

28 January 2008

Our ref: LAC 12 February 2008  
Your ref:  
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To: Councillors: P. Clark, 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,  
LETCWORTH GARDEN CITY**  
on

**TUESDAY, 12 FEBRUARY 2008**

at

**2.30 p.m.**

To hear the following application under the Licensing Act 2003:

**APPLICATION BY PRIORY BARN LTD FOR THE GRANT OF A PREMISES  
LICENCE IN RESPECT OF THE PRIORY, PRIORY LANE, LITTLE WYMONDLEY,  
HERTFORDSHIRE SG4 7HD**

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"> <li>• Councillors sitting on Sub-Committee (Sub-Committee);</li> <li>• legal advisor;</li> <li>• licensing officer;</li> <li>• officers of responsible authorities;</li> <li>• interested parties (objectors); and</li> <li>• the applicant.</li> </ul>	
<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 COMMITTEE**  
**12<sup>th</sup> February 2008**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**LICENSING ACT 2003**

**APPLICATION BY THE PRIORY BARN LTD FOR THE GRANT OF A PREMISES  
LICENCE IN RESPECT OF THE PRIORY, PRIORY LANE, LT WYMONDLEY,  
HERTFORDSHIRE, SG4 7HD.**

**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 Under the previous licensing regime, private entertainment events were not licensable by the Council and the Magistrates Court issued occasional alcohol licences. From 24<sup>th</sup> November 2005, the Licensing Act 2003 introduced a requirement for private entertainment events to be licensed and transferred the responsibility for alcohol licensing to the Council.
- 1.3 Following the Council discovering that this venue was offering licensable activities, an advice letter was sent to Mr Hope, resulting in this application.

**2. APPLICATION**

- 2.1 The application is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.
- 2.2 During the consultation period, the applicant made the following amendment to the application following negotiations with the Police:

Section E, F, G, H, I, J, K, M

In addition there will be a maximum of 10 functions during the calendar year held on weekdays (Monday to Thursday) between the hours of 11:00hrs and 24:00hrs.

The following wording is appended to the above sentence:

*On each occasion, a written record will be made and kept by the designated premises supervisor and be available for inspection by the Licensing Authority or the Police.*

- 2.3 The licensable activities and hours applied for are as follows:

### **3. APPLICATION PROCESS**

- 3.1 On 13<sup>th</sup> December 2007, Priory Barns Ltd 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 Public notices were displayed around the premises in accordance with the requirements of the Licensing Act 2003 and were exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Comet newspaper in accordance with the Act.
- 3.4 In order to achieve the 28 day public notice requirement, the consultation period was extended to compensate for the public notice being removed part way through the original consultation period.

### **4. REPRESENTATIONS**

- 4.1 No representation was received from Hertfordshire Constabulary following the amendment to the application.
- 4.2 No representations were received from any other Responsible Authority.
- 4.3 Ten representations were received from Interested Parties.
- 4.4 In addition a representation was received from Wymondley Parish Council acting as an interested party representing persons that live in the vicinity of the premises. Minutes have been received confirming that the Parish Council has been asked to represent the views of interested parties, however, it is important to note that the Parish Council is representing the four persons named at the end of their representation, not the village as a whole.
- 4.5 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.

- 4.6 The relevant representations are as follows:

- 4.7 The Applicant has been served with a copy of the representations.
- 4.8 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.