

# Public Document Pack

18 August 2017

Our Ref Licensing and Appeals Sub-  
Committee/5.9.17  
Your Ref.  
Contact. Ian Gourlay  
Direct Dial. (01462) 474403  
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To: Members of the Committee: Councillor Jean Green, Councillor Jim McNally and Councillor Michael Muir.

You are invited to attend a

## **MEETING OF THE LICENSING AND APPEALS SUB-COMMITTEE**

to be held in the

**HOWARD MEMORIAL HALL, NORTON WAY SOUTH,  
LETCWORTH GARDEN CITY**

On

**TUESDAY, 5 SEPTEMBER, 2017 AT 7.00 PM**

Yours sincerely,



David Miley  
Democratic Services Manager

## **Agenda** **Part I**

<b>Item</b>		<b>Page</b>
1.	<b>HEARING PROCEDURE</b>	(Pages 1 - 2)
2.	<b>APPLICATION FOR A NEW PREMISES LICENCE FOR THE LETCHEWORTH SETTLEMENT, 229 NEVELLS ROAD, LETCHEWORTH GARDEN CITY REPORT OF THE LICENSING OFFICER</b>	(Pages 3 - 44)

# Agenda Item 1

## NORTH HERTFORDSHIRE DISTRICT COUNCIL LICENSING ACT 2003 HEARING PROCEDURE

1. Chair's Welcome Introduction of: <ul style="list-style-type: none"><li>• Councillors sitting on Sub-Committee (Sub-Committee);</li><li>• legal advisor;</li><li>• licensing officer;</li><li>• officers of responsible authorities;</li><li>• interested parties (objectors); and</li><li>• the Premises Licence Holder.</li></ul>	
2. The Chair will outline the procedure for the hearing	
3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing	

<u>The Licensing Officer's report</u> 4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee 5. The Chair will ask if there are any questions of fact of the Licensing Officer 6. The Sub-Committee may ask questions of the Licensing Officer	
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<u>The responsible authorities submit their case</u> 7. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee 8. The Chair will ask if there are any questions of fact of the responsible authority 9. The Sub-Committee may ask questions of the responsible authority The above process will be repeated if there is more than one responsible authority	
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<u>The interested parties submit their case</u> 10. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee 11. The Chair will ask if there are any questions of fact of the interested parties 12. The Sub-Committee may ask questions of the interested parties	
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The Premises Licence Holder's case

13. The Chair will ask the Premises Licence Holder to present their case to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the Premises Licence Holder
15. The Sub-Committee may ask questions of the Premises Licence Holder

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The responsible authorities, in turn, may make final submissions to the Sub-Committee
18. The interested parties, in turn, may make final submissions to the Sub-Committee
19. The Premises Licence Holder may make final submissions to the Sub-Committee

Conclusion

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.
21. The Sub-Committee will close the hearing and retire to make a decision.
22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>05 September 2017</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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## LICENSING ACT 2003

**APPLICATION BY PAMELA GEORGINA BURN AND SONIA ELIZABETH WESTON FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LETCHWORTH SETTLEMENT, 229 NEVELLS ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 4UB.**

### REPORT OF THE LICENSING OFFICER

#### 1. BACKGROUND

- 1.1 No premises licence under the Licensing Act 2003 is currently in place for the premises.

#### 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 attached as Appendix A.

#### 3. APPLICATION PROCESS

- 3.1 On 10 July 2017, Pamela Georgina Burn and Sonia Elizabeth Weston made an application for the grant of a premises licence.
- 3.2 The applicants served copies of this application to the police and the other responsible authorities
- 3.3 A public notice was displayed on the premises for a period of not less than twenty-eight (28) days in accordance with the requirements of the Licensing Act 2003.
- 3.4 A newspaper advertisement was placed in The Letchworth Comet in accordance with the requirements in the Act.

#### 4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 No representations were received from any other responsible authority.
- 4.3 Five (5) representations were received from 'other persons' against the application however one (1) was deemed 'not relevant' in its entirety and has been excluded from this report. The four (4) relevant representations are attached as Appendix B.

