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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

MEETING HELD IN THE REMOTE - VIA ZOOM
ON FRIDAY, 16TH JUNE, 2023 AT 10.00 AM

MINUTES

Present: *Councillors: Ian Albert, Daniel Allen, Elizabeth Dennis and Raj Bhakar (Reserve Member).*

In Attendance:

Melanie Gillespie (Assistant Licensing Officer), Jasmine Jennings (Licensing Officer), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Simao Paxi-Cato (Litigation and Regulatory Solicitor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).

Also Present:

At the commencement of the meeting there were two members of the public present including registered speaker.

15 ELECTION OF CHAIR

Councillor Elizabeth Dennis proposed, and Councillor Daniel Allen seconded, and it was:

RESOLVED: That Councillor Ian Albert would be appointed as Chair for this meeting of the Licensing Sub Committee.

16 HEARING PROCEDURE

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

The Chair proposed, and Councillor Elizabeth Dennis seconded, and it was:

RESOLVED: That Councillor Raj Bhakar be appointed as the Reserve Member for this meeting of the Licensing Sub Committee.

The Sub-Committee noted the hearing procedure.

17 DETERMINATION OF HEARING

The Licensing Officer presented the report entitled Determination of Application in Respect of Chez Burton, 48 High Street, Baldock, SG7 6BJ.

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

The report of the Licensing Officer was noted.

18 DECISION NOTICE

The agreed decision notice is attached.

Friday, 16th June, 2023

The meeting closed at 12:08

Chair

**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	16 June 2023														
Members of Panel	Councillors Albert (Chair), Allen, Dennis Reserve Member: Cllr Bhakar														
Applicant(s) Name	Neil Burton														
Premises Address	Chez Burton, 48 High Street, Baldock, Hertfordshire, SG7 6BJ														
Date of Application	3 April 2023														
APPLICATION FOR VARIATION	<p>This is an application for variation of a 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>1. The application is <u>approved</u> subject to the hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours (for both the garden area and main restaurant) are:</p> <table> <tr> <td>Monday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Tuesday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Wednesday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Thursday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Friday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Saturday</td> <td>10:00 hrs to 00:00 hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>12:00 hrs to 23:30 hrs</td> </tr> </table> <p>These hours are to apply each day of the year.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART F – Recorded Music • PART I – Late Night Refreshment • PART J - Supply of alcohol 	Monday	10:00 hrs to 00:00 hrs the following morning	Tuesday	10:00 hrs to 00:00 hrs the following morning	Wednesday	10:00 hrs to 00:00 hrs the following morning	Thursday	10:00 hrs to 00:00 hrs the following morning	Friday	10:00 hrs to 00:00 hrs the following morning	Saturday	10:00 hrs to 00:00 hrs the following morning	Sunday	12:00 hrs to 23:30 hrs
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	<p>The hours during which the licensable activities may take place (in both the garden area and main restaurant) are:</p> <p>PART F – Recorded Music</p> <p>Monday 10:00 hrs to 00:00 hrs the following morning Tuesday 10:00 hrs to 00:00 hrs the following morning Wednesday 10:00 hrs to 00:00 hrs the following morning Thursday 10:00 hrs to 00:00 hrs the following morning Friday 10:00 hrs to 00:00 hrs the following morning Saturday 10:00 hrs to 00:00 hrs the following morning Sunday 12:00 hrs to 23:30 hrs</p> <p>PART I – Late Night Refreshment</p> <p>Monday 10:00 hrs to 00:00 hrs the following morning Tuesday 10:00 hrs to 00:00 hrs the following morning Wednesday 10:00 hrs to 00:00 hrs the following morning Thursday 10:00 hrs to 00:00 hrs the following morning Friday 10:00 hrs to 00:00 hrs the following morning Saturday 10:00 hrs to 00:00 hrs the following morning Sunday 12:00 hrs to 23:30 hrs</p> <p>PART J - Supply of alcohol</p> <p>Monday 10:00 hrs to 00:00 hrs the following morning Tuesday 10:00 hrs to 00:00 hrs the following morning Wednesday 10:00 hrs to 00:00 hrs the following morning Thursday 10:00 hrs to 00:00 hrs the following morning Friday 10:00 hrs to 00:00 hrs the following morning Saturday 10:00 hrs to 00:00 hrs the following morning Sunday 12:00 hrs to 23:30 hrs</p>
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The Sub-Committee considers that on the admissible evidence received, no conditions are appropriate for the promotion of the licensing objectives.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>N/A</p>

CONDITIONS PROPOSED BY APPLICANT	The Sub-Committee considers that on the admissible evidence received, no conditions are required from the Applicant for the promotion of the licensing objectives.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	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.
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>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; 9.42; 9.43; 9.44; 10.8; 10.9; 10.10; 10.13; 10.14;</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. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>B6, 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; D6.2; D6.3; D6.6; D6.7; D6.8; D6.9; E3.1.1; E3.3.1; E3.9.1; E3.9.3; O1.1; O4.2.1.</p>
RATIONALE FOR DECISION	<p>The Sub-Committee considers that the variation application should be permitted to the extent outlined above for the following reasons:</p> <ul style="list-style-type: none"> (i) The Sub-Committee has received no evidence from the police, environmental health or any other responsible persons to suggest that the premises have not been run in accordance with the conditions of its existing licence and has seen no evidence that any concerns have been raised by other third parties to any of the responsible persons regarding the premises prior to the representations received as part of this variation application. In the circumstances, the Sub-Committee considers that on the evidence, the applicant is running responsible premises and notes the principal aim under para 1.5 of the 2018 Licensing Guidance to support responsible premises; (ii) The concerns raised by third parties have been in the nature of alleged public nuisance. However, other than bare assertion, the Sub-Committee has received insufficient supporting evidence to suggest that any noise generating from the premises would amount to a public nuisance; (iii) The applicant has sought extended hours on special days such as Christmas and New Years Eve, but has failed to provide sufficient information as to the extended hours sought and as a result, the Sub-Committee has been unable to determine the appropriateness of the exceptions

	<p>to the operating hours having regard to the licensing objectives;</p> <p>(iv) The Sub-Committee considers that the application to play recorded music in the garden area from 10:00 hours on Sundays to be a typographical error as the opening hours of the premises is stated to be from 12:00 hours on Sundays and it notes that the hours of 12:00 is consistent with the other licensable activities.</p>
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by 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 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.