

Public Document Pack

8 June 2018

Our Ref Licensing and Appeals Sub-
Committee/26.6.18
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To: Members of the Committee: Councillor Elizabeth Dennis-Harburg, Councillor Gerald Morris and Councillor Michael Muir.

You are invited to attend a

MEETING OF THE LICENSING AND APPEALS SUB-COMMITTEE

to be held in the

**FIRST FLOOR ROOMS 2/3, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

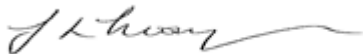
On

TUESDAY, 26TH JUNE, 2018 AT 7.00 PM

To hear the following application under the Licensing Act 2003:

**APPLICATION BY PUNCH PARTNERSHIPS (PTL) LTD FOR THE VARIATION OF A
PREMISES LICENCE IN RESPECT OF THE COACH AND HORSES, 14 KNEESWORTH
STREET, ROYSTON, HERTFORDSHIRE SG8 5AA**

Yours sincerely,



Jeanette Thompson
Service Director – Legal and Community

Agenda Part I

Item		Page
1.	HEARING PROCEDURE	(Pages 1 - 2)
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**NORTH HERTFORDSHIRE DISTRICT COUNCIL
LICENSING ACT 2003
HEARING PROCEDURE**

<p>1. Chair's Welcome</p> <p>Introduction of:</p> <ul style="list-style-type: none"> • Councillors sitting on Sub-Committee (Sub-Committee); • legal advisor; • licensing officer; • officers of responsible authorities; • interested parties (objectors); and • the applicant. 	
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	

<p><u>The Licensing Officer's report</u></p> <p>4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all interested parties and responsible authorities have been made aware of the changes</p> <p>5. The Chair will ask if there are any questions of fact of the Licensing Officer</p> <p>6. The Sub-Committee may ask questions of the Licensing Officer</p>	
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<p><u>The Applicant's case</u></p> <p>7. The Chair will ask the applicant to present their submissions to the Sub-Committee</p> <p>8. The Chair will ask if there are any questions of fact of the applicant</p> <p>9. The Sub-Committee may ask questions of the applicant</p>	
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<p><u>The responsible authorities submit their case</u></p> <p>10. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee</p> <p>11. The Chair will ask if there are any questions of fact of the responsible authority</p> <p>12. The Sub-Committee may ask questions of the responsible authority</p> <p>The above process will be repeated if there is more than one responsible authority</p>	
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The interested parties submit their case

13. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the interested parties
15. The Sub-Committee may ask questions of the interested parties

Closing statements

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

REPORT

LICENSING AND APPEALS SUB-COMMITTEE
26 June 2018

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY Punch Partnerships (PTL) Limited FOR THE VARIATION OF
A PREMISES LICENCE IN RESPECT OF The Coach and Horses, 14 Kneesworth
Street, Royston, Hertfordshire, SG8 5AA**

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 The existing premises licence was granted by North Hertfordshire District Council (NHDC) on 30 August 2005 following an application for conversion of grandfather rights during the transitional period.
- 1.2 The original premises licence has not been amended since it was granted. The current designated premises supervisor (DPS) Mr David Thake has been at the premises since 14 April 2017.
- 1.3 A copy of the current premises licence is attached as **Appendix A**.

2. APPLICATION

- 2.1 The application is for the variation of a premises licence under section 34 of the Licensing Act 2003. Is attached as **Appendix B**

3. APPLICATION PROCESS

- 3.1 On the 23 April 2018 Punch Partnership (PTL) Limited made an application for the variation of a premises licence. However due to problems with the advertising of the application the consultation period did not begin until 8 May 2018.
- 3.2 The application was received electronically by NHDC and was circulated to Hertfordshire Constabulary 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) consecutive days in accordance with the requirements of the Act.
- 3.4 A newspaper advertisement was placed in a local newspaper in accordance with the requirements of the Act.

4. REPRESENTATIONS

- 4.1 Hertfordshire Constabulary had initial concerns with the application and entered into negotiations with the applicant during the consultation period
- 4.2 The applicant subsequently amended the application to include additional operating schedule conditions which resolved the Constabulary's concerns.

The amendments made following negotiations with Hertfordshire Constabulary are attached as **Appendix C**.

- 4.3 In order to assist the sub-committee, a summary of the revised application incorporating all amendments is attached as **Appendix D**
- 4.4 **It is the revised application contained within Appendix D that the sub-committee are being asked to determine.**
- 4.5 NHDC Environmental Protection has made a relevant representation. This is attached as **Appendix E**.
- 4.6 Nine (9) representations have been deemed relevant by the licensing officer. The representations received were from Other Persons who are against the application. Two (2) representations have been deemed not relevant. All relevant representations are attached as **Appendix F**.
- 4.7 The Council's Scheme of Delegation in respect of the Licensing Act 2003 requires the licensing officer to determine whether a representation is relevant as specified by the Act.
- 4.8 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.**
- 4.9 As the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to the representation.
- 4.10 The applicant 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 committee hearing procedure.

5. OBSERVATIONS

- 5.1 In determining this application, the sub-committee must have regard to the representation and take such steps, as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the 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 issued by the Home Office.
- 5.3 The sub-committee has the following options when making their determination:
 - i) Grant the application as made
 - ii) Grant the application with amended timings and/or licensable activities
 - iii) Grant the application (as made or as amended) with conditions
(conditions should only be added where appropriate to promote the licensing objectives)
 - iv) 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.

D2.6

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.*

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.

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 nuisance that arises 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.

E3.2.1

This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- *installation of soundproofing;*
- *installation of noise-limiting devices;*
- *provision of acoustic lobbies;*
- *no externally played music;*
- *restrictions on the times and types of entertainment;*
- *keeping windows and doors closed (i.e. with self-closing devices).*

E3.2.2

Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

E3.2.3

Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:

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. 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.

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 2018 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.

1.2

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

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, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *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).

2.3

Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4

The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7

License holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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

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.

9.3

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority,

which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.38

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- o the steps that are appropriate to promote the licensing objectives;*
- o the representations (including supporting information) presented by all the parties;*
- o this Guidance;*
- o its own statement of licensing policy*

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. 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. 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 following paragraphs from the Council's Statement of Licensing Policy outline the definition of 'appropriate' that the sub-committee should have regard to:

F2.1

There are many references throughout this Policy to the term 'appropriate'. The Act states at section 18(3)(b) that when relevant representations are received the Licensing Sub-Committee has to consider what steps "it considers appropriate for the promotion of the licensing objectives".

