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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, HERTS, SG6 3JF  
ON MONDAY, 17TH FEBRUARY, 2025 AT 10.00 AM

#### MINUTES

**Present:** *Councillors: Tim Johnson (Chair), Amy Allen, Bryony May and Stewart Willoughby.*

**In Attendance:** *Steve Cobb (Licensing and Community Safety Manager), Robert Filby (Trainee Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Alina Preda (Trainee Solicitor) and Dimple Roopchand (Litigation and Regulatory Solicitor).*

**Also Present:** *At the commencement of the meeting approximately 13 members of the public, including registered speakers.*

#### 9 ELECTION OF A CHAIR

Councillor Stewart Willoughby proposed and Councillor Amy Allen seconded and it was:

**RESOLVED:** That Councillor Tim Johnson be appointed as Chair for this meeting of the Licensing Sub Committee.

#### 10 ELECTION OF A RESERVE MEMBER

The Chair welcomed Members, Officers, Premises Licence Holder, Premises Licence Holder's Representatives, and Other Persons to the hearing.

Councillor Amy Allen proposed and Councillor Stewart Willoughby seconded, and it was:

**RESOLVED:** That Councillor Bryony May be appointed as the Reserve Member for this meeting of the Licensing Sub Committee.

#### 11 HEARING PROCEDURE

The Sub-Committee noted the hearing procedure.

#### 12 REVIEW OF A PREMISES LICENCE IN RESPECT OF BYGRAVE PLANTATION

The Licensing and Community Safety Manager presented the report entitled Determination of Application in Respect of Bygrave Plantation, Land Adjacent to 1 Caldecote Road, Newnham, SG7 5JZ.

The report, together with verbal submissions and questions from the Premises Licence Holder, the Premises Licence Holder's Representatives, and Other Persons, as well as advice from Legal Advisors were considered.

The report of the Licensing and Community Safety Manager was noted.

**13 DECISION NOTICE**

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

The meeting closed at 8.13 pm

Chair

### Decision Notice

Date of Hearing	Monday 17 <sup>th</sup> February 2025
Members of Panel	Councillors Amy Allen, Tim Johnson (Chair), Bryony May (Reserve Member), Stewart Willoughby
Premises Licence Holder(s) Name	A E and W A Farr Limited
Premises Address	Bygrave Plantation Land adjacent to 1 Caldecote Road, Newnham, SG7 5JZ
Date of Application	17 <sup>th</sup> December 2024
<b>APPLICATION FOR REVIEW</b>	<p>This is an application for a review of a Premises Licence under Section 51 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><b>The Sub-Committee has decided to modify the conditions of the premises licence.</b></p>
<b>AMENDED LICENSABLE ACTIVITY TIMINGS</b>	<p>Section F: Recorded Music (Indoors and Outdoors)</p> <p>Monday: 10:00 to 23:00  Tuesday: 12:00 to 23:00  Wednesday: 12:00 to 23:00  Thursday: 12:00 to 23:00  Friday: 11:00 to 01:00  Saturday: 11:00 to 01:00  Sunday: 11:00 to 23:00</p> <p>The timings for any evening leading into an English Bank Holiday shall be extended to 01:00.</p> <p>Section E: Live Music (Indoors and Outdoors)</p> <p>Monday: 10:00 to 23:00  Tuesday: 12:00 to 23:00  Wednesday: 12:00 to 23:00  Thursday: 12:00 to 23:00  Friday: 11:00 to 01:00</p>

	<p>Saturday: 11:00 to 01:00 Sunday: 11:00 to 23:00</p> <p>The timings for any evening leading into an English Bank Holiday shall be extended to 01:00.</p>
<p><b>CONDITIONS PROPOSED BY THE LICENCE HOLDER IN RESPONSE TO THE REVIEW</b></p>	<p>The premises licence holder has offered up the following conditions to assist in the promotion of the licensing objectives:</p> <p>Conditions 1 and 5 have been amended by the Sub-Committee to reflect the condition offered up and include wording from the existing condition on the licence.</p> <ol style="list-style-type: none"> <li>1. <b>NEW CONDITION:</b> The licence holder shall require that a telephone number be provided to the Bygrave Parish Council for the reporting of any complaints from persons living in the area related to licensable activities held under this licence on the licensed area. This number shall be monitored throughout the event and details of any complaints received, investigations undertaken and corrective actions taken shall be noted in an incident logbook. The number shall further be displayed on any website used by the licence holder for the promotion of the event. After the event, the incident logbook is to be provided to the licensing authority within 28 days.</li> <li>2. <b>NEW CONDITION:</b> The licence holder shall require the event organiser to offer to meet with Bygrave Parish Council on at least an annual basis to discuss events that are proposed or have taken place on the site since any previous meeting.</li> <li>3. <b>AMENDMENT TO CONDITION 1(a)(i)</b> - The premises licence holder will provide notification of such events to the licensing authority and Bygrave Parish Council no later than six (6) months prior to the commencement of the event, save where agreed with the Safety Advisory Group. This notification will provide the name of the event, the event type (including licensable activities and relevant zones to be used within the site), the date of the event (including start and finish times) and the anticipated capacity of the event.</li> <li>4. <b>AMENDMENT TO CONDITION 1(b)(i)</b> - For all other events, the premises licence holder will provide notification of such events to the licensing authority and Bygrave Parish Council no later than three (3) months prior to the commencement of the event save where agreed with the chairman or representative of the Safety Advisory Group. This notification will provide the name of the event, the event type (including licensable activities and relevant zones to be used within the site), the date of the event</li> </ol>

