

19 June 2007

Our ref: LAC 25 June 2007
Your ref:
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To: Councillors: Paul Clark, J.M. Cunningham and Lorna Kercher

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, 25 JUNE 2007

at

10.00 a.m.

To hear the following applications under the Licensing Act 2003:

TEMPORARY EVENT NOTICE APPLICATIONS

1. The Orchard and Anvil P.H. 148 Nightingale Road, Hitchin.
2. The George P.H., 33 Bucklersbury, Hitchin
3. The Red Hart P.H., 28/29 Bucklersbury, Hitchin

Yours sincerely,



David Miley Democratic Services Manager

**NORTH HERTFORDSHIRE DISTRICT COUNCIL
LICENSING ACT 2003
TEMPORARY EVENT NOTICE
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; • Police; and • the 'premises user' (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 both parties 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 Police submit their case</u></p> <p>7. The Chair will ask the Police to present their submissions to the Sub-Committee</p> <p>8. The Chair will ask the premises user if there have any questions for the Police</p> <p>9. The Sub-Committee may ask questions of the Police</p>	<p style="text-align: right;">P.T.O</p>
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The Applicants case

10. The Chair will ask the applicant to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of the applicant
12. The Sub-Committee may ask questions of the applicant

Closing statements

13. The Licensing Officer may make final submissions to the Sub-Committee
14. The Police may make final submissions to the Sub-Committee
15. The Applicant may make final submissions to the Sub-Committee

Conclusion

16. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
17. The Sub-Committee will close the hearing and retire to make a decision.
18. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

LICENSING AND APPEALS COMMITTEE 25 th June 2007
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY ANDREW WENHAM FOR TEMPORARY EVENT NOTICE IN
RESPECT OF THE RED HART, 28/29 BUCKLESBURY, HITCHIN,
HERTFORDSHIRE, SG5 1BG.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY
SERVICES**

1. BACKGROUND

- 1.1 Greene King Brewing and Retailing Limited currently holds the Premises Licence at the premises named above which was issued by North Hertfordshire District Council Licensing Authority on 21st September 2005 following an application for Conversion and Variation of an Existing Licence during the Transitional Period.
- 1.2 Andrew Wenham is the Designated Premises Supervisor at the above premises.

2. PREMISES LICENCE

- 2.1 The hours and activities permitted by the Premises Licence are as follows:

2.2 These hours were determined by a Licensing and Appeals Sub-Committee after a Licensing Hearing on 21st September 2005.

3. TEMPORARY EVENT NOTICES' APPLICATIONS

3.1 The applications are for Temporary Event Notices under Section 100 of the Licensing Act 2003.

3.2 The licensable activities and hours applied for are as follows:

4. THE APPLICATION PROCESS

- 4.1 On the 14th June 2007, Andrew Wenham made an application for Temporary Event Notice to North Hertfordshire District Council.
- 4.2 The Applicant served a copy of this application to the Police Authority. There is no requirement to serve a copy on any other Responsible Authority.
- 4.3 There is no requirement for public advertising of the application.

5. REPRESENTATIONS

- 5.1 The Police Authority are the only body that may object to the application and can only object under the crime prevention licensing objective.
- 5.2 On the 14th June 2007, the Police Authority issued an Objection Notice under Section 104 of the Licensing Act 2003 in respect of the applications. A copy of the Objection Notice follows:

6. OBSERVATIONS

- 6.1 In determining this application, the Committee must have regard to the Police Authority's Objection Notice.
- 6.2 In making its decision, the Licensing and Appeals Committee must act with a view to promoting the Licensing Objective of the prevention of crime and disorder.
- 6.3 The Licensing and Appeals Committee has the following options when issuing the Decision Notice:
 - i) Grant the Application as made, or
 - ii) Refuse the Application and issue a Counter Notice under Section 105 of the Licensing Act 2003.
- 6.4 The Licensing Authority must,
 - (a) in a case where it decides not to give a Counter Notice under Section 105 of the Licensing Act 2003, give the premises user and the relevant chief officer of police notice of the decision, and
 - (b) in any other case,
 - (i) give the premises user the Counter Notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

7. CONTACT OFFICERS

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