F2.2

There is no current legal definition of the term appropriate, however the Guidance states:

9.39

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.

9.40

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. Whilst 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.

F2.3

The Council anticipates that, in due course, case law will provide clarity on the meaning of 'appropriate'. Until such time that the courts make a judgement the Council will give 'appropriate' its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4

European case law has defined 'proportionate' as generally requiring a four-step test, namely:

- *there must be a legitimate aim for a measure;*
- *the measure must be suitable to achieve the aim;*
- *the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and*
- *the measure must be reasonable, considering competing interests.*

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5

The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

Live or recorded music

- 8.3 Following a number of deregulatory amendments to the Licensing Act 2003, the circumstances in which live music is licensable has changed.
- 8.4 Live or recorded music on an alcohol licensed premises is exempt from licensing between the hours of 08:00hrs and 23:00hrs provided that the audience consists of no more than five hundred persons.
- 8.5 Where the requirements of the exemption detailed in paragraph 8.4 are met, no licence is required for the performance of live or recorded music; the sub-committee need not be concerned with live or recorded music between those hours.
- 8.6 Outside of the exempted hours, a licence for live or recorded music would be needed and it is these hours that the sub-committee should give consideration to.
- 8.7 Any existing licence conditions that apply to specifically to live or recorded music during the exempted hours are automatically disapplied whilst the exemption exists. Any conditions imposed by a sub-committee relating to live or recorded music would not apply during the exempted hours.
- 8.8 As a safeguard against any adverse impact on the licensing objectives arising from the live and recorded music exemption, a premises licence can be the subject of a review in the normal manner. On review, where there is evidence of public nuisance arising from live and/or recorded music, a sub-committee can remove the exemption. The effect of removing the exemption on review would mean that a licence for live and recorded music would be needed and any existing or newly imposed licence conditions would have effect.

Not relevant representations

- 8.9 Representation one (1) made reference to general crime statistics in Royston. This has been deemed not relevant as the statistics do not relate specifically to the Coach and Horses.
- 8.10 Representation eight (8) made reference to the opening hours of other premises within Royston and that the area is already well catered for. This is not relevant because each application is determined on its own merits and demand is not a consideration of the licensing act.

Video evidence

- 8.11 One of the Other Persons included a video of an incident outside the Coach and Horses as part of her representation. The video will be shown during the hearing so that everyone is able to view it.

9. APPENDICES

- 9.1 Appendix A Current premises licence.
- 9.2 Appendix B Original application.
- 9.3 Appendix C Amendments agreed with Hertfordshire Police.
- 9.4 Appendix D Revised application incorporating amendments.
- 9.5 Appendix E Relevant representation from NHDC Environmental Protection.
- 9.6 Appendix F Relevant representations from Other Persons against the application.

10. CONTACT OFFICERS

- 10.1 Molly Shiells
Licensing Officer
01462 474831
molly.shiells@north-herts.gov.uk

APPENDIX A

Licensing Act 2003

Part A
Format of premises licence

North Hertfordshire District Council
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 30 August 2005
Current issue date: 19 March 2018

.....
Authorised signatory

Premises licence number: 2367

Part 1 – premises details

Postal address of premises, or if none, ordinance survey map reference or description

The Coach and Horses
14 Kneesworth Street, Royston, Hertfordshire, SG8 5AA

Where the licence is time limited the dates

This licence is granted in perpetuity

Licensable activities authorised by the licence

Section E: Live Music:(Indoors)
Section F: Recorded Music:(Indoors)
Section J: Sale or Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Section E: Live Music:(Indoors)

Day	Start Time	End Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:30
Friday	11:00	midnight
Saturday	11:00	midnight
Sunday	12:00	23:30

These hours are to apply each day of the year with the exception of:

Christmas Eve, Boxing Day, (The Thursday, Friday, Saturday, Sunday and Monday) of the Easter Bank Holiday weekend, (Every Friday, Saturday, Sunday and Monday) of the May, Spring and August Bank Holiday weekends.

When these days fall on a Monday, Tuesday, Wednesday, Thursday or Sunday, the permitted

terminal hour will be 23:30hrs. When these days fall on a Friday or Saturday, the permitted terminal hour will be midnight.

New Year's Eve / New Year's Day

The standard terminal hour on New Year's Eve will be extended until the standard terminal hour on New Year's Day.

Section F: Recorded Music:(Indoors)

Day	Start Time	End Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:30
Friday	11:00	midnight
Saturday	11:00	midnight
Sunday	12:00	23:30

These hours are to apply each day of the year with the exception of:

Christmas Eve, Boxing Day, (The Thursday, Friday, Saturday, Sunday and Monday) of the Easter Bank Holiday weekend, (Every Friday, Saturday, Sunday and Monday) of the May, Spring and August Bank Holiday weekends.

When these days fall on a Monday, Tuesday, Wednesday, Thursday or Sunday, the permitted terminal hour will be 23:30hrs. When these days fall on a Friday or Saturday, the permitted terminal hour will be midnight.

New Year's Eve / New Year's Day

The standard terminal hour on New Year's Eve will be extended until the standard terminal hour on New Year's Day.

Section J: Sale or Supply of Alcohol

Day	Start Time	End Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:30
Friday	11:00	midnight
Saturday	11:00	midnight
Sunday	12:00	23:30

These hours are to apply each day of the year with the exception of:

Christmas Eve, Boxing Day, (The Thursday, Friday, Saturday, Sunday and Monday) of the Easter Bank Holiday weekend, (Every Friday, Saturday, Sunday and Monday) of the May, Spring and August Bank Holiday weekends.

On these days, the permitted terminal hour will extend for one (1) additional hour.

New Year's Eve / New Year's Day

The standard terminal hour on New Year's Eve will be extended until the standard terminal hour on New Year's Day

The opening hours of the premises

Day	Start Time	End Time
Monday	11:00	23:30
Tuesday	11:00	23:30
Wednesday	11:00	23:30
Thursday	11:00	00:30
Friday	11:00	00:30

Saturday	11:00	00:30
Sunday	12:00	midnight

These hours are to apply each day of the year with the exception of:

Christmas Eve, Boxing Day, (The Thursday, Friday, Saturday, Sunday and Monday) of the Easter Bank Holiday weekend, (Every Friday, Saturday, Sunday and Monday) of the May, Spring and August Bank Holiday weekends.

On these days, the permitted terminal hour will extend for one (1) additional hour.

