

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

Date of Hearing	Monday, 19 October 2015
Members of Panel	Councillors D. Barnard, J. Green and M. Rice
Applicant(s) Name	JD Wetherspoon PLC
Premises Address	The Angel Vaults, 5 Sun Street, Hitchin, Herts SG5 1AE
Date of Application	21 August 2015
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>The application is <u>approved</u> subject to the conditions and hours as are set out in the existing Premises Licence, and subject to the proposed new outside bar server operating only during 0900 to 2045 hours, in line with the offer made and accepted by the Applicant during the hearing.</p>
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The Sub-Committee did not feel that there were any conditions that were necessary for the promotion of the licensing conditions.</p>
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	NONE.
CONDITIONS PROPOSED BY APPLICANT	NONE.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

STATUTORY GUIDANCE CONSIDERATIONS	<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>Paragraphs 1.9, 1.10, 1.17, 1.19, 2.14, 2.15, 2.17, 2.18, 9.42, 9.43, 10.13, 10.14 and 10.15</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy 2011 in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Paragraphs 3.2, 3.3, 4.4, 5.1, 5.6 and 5.9</p>
RATIONALE FOR DECISION	<ol style="list-style-type: none"> 1. The Sub-Committee recognise the unblemished record of the premises since opening up, and recognise that the garden is within the licensable area and will have no material effect on the level of disruption. 2. Whilst the Sub-Committee accept the Other Person's objection relates to noise, there have been no formal noise complaints received in relation to the current premises and the Sub-Committee do not feel that the change applied for will increase the level of noise in a material way over what is already present. 3. The Sub-Committee were satisfied that the slight amendment to the application, which was accepted by the Applicants during the hearing, namely the changing of the terminal hour to 20:45, is sufficient to allow the premises to clear the garden area in good time ahead of the 21:00 cut off point present on the license.
COMMENCEMENT DATE	<p>This licence will come into effect from the date of this decision.</p>
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.</p>