- 4.4 The Councils Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.5 Where representations include paragraphs that are not relevant to the Act, these paragraphs have been clearly crossed through and marked as '*not relevant*' by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing.**
- 4.6 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.7 The applicants have been served with a copy of the representations as part of this report.
- 4.8 The applicants and the other persons making relevant representations 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 sub-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 appropriate 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 and/or amendments to the licensable activities and/or timings (conditions should only be added where they are appropriate to promote the licensing objectives).
  - iii) Refuse the application.

## **6. LICENSING POLICY CONSIDERATIONS**

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2016 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate:

*B6*

*Our vision is:*

*"To ensure that North Hertfordshire continues to offer a diverse range of well managed entertainment venues and community and cultural activities within a safe and enjoyable environment."*

*B7*

*The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing Policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.*

*B8*

*The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.*

*B9*

*In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to and impacts on the community as a whole and will take a proportionate view on the weight to apply to representations.*

*D2.1*

*Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.*

*D2.4*

*In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.*

*D2.5*

*The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.*

*D2.6*

*Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.*

*D2.9*

*The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:*

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*

- (ii) *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- (iii) *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- (iv) *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- (v) *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

#### *D3.4*

*The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.*

#### *D6.2*

*The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.*

#### *D6.3*

*Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.*

#### *D6.8*

*It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.*

#### *D8.1*

*The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.*

#### *D8.2*

*Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.*

#### *D8.3*

*The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.*



#### *E3.1.1*

*Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.*

#### *E3.1.3*

*The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.*

#### *E3.3.1*

*This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:*

- use of time restrictions on specified areas of the premises (different times can apply to different areas);*
- cessation of the use of certain areas of the premises;*
- supervision of outdoor areas, entrances and exits;*
- suitably worded, clear and prominent signage;*
- restriction of seating in outdoor areas of the premises;*
- restriction of times that drinks can be taken in specified outdoor areas of the premises;*
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).*

#### *E3.9.1*

*The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant night-time economy.*

#### *E3.9.2*

*The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule*

#### *E3.9.3*

*Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.*

#### *F8.1*

*The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.*

## F8.2

*That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.*

## 7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (April 2017 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document:

### 1.3

*The licensing objectives are:*

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

### 1.4

*Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.*

### 1.5

*However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.*

*They include:*

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

### 1.16

*Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:*

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*

- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

#### 1.17

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

#### 2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

#### 2.15

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

#### 2.16

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

#### 2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the

community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

#### 2.18

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

#### 2.19

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

#### 2.20

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

#### 2.21

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

#### 8.38

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

#### 8.39

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - any risk posed to the local area by the applicants' proposed licensable activities;
- and

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

#### 8.40

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

#### 8.44

Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

#### 8.46

For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

#### 9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

#### 9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

#### 9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

#### 10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of

*a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.*

**10.9**

*It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.*

**10.10**

*The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*

**8. LICENSING OFFICER COMMENTS**

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

**Definition of 'appropriate'**

- 8.2 The previous Statutory Guidance first issued in July 2004 and subsequently updated up until April 2012, specifically required Licensing Sub-Committees to ensure that their decisions were based on measures that were 'necessary' for the promotion of the licensing objectives. This placed a burden on the licensing authority to demonstrate that no lesser steps would satisfy the promotion of the licensing objectives and any conditions imposed on a licence would only be those necessary for the promotion of the licensing objectives with no opportunity to go any further.
- 8.3 The revised Statutory Guidance issued on 25<sup>th</sup> April 2012 and subsequently amended in October 2012, June 2013, October 2014, March 2015 and April 2017 has amended the 'necessary' test to one of 'appropriate'. This has changed the threshold which licensing authorities must consider when determining applications by requiring that they make decisions which are 'appropriate' for the promotion of the licensing objectives.
- 8.4 The Guidance explains 'appropriate' as:

**9.43**

*The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is*

*intended to achieve.*

**9.44**

*Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.*

8.5 It is anticipated that, in due course, case law will provide clarity on the meaning of 'appropriate' as referred to in paragraphs 9.43 and 9.44 of the Guidance. The sub-committee is therefore advised to give 'appropriate' its ordinary meaning, as expanded upon by paragraph 9.44 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.

8.6 This approach, of allowing the courts to provide clarity, is reflected in the following paragraphs of the Guidance:

**1.9**

*Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.*

**1.10**

*Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.*

8.7 The sub-Committee should also be aware that their decision must be proportionate to the evidence received in respect of the application and representation. Proportionality is a key factor in assisting with the definition of 'appropriate'.