New Year's Eve / New Year's Day

The standard terminal hour on New Year's Eve will be extended until the standard terminal hour on New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

**Punch Partnerships (PTL) Limited
Elsley Court, 20-22 Great Tichfield Street, London, United Kingdom, W1W 8BE**

Registered number of holder, for example company number, charity number (where applicable)

03752645

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**David Kenneth Thake
The North Star, 1, Old North Road, Royston, Hertfordshire, SG8 5DS**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

**Licence Number: 900
Issuing authority: North Hertfordshire District Council**

Annex 1 – Mandatory conditions

No supply of alcohol may be made under this licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

"Responsible person" means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen (18) years who has been authorised to sell alcohol at the licensed premises.

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

- (i) a holographic mark; or
- (ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

- (i) beer or cider: half pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. In this condition:

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where:

(i) "P" is the permitted price;

(ii) "D" is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and

(iii) "V" is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enable the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

The premises licence holder will ensure that an internal closed-circuit television (CCTV) system is installed and maintained at the premises at all times whilst the premises is open to the public.

The premises licence holder will ensure that unaccompanied children under the age of sixteen (16) years are not permitted on the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

Amplified and/or unamplified live music will be performed by no more than two (2) entertainers.

Amplified music is to be played ancillary to the sale of alcohol.

The outside area as shown on the plan of the premises attached to the application, will not be used at any time for the playing or performance of regulated entertainment.

During the performance of live entertainment, all doors and windows are to be closed, with the exception of allowing for the public to enter and exit the premises and in the event of an emergency.

Annex 4 – Plans

See attached

APPENDIX B

Application to vary a premises licence under the Licensing Act 2003

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 Punch Partnerships (PTL) Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number LICPR/14219/05

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Coach & Horses 14 Kneesworth Street			
Post Town	Royston	Postcode	SG8 5AA

Telephone number at premises	
Non-domestic rateable value of premises	£17,250

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Elsley Court 20-22 Great Titchfield Street		
Post Town	London	Postcode	W1W 8BE

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

If not do you want the variation to take effect from

Day		Month		Year			
1	1	1	1	1	1	1	1

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Application is made to amend the Licensable hours for all Licensable activities to 11:00 to 00:00 Sunday to Thursday and 11:00 to 02:00 Friday and Saturday.

Application is also made to amend the opening hours to 08:00 daily for the provision of non-licensable activities e.g. sale of tea, coffee, breakfast.

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

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

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			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Wed					
Thur			<u>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 7)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri								
Sat						<u>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</u> (please read guidance note 7)		
Sun								

E

Live music			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	11:00	00:00		<u>Please give further details here</u> (please read guidance note 5)	
Tue	11:00	00:00			
Wed	11:00	00:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	11:00	00:00			
Fri	11:00	02:00	<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 7) Licensable activities are requested until 02:00 on the Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.		
Sat	11:00	02:00			
Sun	11:00	00:00			

F

Recorded music			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	11:00	00:00		<u>Please give further details here</u> (please read guidance note 5)	
Tue	11:00	00:00			
Wed	11:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	11:00	00:00			
Fri	11:00	02:00	<u>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</u> (please read guidance note 7) Licensable activities are requested until 02:00 on the Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.		
Sat	11:00	02:00			
Sun	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g)</p> <p>Standard days and timings (please read guidance note 8)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>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</u> (please read guidance note 7)</p>		
Sun					

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	00:00	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 (please read guidance note 7) Licensable activities are requested until 02:00 on the Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.		

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 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	00:30	
Tue	08:00	00:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) The premises wish to close at 02:30 hours on the Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	00:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

We have not enclosed the Premises Licence as this is currently with yourselves following an application to transfer the Premises Licence to Punch Partnerships (PTL) Limited.

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

This application may be amended during the application process to reflect any agreements that may be reached with the responsible authorities and interested parties. The premises have carefully considered their current Licence conditions and consider no additional steps would be necessary to promote the Licensing objectives as a result of the proposed variation. The premises are not proposing to significantly change the way they operate but would wish to have the flexibility to open later.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	23/04/2018
Capacity	Solicitor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Karen Cochrane Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	01332 226148
If you would prefer us to correspond with you by e-mail your e-mail address (optional) karen.cochrane@flintbishop.co.uk	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 11. Please list here steps you will take to promote all four licensing objectives together.
- 12. The application form must be signed.
- 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 15. This is the address which we shall use to correspond with you about this application. to correspond with you about this application.

APPENDIX C

Molly Shiells

From: SANGHA, Kuljit 8250 [REDACTED]
Sent: 01 June 2018 07:35
To: Licensing; Molly Shiells; Hannah Sweetman
Cc: 'Andrew Cochrane'; PASSARELLA, June 7494; Rory Cosgrove
Subject: Coach & Horses, Kneesworth Street, Royston SG8 5AA - Premises Licence Variation [OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Licensing,

I can confirm that Police have no objections to the amended application as per negotiated conditions below.

Regards

Kuljit

Kuljit Sangha

Mrs Kuljit Sangha

Police Licensing Officer for North Herts

Hitchin Police Station, College Road, Hitchin, SG5 1JX
[REDACTED]

From: Nikki Rennie [REDACTED] On Behalf Of Andrew Cochrane
Sent: 31 May 2018 16:09
To: licensing@north-herts.gov.uk
Cc: SANGHA, Kuljit 8250 [REDACTED]; Molly Shiells <Molly.Shiells@north-herts.gov.uk>
Subject: RE: Coach & Horses, Kneesworth Street, Royston SG8 5AA - Premises Licence Variation

Dear Sirs

Following discussions with the Police, we agree to a variation of the Premises Licence to incorporate the amendments proposed in an email of the 23 May 2018, a copy of which is below.

Should you require any further information please do not hesitate to contact us.


