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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

MEETING HELD VIA ZOOM
ON THURSDAY, 6TH JUNE, 2024 AT 1.00 PM

MINUTES

Present: *Councillors: Ian Albert (Chair), Keith Hoskins, Tim Johnson and Steven Patmore.*

In Attendance: *Melanie Gillespie (Licensing Officer), Jasmine Jennings (Licensing Team Leader), Susan Le Dain (Committee, Member and Scrutiny Officer), Simao Paxi-Cato (Litigation and Regulatory Solicitor), Alina Preda (Trainee Solicitor), Alan Stone (Senior Environmental Health Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

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

1 ELECTION OF A CHAIR

Councillor Keith Hoskins proposed and Councillor Tim Johnson seconded, and it was:

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

2 HEARING PROCEDURE

The Chair welcomed Members, Officers, Applicant and Senior Environmental Health Officer to the hearing.

The Chair proposed, and Councillor Keith Hoskins seconded, and it was:

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

The Sub-Committee noted the hearing procedure.

3 DETERMINATION OF HEARING

The Licensing Officer presented the report entitled Determination of Application in Respect of The Orange Tree PH, Norton Road, Baldock, Herts SG7 5AW.

The report, together with verbal submissions and questions from the Applicant and the Senior Environmental Health Officer, as well as advice from Legal Advisors were considered.

The report of the Licensing Officer was noted.

4 DECISION NOTICE

The agreed decision notice is attached as part of the Minutes of this meeting.

The meeting closed at 3.11 pm

Chair

Thursday, 6th June, 2024

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

Date of Hearing	6 June 2024
Members of Panel	Councillors Keith Hoskins MBE, Ian Albert (Chair), Tim Johnson Reserve Member: Steven Patmore
Applicant(s) Name	Michael Curtis
Premises Address	The Orange Tree Ph, Norton Road, Baldock, Hertfordshire, SG7 5AW, including the garden and marquee area of the Orange Tree Public House.
Date of Application	23 May 2024
APPLICATION FOR A STANDARD TEMPORARY EVENT NOTICE	<p>This is an application for a standard Temporary Event Notice (TEN) under section 100 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 (December 2023) and the Statement of Licensing Policy and has come to the following decision:</p> <p>The application is granted.</p>
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions to a TEN can only be imposed in circumstances where all the following conditions are satisfied:</p> <ul style="list-style-type: none"> • A relevant person has objected to the TEN; • The objection has not been withdrawn; • There is a premises licence or a club premises certificate in relation to at least a part of the premises in respect of which the TEN is given; • The Sub-Committee considers it appropriate for the promotion of the licensing objectives to impose one or more conditions. • The conditions would not be inconsistent with the carrying out of the licensable activities under the TEN. <p>The Sub-Committee considers that on the admissible evidence received and representations made, no conditions are appropriate for the promotion of the licensing objectives.</p>

CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	
CONDITIONS PROPOSED BY APPLICANT	
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<p>The effect of failure to comply with any of the conditions attached to the TEN and therefore carrying on a licensable activity otherwise than in accordance with an authorisation is a criminal offence, which upon conviction, would result in an unlimited fine or up to six months' imprisonment or both.</p> <p>The effect of the TEN exceeding the applicable statutory permitted limits set down in Part 5 of the Licensing Act 2003 is that the Sub-Committee will issue a counter-notice and the TEN will be void. This means that the applicant will need to obtain a full premises licence to cover the proposed activities.</p>
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023 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; 1.9; 1.10; 2.21; 2.22; 2.27; 7.5; 7.6; 7.28; 7.29; 7.32; 7.33; 7.34; 7.35; 7.37; 7.38; 7.39; 9.43; 9.44.</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>D13.1; D13.3; D13.4; D13.5; D13.8; D13.9.</p>
RATIONALE FOR DECISION	<p>The Sub-Committee considers that the application for the TEN should be permitted to the extent outlined above for the following reasons: the time for the event proposed appears proportionate, the fact it is private event gives confidence that the likelihood of public nuisance and crime and disorder is low, and the existing condition of 6 events a year on the premises licence means that there is a fair balance between the role of pubs in the local community and promoting the licensing objectives. This is only the second event in the last 6 months.</p>
COMMENCEMENT DATE	<p>This TEN shall come into effect on 08 June 2024 and will end on 08 June 2024.</p>
RIGHTS OF REVIEW	<p>The applicant may appeal if the decision of the Sub-Committee is to give a counter-notice. The appeal is against the counter-notice and it is to a magistrates' court by giving a notice of appeal to the designated officer of the magistrates' court within the period of 21 days beginning</p>

	<p>with the day on which the applicant was notified by the Sub-Committee of the decision appealed against.</p> <p>The relevant person may also appeal in circumstances where the Sub-Committee decides not to give a counter-notice and the appeal is against the Sub-Committee's decision not to give a counter-notice.</p> <p>However, no appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.</p>
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