**Case law**

8.8 As paragraph 2.16 of the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee

to determine, based on the evidence, whether they consider these issues to be a public nuisance.

- 8.9 The Guidance states at paragraph 2.21 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.10 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.
- 8.11 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.12 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that "beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right". It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of the Guidance as approved by Burton J in the Hope and Glory case.
- 8.13 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

#### **'Not relevant' paragraphs within the representations**

- 8.14 Some representations make reference to the 'core values' of the premises, in particular its educational provision, and the fact that the application is not compatible within the current usage. This is not a relevant consideration as any premises may make an application under the Act and would be entitled to a premises licence providing that it can be demonstrated that there would be no detrimental impact on the licensing objectives.
- 8.15 Some representations make reference to the availability of other premises in the area and the perceived lack of need for another licensed premises. Demand and/or need for new premises are not relevant considerations under the Act, which is concerned solely with the impact or likely impact on the licensing objectives.
- 8.16 If other persons make oral reference to any part of their representation that has been marked as 'not relevant', the Chair should intervene and prevent further submissions on that issue. Sections marked as 'not relevant' cannot



be considered by the sub-committee and will not form part of the determination.

**New evidence**

- 8.17 Other persons must restrict their oral submissions to the issues raised within their representations, although they can expand on the representations by way of examples, further information, etc.. They cannot raise new issues not mentioned within the written representation, for example if they have only raised issues of crime and disorder, they cannot introduce issues of public safety orally at the hearing.
- 8.18 Any new documentation not circulated in advance to all parties within the hearing paperwork cannot be introduced at the hearing or presented to the sub-committee without all party consent.

**9. Appendices**

- 9.1 Appendix A Premises licence application form
- 9.2 Appendix B Relevant representations from other persons against the application

**10. CONTACT OFFICERS**

- 10.1 Hannah Sweetman  
Licensing Officer  
01462 474231.

# Appendix

# A

ZHW 500080308

N.H.D.C.  
10 JUL 2017  
CHP

Application for a premises licence to be granted  
under the Licensing Act 2003

190.001-  
004547  
DDX00432

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.


You may wish to keep a copy of the completed form for your records.

I/we PAMELA GEORGINA BURN and SONIA ELIZABETH WESTON  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>229 NEVELLS ROAD</u>			
Post town	<u>LETCHEWORTH G.C.</u>	Postcode	<u>SG6 4UB</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<u>£15,000</u>

Part 2 - Applicant details

Please state whether you are applying for a premises licence as      Please tick as appropriate

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership       please complete section (B)
  - ii as a partnership (other than limited liability)       please complete section (B)
  - iii as an unincorporated association or       please complete section (B)
  - iv other (for example a statutory corporation)       please complete section (B)
- c) a recognised club       please complete section (B)
- d) a charity       please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	LETCWORTH SETTLEMENT
Address	229 NEVELLS ROAD LETCWORTH G.C. HERTS SG6 4UB
Registered number (where applicable)	REG'D CHARITY NO: 311085
Description of applicant (for example, partnership, company, unincorporated association etc.)	CHARITY - ADULT EDUCATION CENTRE
Telephone number (if any)	[REDACTED]
E-mail address (optional)	[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
01 09 2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

GRADE II LISTED PROPERTY BUILT 1906  
AS A MEETING HOUSE.  
THREE BUILDINGS: MAIN, ART BLOCK  
& HALL.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A
-----

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)



**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19.00	23.00	Please give further details here (please read guidance note 4)  <i>Plays by resident Amateur Theatre Group</i>		
Tue	19.00	23.00			
Wed	19.00	23.00	State any seasonal variations for performing plays (please read guidance note 5)  <i>N/A.</i>		
Thur	19.00	23.00			
Fri	19.00	23.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)  <i>N/A</i>		
Sat	13.00	17.00			
	19.00	23.00			
Sun	13.00	17.00			
	19.00	23.00			



**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	19.00	23.00	Please give further details here (please read guidance note 4)		N/A
Tue	19.00	23.00			
Wed	19.00	23.00	State any seasonal variations for the exhibition of films (please read guidance note 5)		N/A
Thur	19.00	23.00			
Fri	19.00	23.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		N/A
Sat	19.00	23.00			
	13.00	17.00			
Sun	13.00	17.00			
	19.00	23.00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur				
Fri				
Sat				
Sun				

