

15 October 2008

Our ref: LAC 30 October 2008
Your ref:
Contact: Ian Gourlay
Direct Dial No: 01462 474403
E-mail: ian.gourlay@north-herts.gov.uk

To: Councillors: A. Bardett, 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

THURSDAY, 30 OCTOBER 2008

at

10.00 a.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY ANTHONY ROACH FOR THE VARIATION OF A PREMISES
LICENCE IN RESPECT OF BANYERS OF ROYSTON, 16 MELBOURN STREET,
ROYSTON, HERTS. SG8 7BZ**

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 30th October 2008
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY ANTHONY ROACH FOR A VARIATION TO PREMISES
LICENCE IN RESPECT THE BANYERS OF ROYSTON, 16 MELBOURN STREET,
ROYSTON, HERTFORDSHIRE, SG8 7BZ .**

**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 23rd December 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.

2.3 At the beginning of the consultation period, Hertfordshire Constabulary noticed an anomaly caused by the application to vary. Subsequently, the following amendment to the application was received and forms part of the application being determined today:

3. THE APPLICATION

- 3.1 On the 29th August 2008, Anthony Roach 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 not less than 28 days. A newspaper advertisement was placed in The Royston Weekly News on 4th September 2008.
- 3.4 Due to inaccuracies in the original plan submitted with the application and the original public notice on the premises, the original consultation period was suspended. Once the inaccuracies had been corrected, the consultation period was re-started on 11th September 2008 for a period of 28 days. Any representation that was received during the original consultation period was included.

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 A representation was received from North Hertfordshire District Council's Building Control Officer. A copy of the representation is enclosed below:

- 4.4 No representations were received from any other Responsible Authority.
- 4.5 Thirty six representations were received from Interested Parties and are enclosed below. Some Interested Parties submitted supplementary representations during the consultation period following an event held at The Banyers Of Royston under a Temporary Event Notice. These representations have also been included

- 4.6 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. The Interested Parties have been notified in writing of the paragraphs deemed not relevant.
- 4.7 The Applicant has been served with a copy of the representations.
- 4.8 The Applicant, Environmental Protection Officer, Building Control 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, Senior Licensing and Enforcement Officer – 01462 474833