

16 October 2007

Our ref: LAC 31 October 2007
Your ref:
Contact: Ian Gourlay
Direct Dial No: 01462 474403
E-mail: ian.gourlay@north-herts.gov.uk

To: Councillors: A. Bardett, T. Brindley & P. Clark

Dear Councillor,

A meeting of the

**LICENSING AND APPEALS COMMITTEE
(SUB-COMMITTEE)**

will be held in

**The Council Chamber
COUNCIL OFFICES, GERON ROAD,
LETCWORTH GARDEN CITY**

on

WEDNESDAY, 31 OCTOBER 2007

at

3.00 p.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY SIVANESARAJAH NIRANJANANAN FOR A PREMISES
LICENCE IN RESPECT OF THE GULF SERVICE STATION, ICKNIELD WAY
LETCWORTH GARDEN CITY, HERTFORDSHIRE SG6 4AD**

Yours sincerely,



David Miley
Democratic Services Manager

**NORTH HERTFORDSHIRE DISTRICT COUNCIL
LICENSING ACT 2003
HEARING PROCEDURE**

<p>1. Chair's Welcome</p> <p>Introduction of:</p> <ul style="list-style-type: none"> • Councillors sitting on Sub-Committee (Sub-Committee); • legal advisor; • licensing officer; • officers of responsible authorities; • interested parties (objectors); and • the applicant. 	
<p>2. The Chair will outline the procedure for the hearing</p>	
<p>3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.</p>	

<p><u>The Licensing Officer's report</u></p> <p>4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all interested parties and responsible authorities have been made aware of the changes</p> <p>5. The Chair will ask if there are any questions of fact of the Licensing Officer</p> <p>6. The Sub-Committee may ask questions of the Licensing Officer</p>	
---	--

<p><u>The responsible authorities submit their case</u></p> <p>7. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee</p> <p>8. The Chair will ask if there are any questions of fact of the responsible authority</p> <p>9. The Sub-Committee may ask questions of the responsible authority</p> <p>The above process will be repeated if there is more than one responsible authority</p>	
--	--

The interested parties submit their case

10. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of the interested parties
12. The Sub-Committee may ask questions of the interested parties

The applicants case

13. The Chair will ask the applicant to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the applicant
15. The Sub-Committee may ask questions of the applicant

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The responsible authorities, in turn, may make final submissions to the Sub-Committee
18. The interested parties, in turn, may make final submissions to the Sub-Committee
19. The Applicant may make final submissions to the Sub-Committee

Conclusion

20. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
21. The Sub-Committee will close the hearing and retire to make a decision.
22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

LICENSING AND APPEALS COMMITTEE

31st October 2007

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY SIVANESARAJAH NIRANJANANAN FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF GULF SERVICE STATION, ICKNIELD
WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 4AD.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY
SERVICES**

1. BACKGROUND

1.1 The premises does not currently hold a Premises Licence under the Licensing Act 2003.

1.2 Section 176(1) of the Licensing Act 2003 states:

No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

1.3 Section 176(2)(b) of the Licensing Act 2003 states:

*In this section ,excluded premises means-
premises used primarily as a garage or which form part of premises which are
primarily so used*

1.4 If a premises licence is granted for this particular premises, it will have no effect until such time as it has been established that the premises is not used primarily as a garage. The sale of alcohol under a premises licence relating to a premises that was primarily a garage would be unauthorised licensable activities and liable to prosecution under Section 136 of the Licensing Act 2003.

2. APPLICATION

2.1 The application is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.

2.2 The licensable activities and hours applied for are as follows:

3. APPLICATION PROCESS

- 3.1 On 5th September 2007 Sivanesarajah Niranjananan made an application for the grant of a Premises Licence.
- 3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities
- 3.3 A public notice was displayed on the premises in accordance with the requirements of the Licensing Act 2003 and was exhibited for a period of not less than 28 days. A newspaper advertisement was placed in a local newspaper.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 No representations were received from any other Responsible Authority.
- 4.3 Eleven representations were received from Interested Parties. Copies are attached as follows:

- 4.4 The Council's Scheme of Delegation in respect of the Licensing Act 2003 requires the Licensing Officer to determine whether a representation is relevant as specified by the Act.

Where representations include paragraphs that are not relevant to the Licensing Act 2003, these paragraphs have been clearly marked as 'not relevant' and should not be considered as part of the determination process.

- 4.5 The Applicant has been served with a copy of the representations.
- 4.6 The Applicant and the Interested Parties have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.

5 OBSERVATIONS

- 5.1 In determining this application, the Sub-Committee must have regard to the representations and take such steps, as it considers necessary for the promotion of the Licensing Objectives.
- 5.2 In making its decision, the Licensing and Appeals Sub-Committee must act with a view to promoting the Licensing Objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the Application as made
 - ii) Grant the Application with conditions. Conditions should only be added where they are necessary to promote the Licensing Objectives.
 - iii) Refuse the Application.

6. CONTACT OFFICERS

- 6.1 Steve Cobb, Licensing and Enforcement Officer – Telephone 01462 474833.