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both</u> - please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19.00	23.00	<u>Please give further details here</u> (please read guidance note 4)  MUSIC AMPLIFIED		
Tue	19.00	23.00			
Wed	19.00	23.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	19.00	23.00	N/A		
Fri	19.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	13.00	17.00	N/A		
	19.00	23.00			
Sun	13.00	17.00			
	19.00	23.00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19.00	23.00	Please give further details here (please read guidance note 4)  AMPLIFIED		
Tue	19.00	23.00			
Wed	19.00	23.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)  N/A		
Thur	19.00	23.00			
Fri	19.00	23.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)  N/A		
Sat	13.00	17.00			
	19.00	23.00			
Sun	13.00	17.00			
	19.00	23.00			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19.00	23.00	Please give further details here (please read guidance note 4)  <i>RECORDED MUSIC.</i>		
Tue	19.00	23.00			
Wed	19.00	23.00	State any seasonal variations for the performance of dance (please read guidance note 5)  <i>N/A</i>		
Thur	19.00	23.00			
Fri	19.00	23.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	13.00	17.00			
	19.00	23.00	<i>N/A</i>		
Sun	13.00	17.00			
	19.00	23.00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing <b>VISITING SPEAKERS QUIZ - RACE NIGHTS</b></p>		
Day	Start	Finish	<p><b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	19.00	23.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	19.00	23.00	<p><b>Please give further details here</b> (please read guidance note 4)</p> <p>N/A</p>		
Wed	19.00	23.00			
Thur	19.00	23.00	<p><b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)</p> <p>N/A</p>		
Fri	19.00	23.00			
Sat	13.00	17.00	<p><b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)</p>		
	19.00	23.00			
Sun	13.00	17.00	<p>N/A</p>		
	19.00	23.00			

I

<b>Late night refreshment Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u> (please read guidance note 4)</b>		
Mon					
			<b><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)</b>		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)</b>		
Wed					
Thur					
Fri					
Sat					
Sun					



J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)  <p style="text-align: center;">N/A</p>		
Mon	19.00	23.00			
	12.00	15.00			
Tue	19.00	23.00			
	12.00	15.00			
Wed	12.00	15.00			
	19.00	23.00			
Thur	12.00	15.00			
	19.00	23.00			
Fri	12.00	15.00			
	19.00	23.00			
Sat	12.00	15.00			
	19.00	23.00			
Sun	12.00	15.00			
	19.00	23.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)  <p style="text-align: center;">N/A</p>		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	JAMES ANDERSON
Date of birth	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	SBC1440
Issuing licensing authority (if known)	STEVENAGE BOROUGH COUNCIL

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	NONE
Mon	9.00	16.00	
	18.00	23.00	
Tue	9.00	16.00	
	18.00	23.00	
Wed	9.00	16.00	
	18.00	23.00	
Thur	9.00	16.00	
	18.00	23.00	
Fri	9.00	<del>13.00</del> 23.00	
	18.00	23.00	
Sat			
Sun			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

OBJECTIVES WILL BE DISPLAYED AT EVENTS,  
GUIDANCE NOTES GIVEN TO HIRERS AND  
VOLUNTEERS.

b) The prevention of crime and disorder

ENSURING NO ALCOHOL SERVED TO:  
(1) CHILDREN  
(2) THOSE ALREADY DRUNK  
(3) DESIGNATED SUPERVISOR TO PREVENT  
DISORDERLY BEHAVIOUR.

c) Public safety

HEALTH & SAFETY REQUIREMENTS ARE  
ALREADY ADHERED TO & DISSEMINATED  
TO DESIGNATED SUPERVISOR,  
EG. FIRE DOORS KEPT CLEAR.

d) The prevention of public nuisance

ENSURE EVENTS FINISH IN TIMELY  
FASHION.  
ARRANGE TAXIS ~~AS~~ AS NECESSARY.  
ENSURE EVENTS DON'T SPILL OUTSIDE.

e) The protection of children from harm

CHILDREN DO NOT NORMALLY ATTEND OUR EVENTS (ADULT EDUCATION CENTRE) HEALTH + SAFETY REQUIREMENTS WILL BE FOLLOWED. NO ALCOHOL TO BE SERVED TO CHILDREN.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures (please read guidance note 11)**

