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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

**MEETING HELD AS A REMOTE MEETING.
ON WEDNESDAY, 5TH MAY, 2021 AT 1.00 PM**

MINUTES

Present: *Councillors: Daniel Allen (Chair), Sam North and Tom Tyson*

In Attendance: *Steve Cobb (Licensing Manager), Teresa Campion (Legal Advisor), Melanie Gillespie (Assistant Licensing Officer), Anna Gouveia (Committee, Member and Scrutiny Officer), William Edwards (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 3 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 CREATIVE MINDS LTD FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE BLOCK, 23 CHURCHGATE, HITCHIN, HERTFORDSHIRE, SG5 1DN.

The Licensing Officer presented the report entitled Application by Creative Minds Ltd for the Grant of a Premises Licence in respect of The Block, 23 Churchgate, Hitchin, Hertfordshire, SG5 1DN.

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

The report of the Licensing Officer was noted.

4 DECISION NOTICE

The Decision Notice is attached.

The meeting closed at 3.34 pm

Chair

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Decision Notice

Date of Hearing	Wednesday 5 May 2021
Members of Panel	Councillors D. Allen, S. North and T. Tyson
Applicant	Creative Minds CIC
Premises Address	The Block 23 Churchgate, Hitchin, Hertfordshire, SG5 1DN.
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 Appendix E of the Licensing Officer's report.</p>
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 1.3, 1.4, 1.5, 1.16, 1.17, 2.15, 2.16, 2.17, 2.18, 2.19, 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>
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 B6, B7, B8, 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, D4.4, D6.2, D6.3, D6.7, D6.8, D6.9, D8.1, D8.2, D8.3, E1.3.1, E1.3.2, E3.1.1, E3.1.1, E3.1.3, E3.1.4, E3.1.5, E3.2.1, E3.2.2, E3.2.3, E3.2.4, E3.2.5, E3.3.1, F4.1, O1.1, O2.2</p>
RATIONALE FOR DECISION	The Licensing Sub-Committee have taken into consideration representations made by Environmental Health and the Other Parties but note that the Applicant has agreed Conditions with the Police in



	<p>Appendix E which relate to the operating hours of the roof terrace and that it should close at 22:00hrs. In view of this the Panel feel that they do not need to impose any further Conditions in respect of this licence.</p> <p>The Sub-Committee have also taken into account the revised application incorporating the Conditions agreed by the Police relating to the 21:30hrs finish time for outside performances and screenings.</p> <p>In making this decision consideration has been given to the Council's Statement of Licensing Policy and the Section 182 guidance of 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 • NHDC Environmental Health • 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>Unlike today's hearing, an appeal at the Magistrates' Court has cost implications and the losing party may be required to pay the other party's legal costs.</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>