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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON MONDAY, 10TH AUGUST, 2020 AT 10.00 AM**

MINUTES

Present: *Councillors: Lisa Nash (Chair), Daniel Allen, Sam North and Mike Rice was present as the non-voting observer reserve Councillor.*

In Attendance: *Steve Cobb (Licensing Manager), Teresa Campion (Litigation & Planning Enforcement Lawyer), Molly Shiells (Licensing Officer), Elizabeth DeVere (Commercial Team Manager) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting the 3 registered speakers.*

1 APOLOGIES FOR ABSENCE

Having received apologies for absence from Councillor Michael Weeks, Councillor Mike Rice took the role of the non-voting observer reserve Councillor, in accordance with the Constitution 8.3.1.

2 HEARING PROCEDURE

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

3 APPLICATION TO VARY A PREMISES LICENCE FOR HITCHIN TOWN CENTRE

The Licensing Officer presented the report entitled Application to vary a Premises Licence for Hitchin Town Centre.

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.

4 DECISION NOTICE

The Decision Notice is attached.

The meeting closed at 1.44 pm

Chair

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Decision Notice

Date of Hearing	Monday 10 August 2020
Members of Panel	Councillors D. Allen, L. Nash and S. North
Licence Holder	Hitchin Initiative Limited
Premises Address	Hitchin Town Centre (incorporating Hitchin Market Place, The Arcade, Churchyard, Sun Street, Bucklersbury, Brand Street, Bancroft, High Street, Hermitage Road and Bancroft Recreation Ground)
Date of Application	17 June 2020
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 refuse the application.</p> <p>The Sub-Committee has found that the licensing objectives have not been met by the application and is not satisfied that any amendments to the application or conditions attached to the licence could ensure that the licensing objectives are met.</p>
LICENSABLE ACTIVITIES AND TIMINGS	The licensable activities, timings and conditions on the existing premises licence remained unchanged.
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 considered 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 relevance in reaching this decision:</p> <p>Sections 1.2, 1.3, 1.4,1.5, 1.16, 1.17, 2.1, 2.5, 2.7, 2.8, 2.9, 2.22, 2.23, 8.41, 8.42, 8.43, 8.44,8.46, 9.38. 9.42, 9.43, 9.44, 10.8, 10.9, 10.10</p>
LICENSING	The Sub-Committee has considered the North Hertfordshire District



<p>POLICY CONSIDERATIONS</p>	<p>Council's Statement of Licensing Policy in reaching its decision. They have found the following sections to be of relevance in reaching this decision.</p> <p>Sections B6, B8, B10 C4.2. D1.6. D1.8, D2.1. D2.5. D2.6, D2.7. D6.2, D6.3, D6.7, D6.8. D6.9, D8.1, D8.2, D8.3, E2.1, E2.3, E2.4.1, E2.7.1, E2.7.2, F1.3, F4.1, F4.,2, F6.1.2, F8.1, F8.2, G1.1, G1.2, G1.3, G1.5, G5.1, G5.2, G5.3, G5.4, G5.5, G6.1.3, H2.1, H2.2, H2.3</p>
<p>RATIONALE FOR DECISION</p>	<p>1.Licensing Sub-committee in making this decision took into the consideration the application,(including the operating schedule, amendments to the application made on the day of the hearing to the proposed area of sale/supply of alcohol being Market square and High Street and the number of events over 500 people.</p> <p>2.There were concerns over the lack of detail in the operating schedule in relation to meeting the four licensing objectives particularly in relation to public safety issues</p> <p>3. The sub-committee are also concerned over the lack of an EMP submitted and agreement with the police and Environmental Health around public safety over how crowd safety was being managed and the ingress and egress from the premises which inherently a public space.</p> <p>4.The applicant did not address the police concerns over how he was going to control intoxicated people becoming attracted to and involved in events in public spaces increasing the risk of crime and disorder. There are concerns over the interaction of the general public in the area not attending the event.</p> <p>4.Consideration was given in making this decision to the statutory guidance issued under Section 182 of the Licensing Act 2003. and Council's Licensing Policy and well as representations made by the responsible authorities.</p>
<p>COMMENCEMENT DATE</p>	<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 holder of the premises licence • any responsible authority that 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 ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing</p>



	<p>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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