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<i>[Handwritten Signature]</i>
Date	20 JUNE 2017
Capacity	CHAIR LETCHWORTH SETTLEMENT

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>S. E. Weston</i>
Date	5 JULY 2017
Capacity	MANAGER

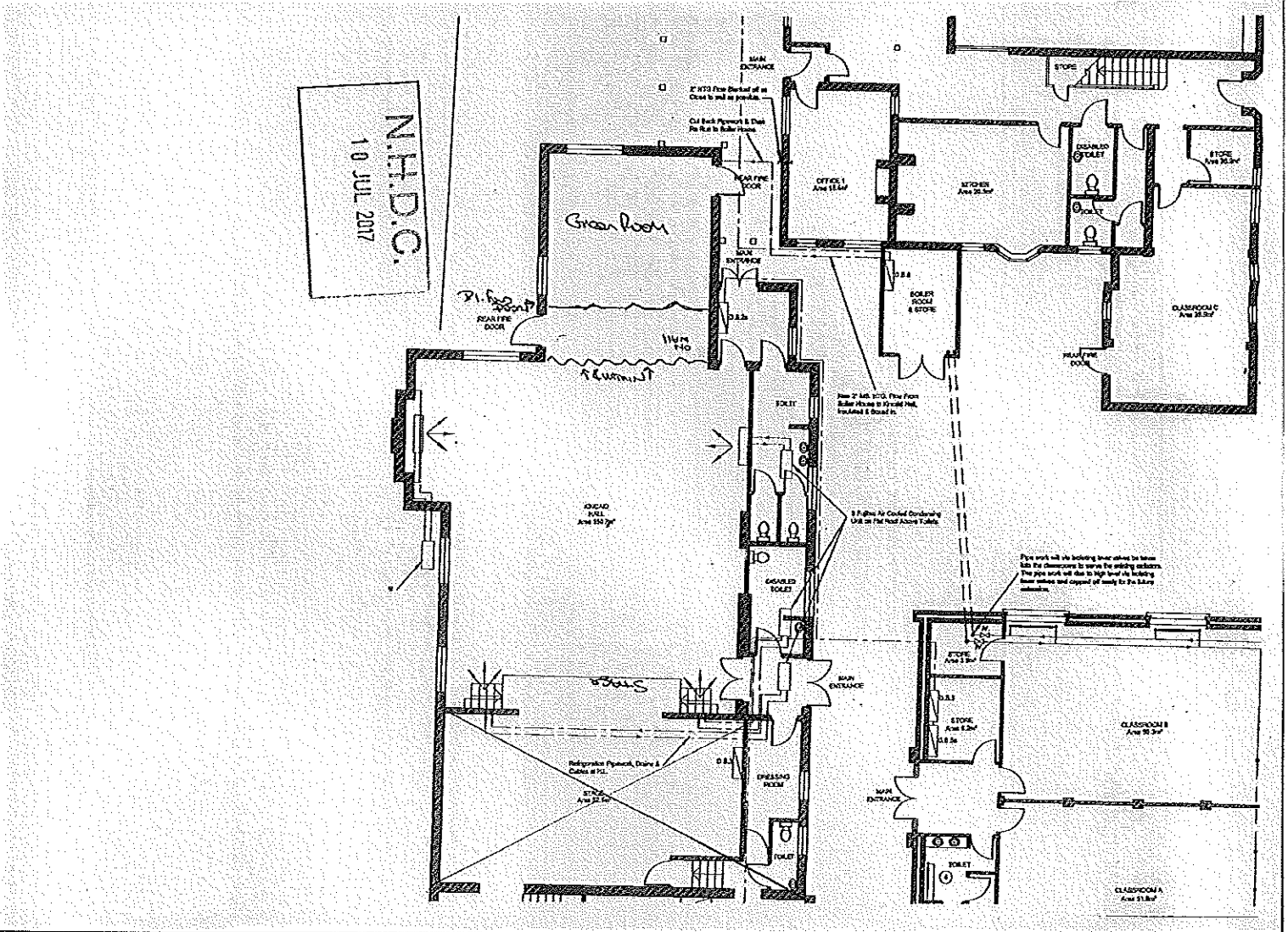
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
<i>S. WESTON</i>			
<i>229 NEVELLS RD</i>			
<i>[Redacted]</i>			
Post town	<i>LETCWORTH GC.</i>	Postcode	<i>SG6 4UB</i>
Telephone number (if any)	<i>[Redacted]</i>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
<i>[Redacted]</i>			