Yours faithfully

Andrew Cochrane

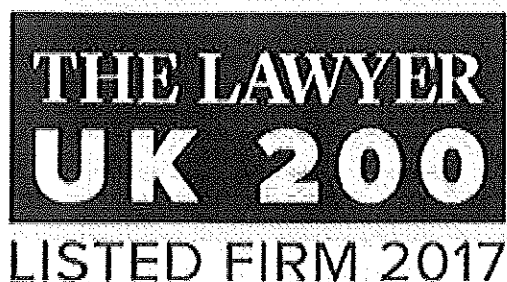
Andrew Cochrane
Chairman and Senior Partner

 Flint Bishop LLP St. Michael's Court, St. Michael's Lane,
Derby, DE1 3HQ



[REDACTED]
 01332 226 142

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From: SANGHA, Kuljit 8250 [REDACTED]
Sent: 23 May 2018 15:07
To: Karen Cochrane
Subject: Coach & Horses, Kneesworth Street, Hitchin - Premises Licence Variation [OFFICIAL]

Dear Karen,

Last week I visited the Coach & Horses, Royston with the local Royston Safer Neighbourhood Sergeant. We spoke with Mr David Thake (DPS) regarding the premises licence variation. The discussion was around the variation, the current licensing conditions, door staff, refusals book, incident book and cctv. During our conversation Mr Thake confirmed that he was looking to extend the hours, we asked what exact times he was looking for and he confirmed a 2am licence. Mr Thake was asked what he meant by 2am, he confirmed close by 2am.

Based on my findings after my conversation with Mr Thake at length, below is the Police proposal with regard to the timings, that Mr Thake accepted. I also had an opportunity to take another look at the current premises licence conditions and have discussed this with Mr Thake especially the condition for cctv, where I advised Mr Thake I felt the current cctv conditions needed to be improved, due to a number of questions put to Mr Thake i.e. retaining period, who has access, being in working order, etc. Therefore I have put together cctv conditions and other conditions, see below.


- No change to proposed sale of alcohol hours for Monday, Tuesday, Wednesday, Thursday and Sunday: 11:00hrs – 00:00hrs.

- Sale of Alcohol: Friday and Saturday, Sunday Preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day: 11:00hrs – 01:30hrs.
- No change to proposed hours premises open to the public for Monday, Tuesday, Wednesday, Thursday and Sunday: 08:00hrs – 00:30hrs.
- Hours Premises Open to the Public: Friday and Saturday, Sunday Preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day: 08:00hrs – 02:00hrs.
- DPS / Premises Licence Holder will ensure that CCTV is installed, in working order and shall continually record whilst the premises is open to the public, both inside and outside the premises.
- DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than 24 hours after request.
- DPS / Premises Licence Holder will ensure that all CCTV recordings will be kept for a minimum of 28 days.
- DPS / Premises Licence Holder will ensure that the CCTV cameras cover key and vulnerable parts of the premises, including the entry and exit points to the premises.
- DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers. One of these persons will be at the premises at all times when the premises are open to the public.
- DPS / Premises Licence Holder will ensure that a minimum of two (2) SIA registered door staff are on duty from 21:00hrs until closing on Friday and Saturday.
- DPS / Premises Licence Holder will ensure that a refusals book is maintained and kept at the premises at all times.
- DPS / Premises Licence Holder will ensure that the refusals book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.
- DPS / Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
- DPS / Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

Please don't hesitate to contact me if you wish to discuss this further.

Regards
Kuljit

Kuljit Sangha

Mrs Kuljit Sangha
Police Licensing Officer for North Herts
Hitchin Police Station, College Road, Hitchin, SG5 1JX


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APPENDIX D

APPENDIX D – COACH & HORSES REVISED APPLICATION

REVISED TIMINGS

Live Music (Indoors)

Friday 1100-0200
Saturday 1100 -0200

Recorded Music (Indoors)

Friday 1100-02:00
Saturday 1100 -02:00

Supply of Alcohol (On the Premises)

Friday 1100-0130
Saturday 1100 -0130

Hours Premises Open to the Public

Friday 0800-0200
Saturday 0800-0200

OPERATING SCHEDULE CONDITIONS

Agreed with Hertfordshire Constabulary during the consultation

- P1 No change to proposed sale of alcohol hours for Monday, Tuesday, Wednesday, Thursday and Sunday: 11:00hrs – 00:00hrs.
- P2 Sale of Alcohol: Friday and Saturday, Sunday Preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day: 11:00hrs – 01:30hrs.
- P3 No change to proposed hours premises open to the public for Monday, Tuesday, Wednesday, Thursday and Sunday: 08:00hrs – 00:30hrs.
- P4. Hours Premises Open to the Public: Friday and Saturday, Sunday Preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day: 08:00hrs – 02:00hrs
- P5 DPS / Premises Licence Holder will ensure that CCTV is installed, in working order and shall continually record whilst the premises is open to the public, both inside and outside the premises.
- P6 DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than 24 hours after request.

- P7. DPS / Premises Licence Holder will ensure that all CCTV recordings will be kept for a minimum of 28 days.
- P8. DPS / Premises Licence Holder will ensure that the CCTV cameras cover key and vulnerable parts of the premises, including the entry and exit points to the premises.
- P9. DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers. One of these persons will be at the premises at all times when the premises are open to the public.
- P10. DPS / Premises Licence Holder will ensure that a minimum of two (2) SIA registered door staff are on duty from 21:00hrs until closing on Friday and Saturday.
- P11. DPS / Premises Licence Holder will ensure that a refusals book is maintained and kept at the premises at all times.
- P12. DPS / Premises Licence Holder will ensure that the refusals book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.
- P13. DPS / Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
- P14. DPS / Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

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APPENDIX E

Committee report to North Hertfordshire District Council's Licensing Authority

Re: The Coach & Horses, 14 Kneesworth Street, Royston, SG8 5AA

Subject: Application to vary a premises licence by Punch Partnerships Limited
(existing licence reference: LICPR/14219/05)

1.0 Introduction

I am making a representation in respect of this premises licence variation application under the licensing objective 'Prevention of Public Nuisance' due to concerns about the impact of noise on nearby residents from the extension of licensable activities at the premises. The application is to vary the above premises licence to extend the opening hours and the hours for the supply of alcohol, live music and recorded music.

2.0 Proximity of residents

The premises is surrounded largely by commercial units, however, there are a number of residential dwellings very close by in Croix Court (see Appendix A map). Some of these dwellings have habitable rooms that have line of sight with the premises and so are vulnerable to any noise generated from the premises and the licensable activities undertaken there (i.e. live and recorded music).

3.0 Areas of concern

3.1 Live and recorded music noise:

My first concern with the proposed changes to the licence relate to the extension of live and recorded music and the impact that noise from these activities will have on nearby residents, especially as this will be until midnight on all days preceding a normal working day and until 02:00 on Fridays and Saturdays. Regarding the latter, during these early hours of the morning the background noise level would be expected to drop significantly when road traffic reduces in the area and the other similar premises in the area are closed (the majority close at 01:00). The result is likely to be live and recorded music being more audible to the nearby residents and therefore increases the likelihood of a public nuisance being caused. This likelihood could be overcome by reducing the hours applied for and also using a noise mitigation measure such as a noise limiting device to ensure that the volume of amplified music played does not exceed a level where it would begin to cause disturbance to residents. This measure cannot work with unamplified live music and so a control on the number of weekly performances would need to be imposed instead.

