

7 September 2009

Our ref: LAC 22 September 2009
Your ref:
Contact: Ian Gourlay
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To: Councillors: D. Barnard, P. Burt 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,
LETCWORTH GARDEN CITY**

on

TUESDAY, 22 SEPTEMBER 2009

at

2.00 p.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY DANIEL ALDER AND TERRY BARRATT FOR THE VARIATION OF
A PREMISES LICENCE RESPECT OF HITCHIN FOOTBALL CLUB, FISHPONDS
ROAD, HITCHIN, HERTS. SG5 1NU**

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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<p><u>The interested parties submit their case</u></p> <p>10. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee</p> <p>11. The Chair will ask if there are any questions of fact of the interested parties</p> <p>12. The Sub-Committee may ask questions of the interested parties</p>	
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<p><u>The applicants case</u></p> <p>13. The Chair will ask the applicant to present their submissions to the Sub-Committee</p> <p>14. The Chair will ask if there are any questions of fact of the applicant</p> <p>15. The Sub-Committee may ask questions of the applicant</p>	
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<p><u>Closing statements</u></p> <p>16. The Licensing Officer may make final submissions to the Sub-Committee</p> <p>17. The responsible authorities, in turn, may make final submissions to the Sub-Committee</p> <p>18. The interested parties, in turn, may make final submissions to the Sub-Committee</p> <p>19. The Applicant may make final submissions to the Sub-Committee</p>	
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<p><u>Conclusion</u></p> <p>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.</p> <p>21. The Sub-Committee will close the hearing and retire to make a decision.</p> <p>22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.</p>	
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LICENSING AND APPEALS COMMITTEE 22nd September 2009
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY DANIEL ALDER AND TERRY BARRATT TO VARY A
PREMISES LICENCE IN RESPECT OF HITCHIN TOWN FOOTBALL CLUB,
FISHPONDS ROAD, HITCHIN, HERTFORDSHIRE, SG5 1NU .**

**REPORT OF THE STRATEGIC DIRECTOR OF
PLANNING, HOUSING AND ENTERPRISE**

**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 29th July 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 as follows:

2.3 During the consultation period, the applicants made the following amendments to the application following negotiations with the Police. These amendments now form part of the application and it is the amended application that the Sub-Committee is considering today.

3. THE APPLICATION

- 3.1 On the 27th July 2009, Daniel Alder and Terry Barratt made an application for the variation of the existing Premises Licence.
- 3.2 The Applicants 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 Comet on 13th August 2009.
- 3.4 Due to the late publication of the public notice in the newspaper, the consultation period was extended until 31st August 2009.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary following the applicants' agreement to amend the application.
- 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 The Environmental Protection Officer has indicated that an agreement with the applicants may be achieved prior to the hearing whereby the applicants accept the Officer's proposed conditions.

Were this to be the case, as the agreement was reached outside of the consultation period the only process for attaching conditions to the premises licence is for them to be imposed by the Sub-Committee.

Before imposing agreed conditions on the licence, if the Sub-Committee are minded to grant the application, the Sub-Committee would need to ensure that the conditions meet the standard test for imposed conditions i.e. they are:

- i) necessary;
- ii) proportionate;
- iii) reasonable; and
- iv) enforceable.

- 4.4 No representations were received from any other Responsible Authority.

- 4.5 Three relevant representations were received from Interested Parties and are enclosed below.

- 4.6 Where representations include sections that are not relevant to the Licensing Act 2003, these sections 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 by way of this Report.
- 4.7 The Applicant has been served with a copy of the representations.
- 4.8 The Applicants, 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
Senior Licensing and Enforcement Officer
01462 474833