**Notes for Guidance**

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

N.H.D.C.  
10 JUL 2017



# Appendix

# B



**Hannah Sweetman**

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**From:** Licensing  
**Sent:** 20 July 2017 11:35  
**To:** Hannah Sweetman  
**Subject:** FW: Representations regarding extension of license at the Settlement - Letchworth (NOT PROTECTIVELY MARKED)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Briars Stephen [REDACTED]  
**Sent:** 20 July 2017 10:34  
**To:** Licensing  
**Subject:** Representations regarding extension of license at the Settlement - Letchworth (NOT PROTECTIVELY MARKED)

Classification: NOT PROTECTIVELY MARKED

Dear Sirs,

I wish to make representations in relation to the proposed extension to the license of the Settlement, 229 Nevells Road, Letchworth.

I am resident at 220 Nevells Road, opposite this location, and have lived here for around six years now.

I hereby object to the granting of an extension to the license for these premises on the following grounds:-

Currently the building is most used during the day time and early evening, which does not cause disruption to the local area, although does bring a lot of traffic with people coming and going and dropping off into the Nevells Road and Cross Street area.

The primary function of the Settlement these days is for adult education and the provision of things such as yoga classes. Generally the venue is finished by about 8.30pm. Occasional plays and similar events on an irregular and ad hoc basis are also fine so far as I am concerned and do not cause any notable problems.

The provisions applied for as "dances, recorded music, and live music" would potentially open the building up to being used as a party or wedding venue. "Race nights" needs a better explanation, but would potentially result in a lot of very excited people making a lot of noise.

~~There are many other establishments in the local area which are already better geared for these types of activity, and would also welcome the business. The Settlement should stick to being a place of enlightenment and education, and not a free for all general hire venue. The nature of the area has changed since the building was constructed, as it now sits in the middle of a quiet residential area and not at the edge of a growing new town.~~

NOT RELEVANT

~~Historically this venue was an alcohol free pub, and the possible encouragement of events such as parties is not in keeping with the spirit of the foundation of the institution. I also don't want drunks peeing on my hedge or sicking up on the street, or littering up the area any more than it already is.~~

NOT RELEVANT

I have noticed that recently the Settlement has begun to regularly host events on Saturday nights, which often have loud music audible throughout the house. The bass notes are penetrating, particularly in the warm weather with open windows until around midnight on Saturdays. This is then followed by an additional period of dispersal, around

40 minutes, with loud voices, banging car doors, and vehicles moving around the area. In the summer, people hang around outside smoking and talking which carries a long way outside.

Regular concerts would also need setting up, and equipment putting away only further increasing the noise and disruption before and after events with traffic and noise and light pollution.

~~Nevels Road is a nice long straight street, and encourages some selfish individuals to really speed along at a dangerous rate. Traffic calming measures would not be desirable with the police needing quick access from the station at the Bridge Road end, so aiming to minimise the volume of traffic should instead be the priority. The local wildlife (and pets) would also appreciate this, with a number of hedgehogs paying the ultimate price every year to fast night time drivers whizzing along the empty street.~~

Nevels Road is a residential street which is generally quiet in the evening. Particularly during week nights and on Sunday nights, people like me are sleeping to get ready for work the next day. Having random noisy events at the Settlement is not desirable on such evenings.

NOT RELEVANT

The geographic location and arrangement of the Settlement to the nearby houses causes the noise to focus on the opposite properties, including mine, as the rear of the Settlement is framed by the railway embankment. The train noise is not a problem as it is dispersed both sides equally and cannot be heard with closed windows. People talking loudly in the evening or shouting at the Settlement can be heard inside even with closed windows.

Please therefore consider the impact on the local residents, and question as to why there is actually a need to have a general extension at the Settlement for every day of the week.

