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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON TUESDAY, 19TH JANUARY, 2021 AT 10.00 AM**

MINUTES

Present: *Councillors: Elizabeth Dennis-Harburg (Chair), Richard Thake, Mike Rice, and Tom Tyson was present as the non-voting observer reserve Councillor.*

In Attendance: *Teresa Campion (Litigation & Planning Enforcement Lawyer), Molly Shiells (Licensing Officer), Anna Gouveia (Committee, Member and Scrutiny Officer) and William Edwards (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 5 members of the public, including registered speakers.*

1 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

The Chair welcomed everyone to the Licensing and Appeals Sub-Committee meeting.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure all those present could hear and be heard and drew attention to the Remote/Partly Remote Meetings Protocol and Pre-Hearing Preliminary which were noted.

2 HEARING PROCEDURE

The Hearing Procedure as detailed in the agenda was noted.

3 APPLICATION BY M LEE FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF THE JOCKEY, BALDOCK STREET, ROYSTON, HERTFORDSHIRE, SG8 5BD

The Licensing Officer presented the report entitled Application by M Lee for the Review of a Premises Licence in respect of The Jockey, Baldock Street, Royston, Hertfordshire, SG8 5BD.

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

The report of the Licensing Officer was noted.

4 DECISION NOTICE

The Decision Notice is attached.

The meeting closed at 12.50 pm

Chair

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Decision Notice

Date of Hearing	Tuesday 19th January 2021
Members of Panel	Councillors E. Dennis-Harburg, M Rice, R Thake
Premises Licence Holder(s) Name	Yindee Thai Limited
Premises Address	The Jockey, Baldock Street, Royston, Hertfordshire SG8 5BD
Date of Application	23rd November 2020
APPLICATION FOR REVIEW	<p>This is an application for a review of a Premises Licence under Section 51 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 revoke the premises licence as it believes no amendments or conditions can adequately address the issues at the premises in relation to the licensing objectives.</p>
AMENDED LICENSABLE ACTIVITY TIMINGS	Not applicable
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	Not applicable
CONDITIONS PROPOSED BY HERTFORDSHIRE CONSTABULARY AND DEEMED APPROPRIATE BY THE SUB-COMMITTEE	Not applicable
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, would result in an unlimited fine or up to six months imprisonment or both.

<p>EXPLAINED TO APPLICANT</p>	
<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2017 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, 2.2, 2.3, 2.12, 2.15, 2.16, 2.17, 2.18, 2.19, 2.22, 2.23, 2.27, 2.32, 9.12, 9.43, 9.44, 10.8, 10.46, 10.47, 10.48, 10.49, 11.10, 11.17, 11.19, 11.20, 11.21, 11.23.</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<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, B7, B8, B9, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D6.2, D6.3, D6.8, D11.1, D11.2, D11.9, E1.12, E1.32, E1.3.3, E1.41, E1.4.2, E1.4.3, E1.4.4, E1.4.5, E1.46, E1.4.7, E2.1, E3.1.4, E3.14, E3.21, E3.3.1, E3.91, E3.9.2, E3.9.3, E4.1, E4.2, E4.3, E4.4, E4.5, F4.1, F4.3, F8.1, F8.2, 01.1, 01.2</p>
<p>RATIONALE FOR DECISION</p>	<ol style="list-style-type: none"> 1. The Sub-Committee has concerns about how the licensed premises is being run as there appears to be no DPS or licence holder actively managing the premises; 2. The Sub-Committee was concerned that the current management of the premises was confused about who the DPS was. There has been no application to transfer the premises licence to a new DPS; 3. The Sub-Committee notes that although the management were willing to accept a number of conditions, no conditions could be made on the licence as the DPS or premises licence holder was not there to agree to them and had not properly delegated authority to make decisions.
<p>COMMENCEMENT DATE</p>	<p>This decision will come into effect from the end of the period for appealing the decision or, if the decision is appealed, the point at which the appeal has been dealt with by the Magistrates' Court.</p>
<p>RIGHTS OF REVIEW</p>	<p>Not applicable</p>