

LICENSING AND APPEALS SUB-COMMITTEE 18th March 2010
--

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
----------------------------------	------------------------

LICENSING ACT 2003

**APPLICATION BY SARAH BETHEL and TRACEY MUNSON FOR THE GRANT
OF A PREMISES LICENCE IN RESPECT OF CHIC CHAMPAGNE & COCKTAIL
BAR, 35 CHURCHGATE, HITCHIN, HERTFORDSHIRE, SG5 1DN.**

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

1. BACKGROUND

- 1.1 The premises does currently have a premises licence under the Licensing Act 2003.
- 1.2 Icons Inc Limited currently hold a premises licence for this address, however, have vacated the property.
- 1.3 Icons Inc Limited have not surrendered the existing licence and the company still exists, therefore, the existing licence remains active.
- 1.4 The Licensing Act 2003 does not preclude more than one authorisation from being issued for the same premises, therefore, this application can be considered.
- 1.5 A copy of the existing premises licence is enclosed as follows:

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 Following negotiation with Hertfordshire Constabulary during the consultation period, the applicants amended their application which enabled Hertfordshire Constabulary not to make any representation.
- 2.4 The agreed amendments now form part of the application and should be read in conjunction with the initial application form provided at section 2.2 of this report.
- 2.5 The agreed amendments are as follows:

3. APPLICATION PROCESS

- 3.1 On 27th January 2010, Sarah Bethel and Tracey Munson 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 Hitchin Advertiser newspaper on 3rd February 2010 in accordance with the Act.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary on the basis of the agreed amendments as detailed in section 2.5 of this report..
- 4.2 A representation was received from NHDC Environmental Protection and is enclosed as follows:

- 4.3 No representations were received from any other Responsible Authority.
- 4.4 Fourteen representations were received from Interested Parties.
- 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.
- 4.6 Seven representations were deemed to be 'not relevant' by the Senior Licensing Officer as they were submitted by persons not meeting the requirements of an 'interested party' as prescribed by the Licensing Act 2003. These representations have not been included with this report.
- 4.7 In respect of the 'relevant representations', section 4.5 of this report still applies to the specific content of each individual representation. 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. Interested parties must not refer to these paragraphs in any oral presentation at the hearing.
- 4.8 The seven relevant representations are as follows:

- 4.9 The Applicants have been served with a copy of the representations.
- 4.10 The Applicants, NHDC Environmental Protection Officer 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.

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
Senior Licensing and Enforcement Officer
01462 474833.