It is noted that the premises licence already contains a number of conditions relating to regulated entertainment, including a condition requiring windows and doors to remain closed during regulated entertainment which will assist in containing some of the music noise within the premises. However, the location where I understand the music is played from is on the side of the premises adjacent to the nearest residents. Furthermore, this façade of the premises has single glazing and includes a large sealed window which is a significant point of acoustic weakness (see Appendix B photo). For this reason, these existing licence conditions are considered insufficient to promote the prevention of public nuisance in light of the extensions being applied for.

3.2 Patron noise:

The extension of times for opening and also for the sale or supply of alcohol increases the likelihood of a public nuisance from noise impacting on the aforementioned nearby residents. As already stated, the background noise levels in the early hours of the morning will be much lower than late evening and patrons using the smoking area or entering and leaving the premises will mean that any noise arising from them will be far more intrusive to residents, especially during the spring and summer months when their windows may understandably be partially open.

The entrance and exit of the premises as well as the outside smoking area is on the other side of the premises to the aforementioned residents but there is still the potential for disturbance to occur. These concerns could be allayed through a combination of licence conditions to control patron noise and reducing the hours applied for.

4.0 Noise complaints

A noise complaint was received by a resident of Croix Court in June 2017 regarding loud bassy music emanating from the premises. The details of the complaint stated that the music noise from the premises had been an issue for a few months. Although this complaint was never substantiated, it is still relevant as it demonstrates that such licensable activities have the potential to cause complaints and the likelihood of these increases with longer hours for opening and for licensable activities to take place.

5.0 Recommendations:

I would recommend to the committee based upon the evidence above, that this premises licence variation application be **refused** in its entirety unless the below modifications to the extensions applied for and the below noise related conditions are imposed on the licence.

5.1 Recommended modifications:

- Opening hours until 0000 on Sundays to Wednesdays and 0200 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Supply of alcohol until 2330 on Sundays to Wednesdays and 0130 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.
- Live and recorded music until 2330 on Sundays to Wednesdays and 0130 on Fridays, Saturdays, Sundays preceding a Statutory Bank Holiday, Christmas Eve and Boxing Day.

5.2 Recommended conditions:

1. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, any entry queue, external areas of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised.

2. Clear and legible notices shall be displayed at all entrance and exit points and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum.

3. No drinks shall be permitted in the external areas of the premises after 0100.

4. Unamplified live music constituting regulated entertainment shall only take place after 0000 on one (1) occasion per calendar week.

5. A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned Officer. No amplified live or recorded music constituting regulated entertainment shall take place in the premises after 0000 until this device has been installed and set in accordance with this condition.

6. Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:

(a) without twenty-eight (28) days prior notification to the Council's Noise Control Officer and;

(b) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.

7. Following the receipt of the documentation stated in condition 6(b), all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in the premises after 0000 is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.

8. In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place in the premises after 0000 until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Office has received and approved the necessary documentation confirming this.

9. The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.

10. All noise equipment used for amplified live and recorded music constituting regulated entertainment in the premises after 0000 must be routed through the environmental noise control device and this device must be operational during such licensable activities.

Rory Cosgrove
Senior Environmental Health Officer
North Hertfordshire District Council
4th June 2018

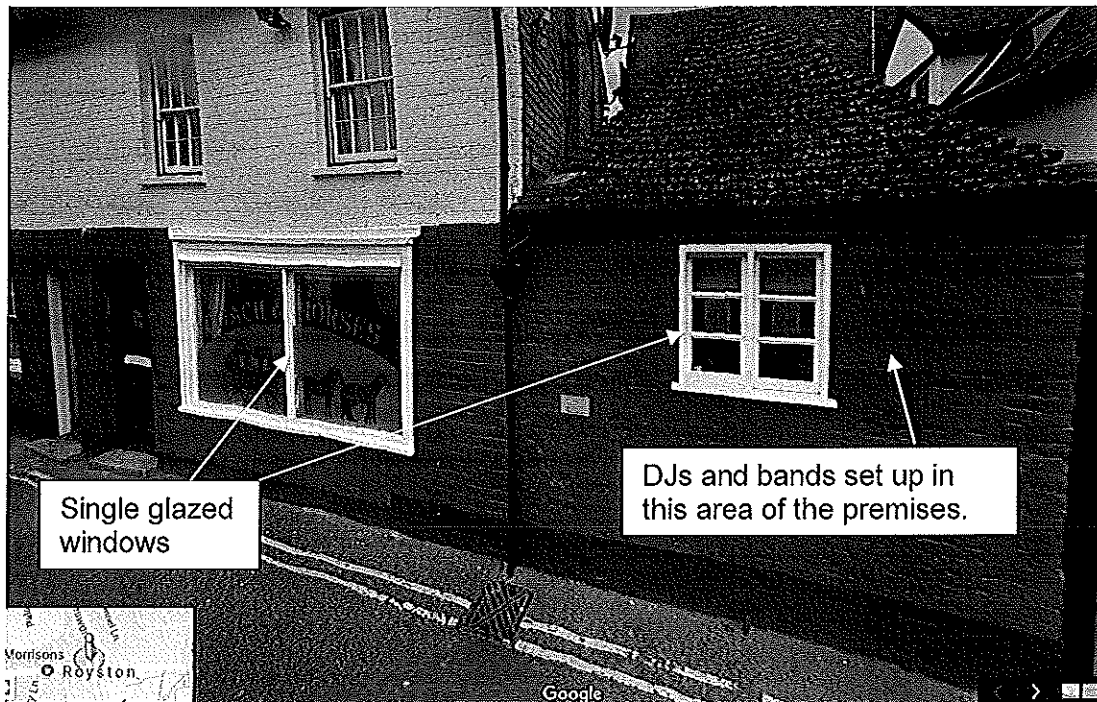
Appendix A – Location Map

★ = Indicates nearest residential properties

✦ = Indicates The Coach & Horses PH



Appendix B – Photo of premises façade nearest to residents



APPENDIX F

Molly Shiells

From: [REDACTED]
Sent: 09 May 2018 08:40
To: Molly Shiells
Subject: RE: The Coach & Horses, Royston - Application for Variation of Premises Licence.

