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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD THIS WILL BE A VIRTUAL MEETING
ON THURSDAY, 7TH MAY, 2020 AT 2.00 PM

MINUTES

Present: *Councillors: Councillor Daniel Allen (Chair), Gerald Morris and Mike Rice
Councillor Sam North was present as a Listening Member, taking no part
in the debate and vote.*

In Attendance: *Steve Cobb (Licensing Manager), Jasmine Jennings (Assistant Licensing
Officer), Teresa Campion (Litigation & Planning Enforcement Lawyer),
Hilary Dineen (Committee, Member and Scrutiny Manager), Melanie
Stimpson (Democratic Services Manager), Matthew Hepburn
(Committee, Member and Scrutiny Officer) and Mark Robinson (IT
Network & Infrastructure Manager)*

Also Present: *At the commencement of the meeting approximately 7 members of the
public as registered speakers.*

1 HEARING PROCEDURE

Due to the Covid-19 situation this meeting was held as a virtual meeting.

The Committee, Member and Scrutiny Manager outlined the virtual meeting procedure and this and the hearing procedure as detailed in the agenda was noted.

2 APPLICATION FOR A NEW PREMISES LICENCE FOR CHICKEN GEORGE, BANCROFT, HITCHIN

Prior to the application being considered Councillor Daniel Allen made the following statement:

“For all the participants at this meeting I would like to say few words in the spirit of transparency. I confirm that I have no personal association with the applicant. I have in the past ‘liked’ a Chicken George post on social media and through my charity work have contacted them once regarding work they were doing in the area. That said, I come to this meeting with an open mind and confirm that those interactions have no bearing on my ability to participate in this meeting and listen to both sides of the application. I will be making a decision based on the evidence I hear at this meeting.”

The Licensing Manager presented the report entitled Application for a New Premises Licence for Chicken George, Bancroft, Hitchin.

The report, together with verbal submissions and questions from the Applicant and Other Persons and advice from the Legal Adviser were considered.

The report of the Licensing Officer was noted.

3 DECISION NOTICE

The Decision Notice is attached.

Thursday, 7th May, 2020

Audio Recording of Hearing

The meeting closed at 5.07 pm

Chair



Decision Notice

Date of Hearing	Thursday 7 May 2020										
Members of Panel	Councillors D. Allen, G. Morris and M. Rice										
Applicant	Chicken George (Hitchin) Limited										
Premises Address	Chicken George 107a – 107b Bancroft, Hitchin, Hertfordshire, SG5 1NB.										
Date of Application	10 March 2020										
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 as applied.</p>										
LICENSABLE ACTIVITIES AND TIMINGS	<p><u>TAKEAWAY SERVICE OPERATING HOURS</u> (area marked 'takeaway' on the plan)</p> <p>Late night refreshment (indoors only)</p> <p>Late night refreshment is not licensable between the hours of 05:00hrs and 23:00hrs therefore the proposed operating hours are not licensable and cannot be restricted</p> <p>The takeaway service will not operate on New Year's Eve</p> <p>Hours premises open to the public</p> <table border="1"> <tr> <td>Monday to Wednesday</td> <td>12:00hrs – 23:00hrs</td> </tr> <tr> <td>Thursday to Saturday</td> <td>12:00hrs – 23:30hrs</td> </tr> <tr> <td>Sunday</td> <td>12:00hrs – 22:00hrs</td> </tr> <tr> <td>All bank holidays</td> <td>12:00hrs – 23:30hrs</td> </tr> <tr> <td>December 20th, 21st, 22nd, 23rd, 27th, 28th, 29th, 30th</td> <td>12:00hrs – 23:30hrs</td> </tr> </table> <p><u>RESTAURANT OPERATING HOURS</u> (area marked 'restaurant' on the plan)</p> <p>Late night refreshment (indoors only)</p> <p>Late night refreshment is not licensable between the hours of 05:00hrs and 23:00hrs therefore the activity can only be restricted outside those hours</p>	Monday to Wednesday	12:00hrs – 23:00hrs	Thursday to Saturday	12:00hrs – 23:30hrs	Sunday	12:00hrs – 22:00hrs	All bank holidays	12:00hrs – 23:30hrs	December 20th, 21st, 22nd, 23rd, 27th, 28th, 29th, 30th	12:00hrs – 23:30hrs
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	Thursday	23:00hrs – midnight
	Friday and Saturday	23:00hrs – 00:30hrs
	All bank holidays	23:00hrs – 00:30hrs
	December 20th, 21st, 22nd, 23rd, 27th, 28th, 29th, 30th	23:00hrs – 00:30hrs
	New Year's Eve	23:00hrs – 02:00hrs
	Sale of alcohol (for consumption on the premises only)	
	Monday to Wednesday	12:00hrs – 23:00hrs
	Thursday	12:00hrs – midnight
	Friday and Saturday	12:00hrs – 00:30hrs
	Sunday	12:00hrs – 23:00hrs
	All bank holidays	12:00hrs – 23:30hrs
	December 20th, 21st, 22nd, 23rd, 27th, 28th, 29th, 30th	12:00hrs – 00:30hrs
	New Year's Eve	19:00hrs – 02:00hrs
	Hours the premises open to the public	
	Monday to Wednesday	12:00hrs – 23:30hrs
	Thursday	12:00hrs – 00:30hrs
	Friday and Saturday	12:00hrs – 01:00hrs
	Sunday	12:00hrs – 23:30hrs
	All bank holidays	12:00hrs – 01:00hrs
	December 20th, 21st, 22nd, 23rd, 27th, 28th, 29th, 30th	12:00hrs – 01:00hrs
	New Year's Eve	19:00hrs – 02:30hrs
CONDITIONS PROPOSED BY APPLICANT AS PART OF THE APPLICATION	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 in the hearing bundle at Appendix E of the licensing officer's report and were not amended by the sub-committee	
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>The following conditions is considered appropriate by the sub-committee to promote the licensing objective of the prevention of public nuisance.</p>	

	<p>The condition is:</p> <p>The premises licence holder will ensure that the fire doors in the premises remained closed except for ingress, egress, or in the case of an emergency.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS	<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>
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, 2.3, 2.15, 2.16, 2.18, 2.19, 8.41, 8.42, 8.44, 8.47,9.12, 9.42, 9.43, 9.44, 10.8, 10.9, 10.10, 10.13</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, B7, B9, D1.4, D1.5, D1.6, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D3.1, D3.2, D3.3, D3.4, D4.2, D4.3, D4.4, D4.5, D6.2, D6.3, D6.6, D6.7, D6.8, D6.9, E1.5.1, E3.1.1, E3.3.1, E3.8.1, E3.8.2, F4.1, F4.2, F8.1, F8.2, F9.1, F9.2, 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 agreed between the applicant and the responsible authorities, that granting the licence would not undermine the promotion of the licensing objectives. 2. They do not consider the opening hours requested by the applicant to be excessive. 3. They have considered all the evidence both verbal and written and whilst they note residents' concerns regarding car parking being an issue for the area this cannot be added as a condition to the licence as it is out of the applicant's control. 4. The sub-committee consider that the applicant placing a bin outside the premises and carrying out an hourly litter pick outside Chicken George to overcome the concerns by residents over littering.
COMMENCEMENT DATE	<p>This decision takes immediate effect.</p>



<p>RIGHTS OF APPEAL</p>	<p>An appeal may be made against this decision by:</p> <ul style="list-style-type: none"> • the applicant • 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>
<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 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>