

**North Hertfordshire District Council  
Licensing Act 2003  
Decision Notice**

Date of Hearing & decision	Thursday, 10 September 2015
Members of Panel	Councillors D. Barnard, J. Green & M. Rice
Premises Licence Holder(s) Name	Mr Kenneth George Campbell
Designated Premises Supervisor	Mr Kenneth George Campbell, personal licence LICPL/21860/12
Premises Address	Rocabessa, 23 Churchgate, Hitchin, Herts. SG5 1DN
Date of Application	15 July 2015
<b>APPLICATION FOR REVIEW</b>	<p>This is an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003.</p> <p>The Sub-Committee has carefully considered: the report, evidence and submissions from Hertfordshire Constabulary as Responsible Authority (<i>no other representations from any other responsible party or other persons have been received during the consultation</i>); and the relevant National Guidance and the Statement of Licensing Policy, and has come to the following decision:</p> <p><b>The Sub-Committee has decided that it was necessary and appropriate for the promotion of the licensing objectives to revoke the licence.</b></p>
<b>STATUTORY GUIDANCE CONSIDERATIONS</b>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (March 2015 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p><b>Sections 1.17, 2.1, 2.3, 2.5, 2.11, 2.14, 2.15, 2.16, 2.17, 2.20, 2.21, 2.22, 2.26, 9.12, 9.41, 10.10, 11.2, 11.5, 11.10, 11.17, 11.18, 11.19, 11.20, 11.21, 11.22, 11.23 and 11.25</b></p>
<b>LICENSING POLICY CONSIDERATIONS</b>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p><b>Sections 5.1, 7.1.2, 9.1, 9.2, 9.5, 10.1, 12., 13.4, 20.1, 20.2, 20.3, 20.5, 20.6 and 21.5</b></p>
<b>REASON FOR THE DECISION</b>	<p>The Sub-Committee took into account that the application for a review and revocation had been brought by the Council as a Responsible Authority, with the support of another Responsible</p>

Authority – Hertfordshire Police, after the Designated Premise Supervisor , Mr Campbell pleaded guilty to 3 offences on breaching the Licensing Act 2003 on 3 July 2015 at the Magistrates Court.

In considering which steps (if any to take), the Sub-Committee was mindful of their powers and the representation on those powers by the relevant authorities and their appropriateness in terms of the Licensing Objectives.

No action: In the light of the ongoing nature of the issues at the Premises, including (although not limited to the criminal convictions), “no action” was considered inappropriate.

Modification of the Licence conditions: the Sub-Committee accepted the evidence that there had been a long history of flouting the licence conditions. They were mindful (and accepted) the evidence that even following Mr Campbell’s interview under caution, that further breaches of the Licence took place (in the form of the temporary event). The Sub-Committee concluded, therefore that further conditions would not address the issues and the licensing objectives.

Remove the designated premises supervisor: the Sub-Committee took into account that Mr Campbell is both the premises licence holder and the designated premises supervisor. It has paid particular regard to the evidence of the ongoing breaches, which is evidence of long – term ineffective management of the premises. Mr Campbell has been key to that management and those failures and his removal as designated premises supervisor would not correct those issues, given (if the licence remained) he was the premise licence holder as well. This would not address the Licensing Objectives.

Suspend the licence for a period not exceeding three months: whilst the Sub-Committee had considered this an option (or to put in place temporary measures), it concluded that the broad nature of the breaches was an issue. It did not believe that temporary suspension would address the problems and no evidence had been submitted by Mr Campbell or his representatives to show that this would be appropriate. Indeed the representative advised against this.

**To revoke the licence: The Sub-Committee concluded that the ongoing and serious nature of the breaches, the Council has a duty as Licensing Authority to ensure that the four Licensing Objectives were met, to prevent crime and disorder, to promote public safety, prevent public nuisance and protect children from harm. There had been evidence (which was accepted by the Sub-Committee) that the breaches covered all those issues, over at least a period of 12 months, including failure to adhere to conditions relating to security staff/ failing to keep to the operating schedules for the licensable activities, remaining open/ playing music well beyond the operating hours/ allowing underage patrons into the premises/ undertaking temporary events even when a counter notice was served.**

**The Sub-Committee accepted the representations of the Responsible Authorities, that they have attended and tried to**

	<p>help Mr Campbell to address issues and meet the Licensing obligations and had no success in achieving his compliance. Therefore the Sub-Committee was of the opinion that the representation of the Police and their support of the application for revocation should be taken seriously – as outlined in the statutory Guidance. The Sub-Committee had heard submissions from the Licence holder concerning steps he would take to address the concerns and they were not convinced (bearing in mind this had been tried before) that this would be achieved.</p> <p>The Sub-Committee had therefore concluded that in the circumstances of this case the appropriate and proportionate way to deal with the issue was to revoke the licence.</p>
<b>COMMENCEMENT DATE</b>	This decision will come into effect from the end of the period for appealing the decision (21 days) or, if the decision is appealed, the point at which the appeal has been dealt with by the Magistrates' Court.
<b>RIGHT OF APPEAL</b>	<p><b>An appeal may be made against this decision by—</b></p> <p><b>(a) the applicant for the review,</b></p> <p><b>(b) the holder of the premises licence, or</b></p> <p><b>(c) any other person who made relevant representations in relation to the application</b></p> <p><b>TO BE MADE within 21 days beginning with the day on which the parties were notified by the Licensing Authority of the decision appealed against.</b></p>