

9 March 2007

Our ref: LAC 26 March 2007  
Your ref:  
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herts.gov.uk

To: Councillors: D.J. Barnard, J. Kirby and M.E. Weeks

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

**MONDAY 26 MARCH 2007**

at

**10.30 a.m.**

To hear the following application under the Licensing Act 2003:

**APPLICATION BY BARRACUDA PUB COMPANY LTD FOR THE VARIATION TO  
PREMISES LICENCE IN RESPECT OF BARRACUDA BAR, 2 BALDOCK STREET,  
ROYSTON, HERTFORDSHIRE. SG8 5AY**

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.

<b>LICENSING AND APPEALS COMMITTEE</b> <b>26<sup>th</sup> March 2007</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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**LICENSING ACT 2003**

**APPLICATION BY BARRACUDA PUB COMPANY LTD FOR A VARIATION TO  
PREMISES LICENCE IN RESPECT OF BARRACUDA BAR, 2 BALDOCK  
STREET, ROYSTON, HERTFORDSHIRE, SG8 5AY .**

**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 originally granted by North Hertfordshire District Council on 24<sup>th</sup> 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 application is to revise the existing terminal hours for existing licensable activities. The application is enclosed below:

### **3. THE APPLICATION**

- 3.1 On the 2<sup>nd</sup> February 2007, Barracuda Pub Company 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 Royston Crow.

### **4. REPRESENTATIONS**

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 No representations were received from any other Responsible Authority.
- 4.3 1 representation was received from an Interested Party.
- 4.4 A copy of the representation is enclosed below:

- 4.5 During the consultation period, Hertfordshire Constabulary and NHDC's Environmental Protection Officer entered into negotiations with the Applicant. As a result, additional operating schedule conditions have been agreed by the Applicant and have been voluntarily added to the existing Operating Schedule (Part P of the application). The addition of these additional operating schedule conditions have enabled Hertfordshire Constabulary and NHDC's Environmental Protection Officer not to make representations. Copies of the additional conditions are enclosed as follows. It is the revised application that should now be considered by the Sub-Committee.

- 4.6 The Applicant has been served with a copy of the representation.
- 4.7 The Applicant and the Interested Party 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