Hi Molly

As a neighbour of the Coach and Horses Pub, Royston, I would like to place on record my objection to the application of extended licensing hours on the following grounds:

- The close proximity of the pub to the local residential & commercial properties will be at greater risk of disturbance of noise and potentially anti-social behaviour.
- External noise, such as loud music and anti-social behaviour, the area will be subject to a greater disturbance as noise tends to echo down Lower King Street, with many of the properties being listed properties without double glazing and sitting right on the pavement. We can currently already hear the music inside our property, and any further duration of noise disturbance is unacceptable.
- On many occasions I have witnessed broken glass on the pavements and on the road causing unnecessary risks to the residents, whilst there is no proof this was caused by customers of The Coach & Horses Pub, it seems very probable.
- On occasions I have witnessed people leaving The Coach & Horses Pub and walk past properties and knocking on windows to cause a nuisance, extended the licensing hours will only make this more frequent and later disturbances.
- Vehicles (including my own) have allocated parking bays next to the road where customers will leave the Coach & Horses pub. I am fearful that extending the licensing hours will increase the likelihood of car crime, with 129 vehicle crimes reported in Royston between April 2017 & March 2018, (<https://www.police.uk/hertfordshire/G01/crime/vehicle-crime/stats/>) this is a big concern of mine.

I would like to also point out that Anti-Social behaviour makes up 25.38% of the crimes in Royston. (<https://www.police.uk/hertfordshire/G01/crime/vehicle-crime/stats/>) The highest of all crimes committed in the Royston with 369 crimes recorded between Apr 2017 and Mar 2018. I believe this will only increase with the extension of licensing hours.

NOT RELEVANT

Please note, my address is Flat 4, 8 Lower King Street, Royston, SG8 5AL

I am making this representation on behalf of myself and my partner who lives with me, Hannah Cregan

Thank you

Troy Smith

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Molly Shiells

From: [REDACTED]
Sent: 25 May 2018 10:10
To: Molly Shiells
Subject: The Coach and Horses, Royston

Follow Up Flag: Follow up
Flag Status: Flagged

_Dear Ms Shiells,

Can I add my name to that of others objecting to the request by the Coach and Horses to extend their licensing hours at weekends to 2am.. They already make a considerable noise late at night, fights, shouting, screaming, etc. and to go on doing that until 2am. is more than unacceptable.

This is almost entirely a residential area within Lower King Street, Young families, working people, and retired, We have ll been affected by the noise emanating from the C&H. I shall not go into details, but it is not very nice.

Yours sincerely,

Anthea Fisher

Mrs Anthea Fisher
15, Lower King Street,
Royston,
SG8 5AL

Royston,
Herts
SG8 5AL

3

Molly Shiells

From: [REDACTED]
Sent: 03 June 2018 22:38
To: Molly Shiells
Cc: james waddle; Wendy McDonald
Subject: Coach & Horses, Royston - Application for Variation of License

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Shiells,

We would like to raise an objection to any extension of licensing hours for the Coach and Horses pub on Lower King Street, Royston. Since the venue re-opened, there have been frequent problems with noise late into the evening, particularly at weekends from DJ/Karaoke sessions.

Several of our neighbours have also had to contend with episodes of antisocial behaviour spilling out onto the street, including shouting, screaming and occasional fights. Extending licensing hours at the weekend would also make the Coach and Horses the last establishment available for a late-night drink in Royston, and thus can only make an already unsatisfactory situation worse.

Best wishes,

Donald, Wendy and James

Donald and Wendy McDonald
11 Lower King Street
Royston
SG8 5AL

James Waddle
9 Lower King Street
Royston
SG8 5AL

Molly Shiells

From: Hannah Sweetman
Sent: 04 June 2018 14:06
To: Molly Shiells
Subject: FW: The Coach & Horses 14 Kneesworth Street Royston (application number LC/2367) - ADDITIONAL INFORMATION

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Ann Sandham [REDACTED]
Sent: 01 June 2018 14:41
To: Hannah Sweetman
Subject: Re: The Coach & Horses 14 Kneesworth Street Royston (application number LC/2367) - ADDITIONAL INFORMATION

Hello Hannah,

My partner and I filmed an altercation outside the Coach and Horses last night (Thursday 01 June 2018) at 11pm, from our living room window. The video link is here and I'd like this to be added to the report.

<https://we.tl/SfpAIUI1bx>

The argument was quite tame by 'Coach and Horses' standards, but nevertheless extremely unpleasant, with the usual obscenities, shouting, screaming and the threat of violence that I've come to expect. There was still shouting in the street at 11:45 pm, when I managed to fall asleep.

One of the people involved appeared to be the young woman who lives above the pub and works as a bar tender: she can heard towards the end of the recording saying something along the lines of 'I'm going to lose my flat if you don't f*** off now'. At another point in the recording, a young man seems to be shouting about the price of 'gear' which I interpret as being drugs. Shouting by several young people started on the balcony above the pub at 10:05 pm.

Rory Cosgrove, a case worker from North Herts, has been in contact with me regarding the complaint I made re. 19 May 2018. Rory told me he has visited the pub and spoken to the landlord about the noise nuisance. Obviously this hasn't had any effect.

I'm unsure whether to send my complaints about noise and anti-social behaviour to you, to Rory Cosgrove, or to the noise call-out service, or to all three. Can you kindly advise?

Many thanks,

Ann Sandham
8 Croix Court, Lower King Street, Royston, SG8 5AX
[REDACTED]

On Wed, May 23, 2018 at 4:35 PM, Ann Sandham [REDACTED] wrote:
Hi Hannah,

Thank you for speaking to me today, it was very useful. Yes, I am happy for you to include my name and address in the report. By the way, I'm 'Ms' rather than 'Mrs'.

If you could chase up the weekend noise call out service, that would be much appreciated. I spoke to them on Saturday 19 May, and they agreed to call me back during the week. They have my name and telephone number, but I haven't heard anything from them yet.

Thank you for your time,

Ann Sandham

On Wed, May 23, 2018 at 3:06 PM, Hannah Sweetman <Hannah.Sweetman@north-herts.gov.uk> wrote:

Dear Mrs Sandham,

Thank you for your email.

It is a requirement that a name and address is needed for a representation to be accepted and this information would be included within the report for the licensing hearing which all parties involved will receive a copy of.

