

20 October 2006

Our ref: LAC 26 October 2006
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

**Committee Room 3,
COUNCIL OFFICES, GERON ROAD,
LETCWORTH GARDEN CITY**

on

THURSDAY, 26 OCTOBER 2006

at

4.30 p.m.

To hear the following Review under the Licensing Act 2003:

**REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER IN
RESPECT OF NU NIGHT CLUB, ROYSIA HOUSE (FIRST FLOOR), MARKET HILL,
ROYSTON, HERTFORDSHIRE SG8 9JJ**

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
26th October 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER IN
RESPECT OF NU NIGHTCLUB, ROYSIA HOUSE (FIRST FLOOR), MARKET HILL,
ROYSTON, HERTFORDSHIRE, SG8 9JJ.**

**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 18th August 2005, following an application for conversion of an existing licence during the transitional period. A copy of the licence is enclosed as follows:

2. REVIEW APPLICATION

2.1 The application is for a Review of a Premises Licence following a Closure Order under Section 167 of the Licensing Act 2003.

2.2 On 5th October 2006 at 21:30hrs, Hertfordshire Constabulary served a Closure Notice on the premises under Section 161 of the Licensing Act 2003 on the grounds:

“That there is, or is likely to be, disorder on, or in the vicinity of and related to, the premises named above and that closure of the premises is necessary in the interests of public safety.”

2.3 As required by Section 164 of the Licensing Act 2003, Hertfordshire Constabulary attended Stevenage Magistrates Court on 6th October 2006 where the Magistrates’ considered the Closure Order and determined:

“that the premises remain closed until such time as the relevant licensing authority has made a determination in respect of the order”

The premises must, therefore, remain closed until such time as the Licensing Authority have made a determination in respect of a Review of the Premises Licence.

2.4 A copy of the Closure Notice and the Magistrates Determination are enclosed as follows:

3. THE CONSULTATION PROCESS

- 3.1 On the 12th October 2006, the Licensing Authority received a determination under Section 165 of the Licensing Act 2003 from the Magistrates..
- 3.2 The Licensing Authority served notice of this determination 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 7 days between 13th October 2006 and 19th October 2006. A copy of the notice is enclosed as follows:

4. REPRESENTATIONS

- 4.1 Representations were received from Hertfordshire Constabulary and North Hertfordshire District Council's Environmental Protection Officer.
- 4.2 No representations were received from any other Responsible Authorities.
- 4.3 13 representations were received from Interested Parties including 9 in support of the premises' licence.
- 4.4 A representation can only be considered by the Sub-Committee if it is deemed by the Licensing Officer to be relevant. Under the Licensing Act 2003, a representation is relevant if it:
- relates to one or more of the four licensing objectives,
 - relates causally to the premises concerned, and
 - is made by a person living or working (or a person representing a person living or working) in the vicinity of the premises
 - is not frivolous or vexatious
- 4.5 9 of the representations received from Interested Parties were considered by the Licensing Officer to be made by persons not living in the vicinity of the premises and so are not relevant. These representations have been excluded from this report.
- 4.6 The 4 remaining relevant representations from Interested Parties and the representations from Hertfordshire Constabulary and North Hertfordshire District Council's Environmental Protection Officer are enclosed below:

- 4.7 The Applicant has been served with a copy of the representations.
- 4.8 The Applicant, Hertfordshire Constabulary, North Hertfordshire District Council's Environmental Protection Officer and Interested Parties making relevant representations 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 the conditions of the Premises Licence (modify includes adding new conditions and altering or omitting existing conditions),
 - ii) To exclude a licensable activity from the Premises Licence,
 - iii) To remove the Designated Premises Supervisor from the Premises Licence,
 - iv) To suspend the Premises Licence for a period not exceeding three months, or
 - v) To revoke the Premises Licence.
- 5.4 National Guidance Section 5.110 states:

"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response."

6. CONTACT OFFICERS

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