

28 August 2007

Our ref: LAC 12 September 2007
Your ref:
Contact: Ian Gourlay
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To: Councillors: D. Barnard, T. Brindley & 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,
LETCWORTH GARDEN CITY**

on

WEDNESDAY, 12 SEPTEMBER 2007

at

2.00 p.m.

To hear the following application under the Licensing Act 2003:

**APPLICATION BY PUNCH TAVERNS PLC FOR THE GRANT OF A PREMISES
LICENCE IN RESPECT OF THE GLOBE, 10 GERON ROAD, LETCWORTH
GARDEN CITY, HERTFORDSHIRE SG6 3DU**

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
12th September 2007

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY PUNCH TAVERNS PLC FOR THE GRANT OF A PREMISES
LICENCE IN RESPECT OF THE GLOBE, 10 GERNON ROAD, LETCHWORTH
GARDEN CITY, HERTFORDSHIRE, SG6 3DU.**

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

1. BACKGROUND

- 1.1 The premises does not currently hold a Premises Licence under the Licensing Act 2003.
- 1.2 Black Squirrel Inns Ltd converted an existing Justices ' Licence and NHDC Public Entertainment Licence during the transitional period prior to the commencement of the Licensing Act 2003 on 24th November 2005. The premises had operated initially under the name The Black Squirrel and subsequently as The Town House.
- 1.3 This premises licence was subsequently transferred to Mr Kevin John Wilkinson on 19th April 2006 who then operated the premises as The Mexican Mule.
- 1.4 When the licence holder was declared bankrupt, the premises licence was automatically cancelled. A period of seven days from the cancellation of the licence was available for the transfer of the licence to another party. Had Punch Taverns plc applied for a transfer at this time, the existing licence would have been transferred without public consultation.
- 1.5 Until the automatic cancellation of the licence, the premises had operated under the following premises licence:

2. APPLICATION

2.1 The application is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.

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

2.3 During the consultation period, the applicant amended the application, following discussions with the Police. This amendment now forms part of the application that the Sub-Committee must consider. Details of the amendment are as follows:

3. APPLICATION PROCESS

- 3.1 On 18th July 2007, Punch Taverns plc made an application for the grant of a Premises Licence.
- 3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities
- 3.3 Public notices were displayed around the premises in accordance with the requirements of the Licensing Act 2003 and were exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Advertiser, a local newspaper.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary following the amendment to the application.
- 4.2 A representation was received from Hertfordshire Trading Standards and is enclosed as follows:

- 4.3 No representations were received from any other Responsible Authority.
- 4.4 Fifty nine representations were initially received from Interested Parties plus a petition containing one hundred and eighteen signatures which was canvassed by Letchworth Town Councillors.
- 4.5 The Council's Scheme of Delegation in respect of the Licensing Act 2003 requires the Licensing Officer to determine whether a representation is relevant as specified by the Act.

Interested Parties whose representations have been deemed not relevant have been informed of the Licensing Officer's decision in writing.

- 4.6 Thirty five representations and the petition were deemed to be not relevant and so have been excluded from this report.
- 4.7 Twenty three representations were deemed to be relevant either in whole or in part.

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 relevant representations are as follows:

- 4.8 The Applicant has been served with a copy of the representations.
- 4.9 The Applicant, Hertfordshire Trading Standards and the 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.
- 4.10 Where an Interested Party has requested that their name and address is withheld from the public report, that request has been granted. The applicant and the Sub-Committee, however, have been provided with these details.
- 4.11 If an Interested Party whose details have been withheld wishes to speak at the Sub-Committee Hearing, they must identify themselves and indicate which page(s) of the report contains their representation.

5 OBSERVATIONS

- 5.1 In determining this application, the Sub-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 Sub-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 Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the Application as made
 - ii) Grant the Application with conditions. Conditions should only be added where they are necessary to promote the Licensing Objectives.
 - iii) Refuse the Application.

6. CONTACT OFFICERS

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