

4 August 2006

Our ref: LAC 21 August 2006
Your ref:
Contact: Ian Gourlay
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To: Councillors: J. Cunningham, L. Kercher & L. McNamara

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

MONDAY, 21 AUGUST 2006

at

2.30 p.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY ASHWELL PUB & RESTAURANT CO LTD FOR A
VARIATION TO PREMISES LICENCE IN RESPECT OF BUSHEL & STRIKE,
MILL STREET, ASHWELL, HERTFORDSHIRE SG7 5LY**

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
21st August 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY ASHWELL PUB & RESTAURANT CO LTD FOR A VARIATION
TO PREMISES LICENCE IN RESPECT OF BUSHEL & STRIKE, MILL STREET,
ASHWELL, HERTFORDSHIRE, SG7 5LY.**

**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 23th August 2005. 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 19 June 2006, Ashwell Pub & Restaurant Co Ltd made an application for the variation of the existing 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 and was exhibited for a period of 28 days. A newspaper advertisement was placed in the The Comet.
- 3.4 It was brought to my attention during the consultation process that the public notice had been sited on the back door of the premises (the door to the car park). The Act requires that the public notice should be conveniently read from the exterior of the premises abutting the highway. I therefore spoke to the applicant's agent, Licenza Ltd, on 11th July 2006 and agreed an extension to the displaying of the public notice from 14th July 2006 until 28th July 2006.
- 3.5 I am satisfied that, given the degree of response from interested parties, the requirements of the Act have been met in regard to the public notice.

4. REPRESENTATIONS

- 4.1 A representation was received from the North Hertfordshire District Council Environmental Protection Officer and is enclosed below:

- 4.2 No representation was received from any other Responsible Authority.
- 4.2 21 representations were received from Interested Parties.
- 4.4 1 representation was deemed to be irrelevant, the remaining 20 are relevant and are enclosed below:

- 4.5 The Applicant has been served with a copy of the representations.
- 4.6 The Applicant, Environmental Protection Officer and 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 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, Licensing and Enforcement Officer – Telephone 01462 474833