

18 February 2009

Our ref: LAC 5 March 2009
Your ref:
Contact: Ian Gourlay
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To: Councillors: A. Bardett, M. Kirkland and M. Weeks

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

THURSDAY, 5 MARCH 2009

at

2.00 p.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY SOUND BASE STUDIOS TRUST FOR THE VARIATION OF A
PREMISES LICENCE IN RESPECT OF SUB ZERO, 23 CHURCHGATE, HITCHIN,
HERTS. SG5 1DN**

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 COMMITTEE 5th March 2009

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY SOUND BASE STUDIOS TRUST FOR A VARIATION TO
PREMISES LICENCE IN RESPECT SUB ZERO, 23 CHURCHGATE, HITCHIN,
HERTFORDSHIRE, SG5 1DN .**

**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 9th December 2008. 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.

2.3 Errors were made with the timings listed in the variation application and, following discussions with the applicant, the following email was received confirming that the application did not seek to amend the existing timings:

- 2.4 For the avoidance of any doubt, the applicant is only seeking to remove the following conditions from the existing premises licence:

Additional Operating Schedule Conditions offered by the Applicant following Consultation with the Responsible Authorities

Condition numbers 5, 6 and 7

and

Operating Schedule Conditions

a) *General – all four licensing objectives (b, c, d, e)*

The Club will be operated on a membership only basis, which will be available through local schools.

Entry will be restricted to patrons who can prove membership.

3. THE APPLICATION

- 3.1 On the 13th January 2009, Sound Base Studios Trust 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 Advertiser.

4. REPRESENTATIONS

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

- 4.3 No representations were received from any other Responsible Authority.
- 4.4 No representations were received from any Interested Party.
- 4.5 The Applicant has been served with a copy of the representation.
- 4.6 The Applicant 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