Please could you confirm that you are happy for this information to be included? If you aren't happy for this information to be included then I will not be able to include your objection.

In case you have not been involved in licensing objections before, there will be a licensing hearing arrange for a sub-committee to make a decision on the application.

A report containing all of the information and an invite to the hearing will be posted out to you in due course.

Thanks,

Regards,

Hannah Sweetman
Senior Licensing Officer

Direct Dial: 01462 474231
Mobile: 07771 390495
North Hertfordshire District Council
Council Offices, Gernon Road
Letchworth Garden City

Hertfordshire
SG6 3JF

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From: Ann Sandham [REDACTED]
Sent: 21 May 2018 08:58
To: Licensing
Subject: Re: The Coach & Horses 14 Kneesworth Street Royston (application number LC/2367) - ADDITIONAL INFORMATION

To whom it may concern,

Re. The Coach & Horses 14 Kneesworth Street Royston (application number LC/2367) - ADDITIONAL INFORMATION

Since writing my previous email to you (20 May) a further incident involving the Coach and Horses has come to light:

On Saturday 19 May, between 10pm and 11pm (after I had telephoned the Weekend Noise Call-Out Service, as detailed in my previous email) I became aware of the sound of a key in the lock of my front door, followed by the sound of someone entering the flat. I was alone in the flat, in my dressing gown, in the living room. Knowing my partner to be away in Derbyshire that night, I was very frightened and confused and called out "Hello, who's there?" twice. Getting no answer, I flung open the living room door and found a young man and a young woman – looking like teenagers, smelling of alcohol – standing in my hallway. When challenged, the young man held up a key and said he'd got the wrong flat and my door had been left unlocked. I asked them firmly to leave. They left and entered the flat opposite mine across the communal landing (number 9). A few minutes later I heard

them leave that flat and go down the communal stairs to exit the building, the young woman laughing loudly and saying it was the funniest thing she'd ever experienced.

The next evening (20 May), my partner returned home and confronted the occupier of flat 9, asking for an explanation of the incident. It transpires that the young woman who lives in flat 9 was working behind the bar of the Coach and Horses on the night in question: there had apparently been some problem with the toilets in the Coach and Horses, so the barmaid had given the key to her flat to two customers, so they could use the toilet in her flat. These two customers had entered my flat instead.

I find it hard to describe how frightening and horrible the experience was: it left me crying and shaken. The unpleasantness of this incident was further compounded by the other experiences (screaming obscenities etc. from the roof of the Coach and Horses) that I described in my previous email. Though I admit that I had – unintentionally and very unusually for me – left the door to my flat unlocked, I do not believe that excuses the incident in any way. When I learned the next day about the connection between the intrusion and the Coach and Horses, I was not in the least surprised: it just reinforces for me the pub's 'cowboy' attitude, and the complete lack of respect and responsibility I have learned is the pub's approach.

I would be grateful if you would take into account this information, as well as my previous email of 20 May, when considering the application to extend the Coach and Horses' opening hours.

Again, do contact me if you require further information, however could you please not give my name and contact details to the pub staff/management without my consent.

Many thanks for your time,

Ann Sandham

A blacked-out redaction mark covering the signature area.

Flat 8, Croix Court, Lower King Street, Royston, SG8 5AX

On Sun, May 20, 2018 at 12:52 PM, Licensing <Licensing@north-herts.gov.uk> wrote:

Thank you for your enquiry

This has been passed to our Licensing and Enforcement Team for a response.

Yours Sincerely

Licensing and Enforcement

North Hertfordshire District Council

Any opinions expressed in this email are those solely of the individual. This email and any files transmitted with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the recipient, be advised that you have received this email in error and that any use is strictly prohibited. If you have received this email in error please delete it.

Recycle Right – Your efforts can make a difference to keeping costs down and protecting the environment. Check out our [A-Z guide](#) for a reminder of what can be recycled on your doorstep.

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5

Hannah Sweetman

From: Licensing
Sent: 22 May 2018 15:19
To: Hannah Sweetman
Subject: FW: The Coach & Horses 14 Kneesworth Street Royston

Follow Up Flag: Follow up
Flag Status: Completed

From: Nick Ramsay
Sent: 21 May 2018 14:16
To: Licensing
Subject: The Coach & Horses 14 Kneesworth Street Royston

To Whom It May Concern,

I currently live in Croix Court, Lower King Street in Royston. Our building is across the road from The Coach and Horses and it has been brought to my attention that they are currently applying for a late licence, allowing for 12 midnight closing on week nights and 2am closing at weekends. This is completely unacceptable.

As a freelancer in the Film & TV industries, I'm required on average to be up at 5:30am to begin my morning commute to the London film studios, and regularly work 11 hour days. The Coach and Horses has been an ongoing problem for me and my partner for the six months I've been living in Royston thus far.

If this extended licence is granted, it will completely disrupt our work and home lives even more. As it stands the pub seems to have no bouncers and plays noisy DJ music from a building is not sound proofed and the bass can be felt right the way through our building - alongside some incredibly loud karaoke music. There is also the issue of incredibly drunk teenagers shouting and screaming as they leave the pub around 1am which disrupts our evenings every week without fail. As we head into summer, they have also set up a gazebo on their small roof terrace which is again populated by drunk teenagers screaming and shouting across the street without any supervision. There have also been fights and brawls occurring outside, again in the early hours of the morning and completely unsupervised except when police officers thankfully arrived to disperse them.

I cannot stress the importance of halting the request for this extended licence, not only in regards to our situation but also the other residents of Croix Court including a retired woman who has already mentioned being repeatedly woken up by this anti-social behaviour by young people in the middle of the night. There are also family homes located on Lower King Street across from the pub, several with young children who I've no doubt will be affected by this.

I plan to provide video footage of the above issues - balcony, noise levels etc as they continue to transpire as evidence of just how awful this situation continues to be.

Any assistance in this matter would be greatly appreciated and I sincerely hope this email is treated with the upmost importance.

Many thanks
Nick Ramsay

Flat 8, Croix Court, Lower King Street, Royston, Herts, SG8 5AX.

6

Hannah Sweetman

From: Licensing
Sent: 29 May 2018 08:16
To: Hannah Sweetman
Subject: FW: Resident objection to Application LC/2367

Follow Up Flag: Follow up
Flag Status: Completed

From: Katie Frost
Sent: 28 May 2018 19:12
To: Licensing
Subject: Resident objection to Application LC/2367

To whom it may concern,

Re. The Coach & Horses, 14 Kneesworth Street, Royston (application number LC/2367)

I am writing to object and express serious concern about the application to extend the opening hours of the above premises, allowing for 12 midnight closing on week nights and 2am at weekends.