	<p>(including start and finish times) and the anticipated capacity of the event.</p> <p>5. AMENDMENT TO ENVIRONMENTAL PROTECTION CONDITION 4 - The premises licence holder shall ensure that a post event report is provided to the Licensing Authority, the Council's Noise Control Officer and Bygrave Parish Council no later than thirty- one (31) days after an event which required a noise management plan. This timescale shall remain in place unless otherwise agreed in writing by the Council Noise Control Officer. The report shall include the results of all noise monitoring carried out during the event indicating whether or not compliance to all the noise criteria was achieved, details of all noise complaints received and any remedial action taken to minimise noise disturbance off site.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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, would result in an unlimited fine or up to six months imprisonment or both.</p>
<p><b>STATUTORY GUIDANCE CONSIDERATIONS</b></p>	<p>The Sub-Committee has taken into account the 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><b>Sections</b></p> <p>1.3; 1.4; 1.5; 1;17; 1.19; 2.1; 2.9; 2.16; 2.21; 2.22; 2.23; 2.24; 2.25; 2.26; 2.27; 2.28; 8.13; 8.14; 9.12; 9.30; 9.42; 9.43; 9.44; 10.8; 10.9; 10.10; 10.18; 11.10; 11.17; 11.19; 11.20; 11.23; 13.10.</p>
<p><b>LICENSING POLICY CONSIDERATIONS</b></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><b>Sections</b></p> <p>B6; B8; B10; D2.1; D2.4; D2.5; D2.6; D2.8; D2.9; D6.2; D6.3; D6.8; D8.1; D8.2; D11.1; D11.9; D14.1; E1.2.3; E2.1; E3.1.1; E.3.1.2; E3.8.1; E3.8.2; E3.8.3; E3.9.1; E3.9.3; E4.1; F2.1; F2.2; F2.3; F2.4; F4.1; F4.3; F.4.4; F5.1; F5.5; F5.6; F8.1; F8.2; G2.1; G2.2; G2.3; G2.4; G2.5; G5.1; G5.2; G5.3; G5.4; G5.5; G5.6; G6.6.1; G6.6.2; G6.6.3; G6.6.6; G7.6.1; G8.2.1; G8.2.2; G8.3.1; G8.3.2; G8.7.1; G8.7.2; G8.8.2; G11.1; G11.2; G11.3; H2.1; H2.2; O1.1; O2.2; O3.2; O3.4; O4.2.5; O4.5.2.</p>
<p><b>RATIONALE FOR DECISION</b></p>	<p>1. In coming to its decision, the Sub-Committee has listened to the comments addressed by both parties at this review hearing. The Sub-Committee is mindful to strike a healthy</p>

	<p>balance between the applicant of the review, the supporting parties and the premises licence holder to support their business.</p> <ol style="list-style-type: none"><li data-bbox="550 353 1418 741">2. In addressing the public nuisance licensing objective, Members have taken a balanced approach and have considered the close proximity of the premises and the local residents. Members are satisfied that by varying the hours for the licensable activity of the recorded music (indoors and outdoors) and live music (indoors and outdoors), this will address many of the concerns raised within the representations.</li><li data-bbox="550 779 1418 1317">3. Members had regard to evidence given by the Applicant and those supporting the review in relation to unactioned complaints logged via the hotline relating to noise. In response, the premises licence holder indicated this was due to them addressing a traffic/pedestrian issue at the conclusion of an event. Members are satisfied that the decision to reduce timings for recorded and live music will address the public safety (dispersal), public nuisance and protection of children from harm licensing objectives. It is also anticipated that this will give the applicant and local residents more certainty and clarity over noise cessation.</li><li data-bbox="550 1355 1418 1525">4. Members have had regard to all the issues submitted as part of the review and submits that the earlier cessation in recorded and live music will address many of the concerns raised within this review application.</li><li data-bbox="550 1563 1418 1845">5. Members have noted the concerns raised with regard to traffic management, which has been heard and acknowledged by the Premises licence holder and it is hoped that further consideration will be given upon each planned event to minimise disruption to the applicant and local residents.</li></ol>
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	<p>6. Members are satisfied that they have heard no evidence relating to the prevention of crime and disorder licensing objective.</p>
<b>COMMENCEMENT DATE</b>	<p>This decision will come into effect from the end of the period for appealing the decision (21 days starting tomorrow) or, if the decision is appealed, the point at which the appeal has been dealt with by the Magistrates' Court.</p>
<b>RIGHTS OF REVIEW</b>	<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 living in the vicinity of 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.</p> <p>Ordinarily, a further review would need to focus on matters at the premises following this review, it should not be used to re-visit issues raised at today's hearing.</p> <p>The licensing authority can refuse a further review on the grounds that it is repetitious</p>

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