Thank you for your attention,

Stephen Briars  
220 Nevels Road  
Letchworth, SG6 4UB

## Hannah Sweetman

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**From:** Licensing  
**Sent:** 01 August 2017 14:11  
**To:** Hannah Sweetman  
**Subject:** FW: Drinks Licence application for the Settlement

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

-----Original Message-----

**From:** Theresa Tassell [REDACTED]  
**Sent:** 01 August 2017 14:04  
**To:** Licensing  
**Subject:** Drinks Licence application for the Settlement

Appeal against Drinks Licence Application by The Settlement Letchworth SG6 4UB due to increased noise.

I understand an application has been made for a full Drinks Licence 7 days a week by the Settlement in Letchworth rather than applying each time when an event is to be held.

At present events are not held that often however this is a residential area apart from The Settlement and music does end at 11.30pm however living opposite there is further noise after this with people leaving the Venue and saying their goodbyes outside and then car doors banging and cars driving off. If a band has been hired then this creates further noise while they are loading all their equipment.

So far this has been infrequent but I am concerned that a full drinks Licence will then allow more events in the evening with the hiring out of the venue and more noise in a residential area and I assume with a full drinks Licence an extension could then be applied for.

I do not feel with the history of The Settlement that a full drinks Licence is necessary at a venue for adult education in a residential street creating more traffic and noise to the residents.

NOT RELEVANT

Regards  
Theresa Tassell  
224 Nevells Road  
Letchworth  
SG6 4UB

Sent from my iPhone

## Hannah Sweetman

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**From:** Licensing  
**Sent:** 02 August 2017 08:36  
**To:** Hannah Sweetman  
**Subject:** FW: Application for licence to sell alcohol at Letchworth Settlement

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

-----Original Message-----

**From:** calum mitchell [REDACTED]  
**Sent:** 01 August 2017 19:41  
**To:** Licensing  
**Subject:** Application for licence to sell alcohol at Letchworth Settlement

With regards to the above application, I wish to object in the strongest possible terms to the granting of any licence.

As the owner of 224 Nevells Road, situated directly opposite the Settlement, I would be directly impacted by the granting of any licence. This is a residential street, and as such I feel that there is no need for the granting of such a licence with all the disruption that would ensue. Events already held at the Settlement are more often than not poorly managed, indeed there does not seem to be anybody from the managing committee in attendance at these events. I understand, that in order to stage these events, a temporary licence needs to be applied for that allows alcohol to be consumed on the premises until eleven pm. It is strange then that these events usually drag on until one thirty to two am, and the noise is already totally unacceptable.

In granting a licence, you would be giving the Settlement a green light to stage events seven days a week, from midday until eleven pm, often later were they to apply for an extension, which would be wholly inappropriate. The Settlement has, for a number of years been run to cater for adult education, children, classes etc, and this development is totally not in keeping with its core values.

Whilst I have lived in this property for only eighteen months, and was obviously fully aware that the Settlement was located directly opposite, I welcomed the move as I appreciated the work that they do. On the grounds of the noise and disruption that the granting of a licence would cause, and given that I feel that on nights when events are held, there seems to be no management in place, and that i feel the applicants are not fit to be granted a licence, I wish to register my objection.

Yours faithfully

Calum Mitchell  
224 Nevells Road  
Letchworth  
SG6 4UB

NOT RELEVANT

**Hannah Sweetman**

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**From:** Licensing  
**Sent:** 02 August 2017 08:39  
**To:** Hannah Sweetman  
**Subject:** FW: The Settlement : objection to license application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Francis Ross [REDACTED]  
**Sent:** 01 August 2017 22:07  
**To:** Licensing  
**Subject:** The Settlement : objection to license application

I wish to object to the license application for the Settlement in Nevells Road.

I live directly cross the road (number 222) and will be one of a handful of neighbours most impacted by these plans.

- There already are enough noisy individual events and nights with people outside sometimes til' after 0100hrs.
- Parking is a constant problem in the street, this will only add to it. My own family are regularly unable to park near our own house.

~~- 99% of the people attending these events don't live here, will attend an odd event, whereas we the residents will be affected by every event.~~

~~The Temporary Events license should be more than adequate and if there is a genuine need for regular late night events, then alternative premises away from a residential street should be sought.~~

~~If the core business is adult education, then late nights and licensing should not be part of that and this premises license application should not be granted.~~

NOT RELEVANT

Yours sincerely,  
Francis Ross  
222 Nevells Road  
Letchworth Garden City  
Herts  
SG64UB

Sent from my iPad

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