I live at 31 Stamford Yard, Kneesworth Street, so will be directly impacted by these changes if they were to unfortunately be approved.

Currently, the pub has no security or bouncers which results in brawls, what appears to be underage drinking, and drug dealing in the alleyway between the establishment and public toilets. No concern is demonstrated for local residents and we are regularly kept awake by the incredibly loud karaoke music being played until gone midnight at the weekends, followed by drunk teenagers continuing to disrupt local residents by shouting, screaming and fighting in the road outside our property. All of this behaviour is coming from customers to the pub, and extending the opening hours will only encourage more of this anti-social behaviour even later into the night.

I hope my concerns demonstrate the importance of rejecting this application for an extended licence. To do so is for the benefit of local residents such as ourselves and neighbours whose peace is currently being disturbed during the hours where 'the noise act 1996' is applicable, along with members of the public who could potentially get caught up in the negative behaviour that this establishment currently attracts. I also fear someone could be seriously injured if the pub continues to avoid taking responsibility for its patrons and the fighting and drugs carries on.

I would very much appreciate if you would take my feedback seriously - please do contact me if you need further information to support this objection.

Kind regards,
Katie Frost
31 Stamford Yard
Kneesworth Street
Royston
SG8 5AN

Hannah Sweetman

From: Licensing
Sent: 30 May 2018 13:36
To: Hannah Sweetman
Subject: FW: Variation License Objection - Coach & Horses Royston

From: Secretary
Sent: 30 May 2018 13:20
To: Licensing
Subject: Variation License Objection - Coach & Horses Royston

Good Morning,

I would like to make a representation on behalf of Royston Conservative Club 18-20 Kneesworth Street, Royston, SG8 5AA objecting to the proposed License variation of the Coach and Horses also of Kneesworth Street.

Our club is one building away from the Coach and Horses. The variation is to increase the Licensing hours to midnight Sun - Thur and until 2.00am Fri and Sat.

We already experience piles of vomit outside the Coach and Horses (and also outside our premises), broken bottles and glasses in the street and general anti-social behaviour. Our customers already have to cross the road to avoid groups of people outside the Coach and Horses and there is now a trend for tables and chairs to end up outside on the pavement next to the disused public toilets when the weather is warm.

This last Friday (25th May) customers of the Coach and Horses were ejected and the front door of the Coach and Horses needed to be locked to prevent them re-entering. Our customers reported that those ejected tried to kick the door in.

The proposed extension to their licensing hours is only going to exacerbate the situation that I describe above and with the night Club SG8 now closing the problems that this caused the town will only be brought to the Coach and Horses in Kneesworth Street.

I look forward to hearing from you.

Dr Christian J Goodwin
Honorary Secretary
Royston Conservative Club
18-20 Kneesworth Street
Royston
SG8 5AA

8

2, Lower King St.
Royston
Herts
SG8 9AL

North Herts District Council,
Council offices,
Gernon Road,
Ketchworth Garden City,
Herts,
SG6 3JF.

20/5/18

N.H.D.C.

23 MAY 2018

Dear Sir / Madam.

Ref. Coach and Horses Pub,
Kneesworth St Royston Herts
Application for extension of
opening hours

I have read the notice put in the Royston Crow on 3rd May 2018 regarding the application by Punch Partnerships Ltd. to increase the opening hours of the "Coach & Horses".

I would like to put on record my strong objection to this application.

I live at 2 Lower King Street, Royston. and my lounge and bedroom are directly above their premises.

There is already a lot of noise from the pub and to extend the hours is really not acceptable to myself and many other flat and home owners who live in Lower King Street & Kneesworth Street.

There is already a disco on Fri & Sat night until midnight.


It is also worth mentioning that The Coach & Horses is NOT a member of the Pub Watch Scheme & I believe is the only Pub in Royston who is not a member. This means anyone barred from the other Pubs will still be served at the Coach and Horses!

~~Wetherspoons (The Manor House, Royston) is only minutes away and their opening hours are -
8 a.m. - Midnight Sun - Thurs
8 a.m. - 1.00 a.m. Friday and Saturday~~

So the area is well catered for,

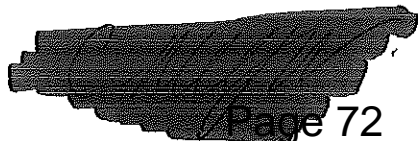
NOT RELEVANT

The Coach & Horses application is for 8 a.m opening. For tea, coffee etc and licenced opening from 11 a.m - midnight Sun - Thurs, and 11 a.m - * 2 a.m.! Friday & Saturday. * Add on top drinking up time etc! So there will be noise well after that time.

I would welcome a call from someone in your Dept to discuss this or in fact a visit even. My mobile No. is 

I look forward to hearing from you.

Yours sincerely,



9.

N.H.D.C.

29 MAY 2018

TO WHOM IT MAY CONCERN.

I AM A 74 YR OLD LADY AND I LIVE AT
3 CROIX COURT, SG8 5AX ROYSTON, HERTS.

I LIVE ACROSS FROM THE COACH AND HORSES
PUBLIC HOUSE, I BELIEVE THEY HAVE MADE
AN APPLICATION TO EXTEND THEIR OPENING
HOURS UNTIL 2.AM ON FRI/SAT NIGHTS
AND TO MIDNIGHT DURING THE WEEK.

I THINK THIS IS REALLY UNACCEPTABLE, WE ALREADY
EXPERIENCE A LOT OF NOISE AND FIGHTING
FROM THIS PUB AS WELL AS DRUG USE
WHICH I HAVE WITNESSED. TO ALLOW THEM TO
EXTEND THEIR OPENING HOURS WOULD INCREASE
THIS ANTI-SOCIAL BEHAVIOUR AND WE REALLY
DONT DESERVE THIS. I REGULARLY GET AWOKEN
AT WEEKENDS AND I DREAD TO THINK WHAT
IT WILL BE LIKE IF THE EXTENSION IS GRANTED.

I HOPE YOU WILL TAKE OUR SITUATION INTO
ACCOUNT WHEN YOU LOOK AT THIS APPLICATION.

YOURS SINCERELY

CAROL THOROGODJ.

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