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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON MONDAY, 11TH JANUARY, 2021 AT 10.00 AM**

MINUTES

Present: *Councillors: Mike Rice (Chair), Daniel Allen, Gerald Morris, Mike Rice and Tom Tyson was present as the non-voting observer reserve Councillor*

In Attendance: *Steve Cobb (Licensing Manager), Teresa Campion (Litigation & Planning Enforcement Lawyer), Melanie Gillespie (Assistant Licensing Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer), Anna Gouveia (Committee, Member and Scrutiny Officer) and Emily Gray (Democratic Services Apprentice)*

Also Present: *At the commencement of the meeting 4 members of the public and Councillors Ian Albert and Val Bryant were in attendance as Member Advocates.*

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 which was noted.

2 HEARING PROCEDURE

The Hearing Procedure as detailed in the agenda was noted.

3 APPLICATION BY HMADAH SLAMAH FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF UPTOWN PIZZA, 151b BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB

The Licensing Manager presented the report entitled Application by Hmadah Slamah for the grant of a premises licence in respect of Uptown Pizza, 151b Bearton Road, Hitchin, Hertfordshire, SG5 1UB.

The report, together with verbal submissions and questions from the Applicant, Premises Licence Holder 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 1.13 pm

Chair

Monday, 11th January, 2021



Decision Notice

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| Date of Hearing | Monday 11 January 2021 |
| Members of Panel | Councillors D. Allen, G. Morris and M. Rice |
| Applicant | Hmadah Slamah |
| Premises Address | Uptown Pizza 151b Bearton Road, Hitchin, Hertfordshire, SG5 1UB. |
| Date of Application | 16 November 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 for and detailed in the revised application incorporating conditions agreed during the consultation period with Hertfordshire Constabulary.</p> |
| LICENSABLE ACTIVITIES AND TIMINGS | As per the revised application. |
| CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES | |
| 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: B6, D1.4, D1.5, D1.6, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D3.4, D6.2, D6.3, D6.7, D6.8, D6.9. E1.4.4, E3.1.1, E3.3.1, E3.4.1, E3.4.2, E3.8.1, E3.8.2, E3.8.3, F.4.1, F4.3, F4.3, F4.4, F5.1, F8.1, F9.1, F9.2, O1.1, O2.2.</p> |



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| <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: 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.3, 2.15, 2.16, 2.18, 8.41, 8.42, 8.44, 8.47, 9.11, 9.12, 9.42, 9.43, 9.44, 10.8, 10.9, 10.10, 10.13</p> |
| <p>RATIONALE FOR DECISION</p> | <p>The Licensing and Appeals Sub-Committee considered all the evidence provided orally and in writing, for and against this application for a new premises licence under Section 17 of the Licensing Act 2003.</p> <p>Panel Members have decided to place greater weight to those representations, for and against, received orally at the Licensing and Appeals Sub-Committee as those presenters were able to be questioned.</p> <p>The Licensing and Appeals Sub-Committee note that one of the Statutory Consultees, North Hertfordshire District Council's Environmental Health, had not objected to the application as a statutory consultee.</p> <p>The Licensing and Appeals Sub-Committee listened to the concerns raised by complainants regarding the noise emitted from the premise's extractor fans. However, Members understand that the applicant is investigating the noise complaint and is in dialogue with Environmental Health.</p> <p>In coming to the decision, the Licensing and Appeals Sub-Committee were unable to take into consideration issues relating to planning, road traffic and car parking as these are not licensable activities under the Licensing Act 2003.</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 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> |



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| | <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> |
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