

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

**MEETING HELD IN THE A REMOTE MEETING
ON FRIDAY, 15TH OCTOBER, 2021 AT 10.00 AM**

MINUTES

Present: *Councillors: Councillor Elizabeth Dennis-Harburg (Chair), Mike Rice, Tom Tyson and Simon Bloxham (Reserve Member)*

In Attendance: *Steve Cobb (Licensing Manager), William Edwards (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Officer) and Melanie Gillespie (Assistant Licensing Officer)*

Also Present: *At the commencement of the meeting approximately 2 members of the public, including registered speakers.*

1 HEARING PROCEDURE

The Chair welcomed Members, Officers and Other Persons to the hearing.

The sub-committee noted the hearing procedure.

2 APPLICATION BY MOHAMMED MEWAFY SARAHAN FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF FLINTSHACK, ROYSIA HOUSE, JOHN STREET, ROYSTON, SG8 9JH

The Licensing Officer presented the report entitled Application By Mohammed Mewafy Sarahan For The Grant Of A Premises Licence In Respect Of Flintshack, Roysia House, John Street, Royston, SG8 9JH

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.

3 DECISION NOTICE

The agreed decision notice is attached.

The meeting closed at 11.20 am

Chair

This page is intentionally left blank



Date of Hearing	Friday 15 October 2021												
Members of Panel	Councillors E. Dennis-Harburg, M. Rice and T. Tyson												
Applicant	Mohammed Mewafy Ahmed Sarahan												
Premises Address	Flintshack Ground Floor, Roysia House, Royston, Hertfordshire, SG8 9JH.												
Date of Application	22 August 2021												
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 including the conditions detailed in Appendix C of the Licensing Officer's report.</p>												
LICENSABLE ACTIVITIES AND TIMINGS	<p><u>Late night refreshment (indoors)</u></p> <table> <tr> <td>Sunday to Thursday</td> <td>23:00hrs to midnight</td> </tr> <tr> <td>Friday to Saturday</td> <td>23:00hrs to 01:00hrs</td> </tr> </table> <p><u>Sale of alcohol (for consumption on and off the premises)</u></p> <table> <tr> <td>Sunday to Thursday</td> <td>12:00hrs to midnight</td> </tr> <tr> <td>Friday to Saturday</td> <td>12:00hrs to 01:00hrs</td> </tr> </table> <p><u>Hours premises open to the public</u></p> <table> <tr> <td>Sunday to Thursday</td> <td>12:00hrs to midnight</td> </tr> <tr> <td>Friday to Saturday</td> <td>12:00hrs to 01:00hrs</td> </tr> </table> <p><u>Operating schedule conditions offered by the applicant</u></p> <ol style="list-style-type: none"> 1. The premises licence holder will ensure that customers and/or staff do not gather outside the front of the building causing a nuisance to local residents/businesses. This will be regularly monitored by staff and any incidents that may cause nuisance will be recorded in an incident book along with details of the action taken. 2. The premises licence holder will ensure that all waste associated with the business is managed so that it does not cause a nuisance to local residents/businesses. 3. The premises licence holder will ensure that the footways adjoining the premises are not obstructed by any furniture or 	Sunday to Thursday	23:00hrs to midnight	Friday to Saturday	23:00hrs to 01:00hrs	Sunday to Thursday	12:00hrs to midnight	Friday to Saturday	12:00hrs to 01:00hrs	Sunday to Thursday	12:00hrs to midnight	Friday to Saturday	12:00hrs to 01:00hrs
Sunday to Thursday	23:00hrs to midnight												
Friday to Saturday	23:00hrs to 01:00hrs												
Sunday to Thursday	12:00hrs to midnight												
Friday to Saturday	12:00hrs to 01:00hrs												
Sunday to Thursday	12:00hrs to midnight												
Friday to Saturday	12:00hrs to 01:00hrs												

	<p>customers/staff associated with the business thus ensuring unimpeded pedestrian movement.</p> <ol style="list-style-type: none"> 4. The premises licence holder will ensure that all members of staff are trained in relation to the sale of alcohol with periodic refresher training. Full training records will be kept on the premises. 5. The premises licence holder will ensure that a Challenge 25 Policy will be operated at the premises and appropriate posters displayed. Any person appearing to be under the age of twenty-five (25) years will be required to provide valid identification that they are eighteen (18) years of age or older. Acceptable identification are current passport, current photocard driver licence or a PASS accredited identification card. All refused sales will be recorded in a refusals log. 6. The premises licence holder will ensure that a closed-circuit television (CCTV) system is installed at the premises and maintained in good working order at all times the premises is open to the public. Recordings will be kept for a minimum of twenty-eight (28) days. 7. The premises licence holder will ensure that a clear sign is prominently displayed at the exit requesting customers to leave quietly and respect the neighbours. 8. The premises licence holder will ensure that online delivery drivers will be trained in relation to the sale of alcohol and will require valid identification at the point of delivery. Only credit/debit card payments will be accepted for online deliveries and the drivers will record all refused deliveries due to unacceptable identification.
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>No additional conditions were deemed appropriate by the sub-committee</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS</p>	<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>
<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 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>Sections 1.3, 1.4, 1.5, 1.16, 1.17, 2.15, 2.16, 2.18, 8.41, 8.42, 8.44, 8.47, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10.</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</p> <p>Sections B6, B7, B9, D1.4, D1.5, D1.6, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D3.3, D3.4, D4.4, D6.2, D6.3, D6.7, D6.8, D6.9, E1.4.1, E1.4.3, E3.1.1, E3.3.1, E3.8.1, E3.8.2, E3.9.3, F4.1, F4.3, F6.1.4, F8.1, F8.2 O1.1, O2.2, O4.7.1 and O4.7.2</p>
<p>RATIONALE FOR DECISION</p>	<ol style="list-style-type: none"> 1. The Sub-Committee were encouraged by the fact that the Applicant had engaged in early discussions with the responsible authorities in advance of the hearing, and had agreed to additional conditions which satisfied them that the licence was capable of operating without putting the four licensing objectives at risk. 2. Having read the objectors comments and listened to the representations made during the course of the hearing, it was apparent to the Sub-Committee that the main concern expressed by the objector was around the later end of the hours during which licensable activities could take place however it was also mindful of NHDC's Licence Policy, in particular B9 which states; <i>"In making a balanced decision, the Council accepts that those living in the town centre environment are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way as to limit its impact beyond what was reasonable"</i> 3. In reaching its decision to approve the application, the Sub-Committee were mindful of the Council's Licensing Policy, in particular paragraph D1.5 which state <i>"that the Council expects applicants to address licensing objectives in their operating schedule and have due regard to this Policy"</i>. Having taken into account the operating schedule submitted and agreed by the Applicant, it was determined by the Sub-Committee, that allowing the application was entirely consistent with this policy statement.
<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>

**RIGHTS OF
REVIEW**

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.

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.

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.