

30 September 2008

Our ref: LAC 15 October 2008
Your ref:
Contact: Ian Gourlay
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To: Councillors: T. Brindley, J. Cunningham & M. Kirkland

Dear Councillor,

A meeting of the

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

will be held in

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

on

WEDNESDAY, 15 OCTOBER 2008

at

12.30pm

To hear the following application under the Licensing Act 2003:

**APPLICATION BY LYTTON ENTERPRISES LIMITED FOR THE VARIATION OF A
PREMISES LICENCE RESPECT OF KNEBworth PARK ESTATE, KNEBworth
PARK, OLD KNEBworth, HERTS. SG3 6PY**

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>	
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<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>	
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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 SUB-COMMITTEE 15th October 2008
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY LYTTON ENTERPRISES LIMITED FOR A VARIATION TO
PREMISES LICENCE IN RESPECT KNEBORTH PARK ESTATE, KNEBORTH
PARK, OLD KNEBORTH, HERTFORDSHIRE, SG3 6PY .**

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

**1. CURRENT LICENCE ISSUED BY THE LICENSING AUTHORITY UNDER
THE LICENSING ACT 2003**

The existing Premises Licence was granted by North Hertfordshire District Council on 26th July 2005, following an application to convert and vary during the transitional period. A copy of the licence is enclosed as follows:

2. VARIATION APPLICATION

- 2.1 The application is for variation of a Premises Licence under Section 34 of the Licensing Act 2003.
- 2.2 The licensable activities and hours applied for are: See application below.

3. THE APPLICATION

- 3.1 On the 13th August 2008, Lytton Enterprises Limited made an application for the variation of the existing Premises Licence.
- 3.2 The Applicant served copies of this application to Hertfordshire Constabulary and the other Responsible Authorities.
- 3.3 A Public Notice was displayed on the premises and was exhibited for a period of 28 days. A newspaper advertisement was placed in The Comet.
- 3.4 The application for variation has been lodged due to the Licensing Authority advising the Applicant of a concern regarding the existing licence.
- 3.5 The plan attached to the current licence shows the estate as a 'green field' site with no temporary structures. It is a requirement of s23 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 that a Premises Licence plan details:
- (c) *the location of escape routes from the premises;*
 - (d) *in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;*
 - (e) *fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;*
 - (f) *in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;*
 - (h) *in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;*
 - (i) *the location and type of any fire safety and any other safety equipment*
- 3.6 When the existing Premises Licence is being used for licensable activities and temporary structures such as marquees, staging, etc. are used, the plan attached to the licence does not meet the requirements of the above Regulations.
- 3.7 Section 136 of the Licensing Act 2003 states that a person commits an offence if:
- he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation*
- 3.8 Using the existing Premises Licence with a layout other than a 'green field' site would not be in accordance with the authorisation and the Applicant would be committing a criminal offence.
- 3.9 Having advised the Applicant of the above concerns, the Applicant submitted a variation application to add an operating schedule condition that would allow event specific layout plans to be attached to the licence. This would satisfy the requirements of the Act and alleviate the potential offence detailed in section 3.8 of this report.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 A representation was received from North Hertfordshire District Council's Building Control Manager. A copy of the representation is enclosed below:

4.3 A representation was received from North Hertfordshire District Council's Commercial Team Manager. A copy of the representation is enclosed below:

4.4 A representation was received from North Hertfordshire District Council's Environmental Protection Officer. A copy of the representation is enclosed below

- 4.5 No representations were received from any other Responsible Authority.
- 4.6 No representations were received from any Interested Party.
- 4.7 Where representations include paragraphs that are not relevant to the Licensing Act 2003, these paragraphs have been clearly marked as 'irrelevant' and should not be considered as part of the determination process.
- 4.8 The Applicant has been served with a copy of the representations.
- 4.9 The Applicant, Building Control Manager, Commercial Team Manager and Environmental Protection Officer 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 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 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 Committee has the following options when issuing the Decision Notice:
 - i) To modify, add to, or omit conditions of the licence;
 - ii) To refuse the application in part;
 - iii) To refuse the whole application.

6. CONTACT OFFICERS

- 6.1 Steve Cobb, Senior Licensing and Enforcement Officer, 01462 474833