challenge 25 Policy is implemented.</p> <p>DPS/premises licence holder will ensure that Challenge 25 notices will be displayed in prominent locations to remind customers that they may be asked to show proof of age.</p> <p>DPS/premises licence holder will ensure that customers are not permitted to leave premises with any open vessels.</p> <p>DPS/premises licence holder will ensure that no drinking will be permitted at the front of the premises at any time during the operating hours.</p> <p>The smoking area will be relocated to the restaurant garden on the amended plan produced by the applicant at the hearing and this will be the only place smoking is permitted after 22.00 hours.</p> |



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| 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</p> <p>1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 8.41, 8.42, 8.44, 8.47, 9.12, 9.42, 9.43, 9.44, 10.8, 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</p> <p>B6, B9, D1.4, D1.5, 8.33 – 8.36, D1.8, D2.1, D2.5, D2.8, D2.9, D3.1,, D3.3. D3.4, D6.2, D6.3, D6.6, D6.7, D6.8, D6.9, D8.2, E3.9.3, F4.1,F4.2,F8.1,F.8.2, O1.1, O2.2</p> |
| RATIONALE FOR DECISION | <p>1.The Sub-committee considers that granting this application does not undermine the four licensing objectives.</p> <p>2. The Applicant agreed to amend the times for sale of alcohol Monday – Saturday during the hearing from 10.00am – midnight to 10.00am - 23.30 hrs and Sunday from 10.00 – 23.30 hrs to 10.00am – 23.00 hrs. The Sub-committee felt it was important to consider drinking up time.</p> <p>3. The Sub-committee additionally considered the conditions proposed by the police and listed above, were appropriate and proportionate for promoting the licensing objectives, particularly the issue of crime and disorder.</p> <p>4. The Sub-committee took into account the Statutory Guidance (Section 10.10) and having regard to the Council's Statement of Licensing Policy and felt there was no legitimate or pressing need at this time based on the evidence presented at the hearing that CCTV is required is required to promote the requirements of the licensing objectives.</p> |
| 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 applicant • any responsible authority or other person who made relevant representations in relation to the application <p>The appeal and appeal fee must be lodged with the Clerk to</p> |



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| | <p>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 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.</p> <p>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> <p>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.</p> |