

LICENSING AND APPEALS SUB-COMMITTEE 22nd June 2010
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY MERIDIAN LIFESTYLE LTD FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF THE SQUARE, 30 MARKET PLACE,
HITCHIN, HERTFORDSHIRE, SG5 1DY.**

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

1. BACKGROUND

- 1.1 The premises does not currently hold a Premises Licence under the Licensing Act 2003, as it was previously a Cancer Research Shop.
- 1.2 The applicant has applied to North Hertfordshire District Council for a change of planning use class. The issue of whether or not change of planning use class is granted is not a relevant issue in the determination of this licence application.

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 discussions with the Council's Environmental Protection Officer, the applicant agreed to amend the terminal hour for licensable activities and to some additional conditions in relation to 'the prevention of public nuisance'. As these amendments were made during the consultation period, they now form part of the application to be determined by the Sub-Committee.
- 2.4 To assist the Sub-Committee, a summary of the amended application is enclosed as follows:

3. APPLICATION PROCESS

- 3.1 On 29th April 2010, Meridian Lifestyle Ltd 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 Comet newspaper on 6th May 2010 in accordance with the Act.
- 3.4 Additionally, it has been brought to the attention of the licensing authority that an anonymous letter was circulated to properties around the premises in an attempt to solicit representations. A copy of the letter is enclosed as follows:

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 A representation was initially received from the Council's Environmental Protection Officer.
 - 4.2.1 During the consultation period, the applicants agreed to the additional conditions and amended times requested by the Environmental Protection Officer and amended the application to include them in the operating schedule. (see section 2.4 of this Report)
 - 4.2.2 Given that there are representations from Interested Parties in relation to the prevention of public nuisance, the Environmental Protection Officer has not withdrawn her representation in order to safeguard her agreement.
 - 4.2.3 Should the Sub-Committee accept the agreed conditions as written, the Environmental Protection Officer would have no representation to make. If the Sub-Committee were minded to amend the agreed conditions in any way, the Environmental Protection Officer would wish to address the Sub-Committee in relation to her concerns.
 - 4.2.4 As a party to the hearing, the Environmental Protection Officer could participate fully in proceedings, for example, by answering any specific questions of the Sub-Committee or other parties.
 - 4.2.5 The Environmental Protection Officer's representation is as follows:

- 4.3 No representations were received from any other Responsible Authority.
- 4.4 Five representations were received from Interested Parties, however, three were deemed to be 'not relevant' as they failed to meet the 'in the vicinity' requirements of the Act.
- 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.

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.

- 4.6 The two relevant representations are as follows:

- 4.7 The Applicant has been served with a copy of the representations.
- 4.8 The Applicant, 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

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