

# Public Document Pack

5 November 2018

Our Ref    Licensing Sub-Committee  
Your Ref.  
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To: Members of the Committee: Councillor Elizabeth Dennis-Harburg, Councillor Jean Green and Councillor Michael Muir

You are invited to attend a

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

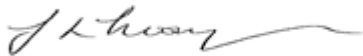
to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY**

On

**WEDNESDAY, 21ST NOVEMBER, 2018 AT 10.30 AM**

Yours sincerely,



Jeanette Thompson  
Service Director – Legal and Community

## **Agenda**

### **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>HEARING PROCEDURE</b>	(Pages 1 - 2)
<b>2.</b>	<b>APPLICATION BY HAMID SABAHPOUR FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF OFFLEY PLACE, KINGS WALDEN ROAD, OFFLEY, HITCHIN, HERTFORDSHIRE, SG5 3DX</b>	(Pages 3 - 52)

**NORTH HERTFORDSHIRE DISTRICT COUNCIL  
LICENSING ACT 2003  
HEARING PROCEDURE**

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

<u>The Licensing Officer's report</u> 4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all other persons and responsible authorities have been made aware of the changes 5. The Chair will ask if there are any questions of fact of the Licensing Officer from the applicant, responsible authorities or other persons 6. The Sub-Committee may ask questions of the Licensing Officer	
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<u>The Applicant's case</u> 7. The Chair will ask the applicant to present their submissions to the Sub-Committee 8. The Chair will ask if there are any questions of fact of the applicant from the responsible authorities or other persons. 9. The Sub-Committee may ask questions of the applicant	
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<u>The responsible authorities submit their case</u> 10. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee 11. The Chair will ask if there are any questions of fact of the responsible authority from other persons or the applicant 12. The Sub-Committee may ask questions of the responsible authority <b>The above process will be repeated if there is more than one responsible authority</b>	
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<p><u>The other persons submit their case</u></p> <p>13. The Chair will ask the other persons, in turn, to present their submissions to the Sub-Committee</p> <p>14. The Chair will ask if there are any questions of fact of the other persons from the responsible authorities or the applicant.</p> <p>15. The Sub-Committee may ask questions of the other persons</p>	
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<p><u>Closing statements</u></p> <p>16. The Licensing Officer may make final submissions to the Sub-Committee</p> <p>17. The other persons, in turn, may make final submissions to the Sub-Committee</p> <p>18. The responsible authorities, in turn, may make final submissions to the Sub-Committee</p> <p>19. The Applicant may make final submissions to the Sub-Committee</p>	
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<p><u>Conclusion</u></p> <p>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.</p> <p>21. The Sub-Committee will close the hearing and retire to make a decision.</p> <p>22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.</p>	
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LICENSING AND APPEALS SUB-COMMITTEE 21 NOVEMBER 2018
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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## LICENSING ACT 2003

APPLICATION BY HAMID SABAHIPUR, FOR THE VARIATION OF A  
PREMISES LICENCE IN RESPECT OF OFFLEY PLACE, KINGS WALDEN ROAD,  
OFFLEY, HITCHIN, HERTFORDSHIRE, SG5 3DX.

### REPORT OF THE LICENSING OFFICER

#### 1. BACKGROUND

- 1.1 The existing premises licence was granted by North Hertfordshire District Council on 26 July 2005.
- 1.2 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.
- 2.2 The licensable activities applied for are attached as **Appendix B**.

#### 3. APPLICATION PROCESS

- 3.1 On 02 October 2018, Hamid Sabahipour made an application for the grant of a premises licence.
- 3.2 The application was received electronically so copies were served by the council 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) days in accordance with the requirements of the Licensing Act 2003.
- 3.4 A newspaper advertisement was placed in The Comet in accordance with the requirements in the Act.

#### 4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 NHDC Environmental Protection had initial concerns with the application and entered into negotiations with the applicant during the consultation period. The applicant subsequently amended the application to include additional operating schedule conditions which resolved the officer's concerns. The amendments made following negotiations with the environmental protection officer attached as **Appendix C**.

- 4.3 It is the original application contained within Appendix B including the amendments listed in Appendix C that the sub-committee are being asked to determine.
- 4.4 No representations were received from any other responsible authority.
- 4.5 One (1) representation was received from 'other persons' against the application and is attached as **Appendix D**.
- 4.6 The Councils Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.7 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.**
- 4.8 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.9 The applicants have been served with a copy of the representation as part of this report.
- 4.10 The applicants and the other persons making relevant representations have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the sub-committee hearing procedure.

## **5. OBSERVATIONS**

- 5.1 In determining this application, the sub-committee must have regard to the representations and take such steps, as it considers appropriate for the promotion of the Licensing Objectives.
- 5.2 In making its decision, the Licensing and Appeals Sub-Committee must act with a view to promoting the licensing objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the application as made
  - ii) Grant the application with 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.*

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.*

D2.9

*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.*

#### *D6.8*

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

#### *E3.1.1*

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

#### *E3.1.3*

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

#### *E3.3.1*

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

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

#### *E3.9.1*

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

#### *E3.9.3*

*Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the*



*restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.*

**F8.1**

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

**F8.2**

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

## **7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE**

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

**1.3**

*The licensing objectives are:*

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

**1.4**

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

**1.16**

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

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



#### 1.17

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

#### 2.1

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

#### 2.15

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

#### 2.16

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

#### 2.17

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

#### 2.18

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



#### 2.19

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

#### 2.21

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

#### 9.42

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

#### 9.43

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

#### 9.44

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

#### 10.8

*The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.*



10.9

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

10.10

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

## **8. LICENSING OFFICER COMMENTS**

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

### **Definition of 'appropriate'**

- 8.2 The previous Statutory Guidance first issued in July 2004 and subsequently updated up until April 2012, specifically required Licensing Sub-Committees to ensure that their decisions were based on measures that were 'necessary' for the promotion of the licensing objectives. This placed a burden on the licensing authority to demonstrate that no lesser steps would satisfy the promotion of the licensing objectives and any conditions imposed on a licence would only be those necessary for the promotion of the licensing objectives with no opportunity to go any further.
- 8.3 The revised Statutory Guidance issued on 25<sup>th</sup> April 2012 and subsequently amended in October 2012, June 2013, October 2014, March 2015, April 2017 and April 2018 has amended the 'necessary' test to one of 'appropriate'. This has changed the threshold which licensing authorities must consider when determining applications by requiring that they make decisions which are 'appropriate' for the promotion of the licensing objectives.
- 8.4 The Guidance explains 'appropriate' as:

9.43

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

9.44

*Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable*



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

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

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

*1.9*

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

*1.10*

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

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

**Case law**

- 8.8 As paragraph 2.16 of the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.9 The Guidance states at paragraph 2.21 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the



Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.

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

#### **New evidence**

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

#### **9. Appendices**

- 9.1 Appendix A Existing Premises Licence
- 9.2 Appendix B Premises licence Variation Application Form
- 9.3 Appendix C Conditions agreed with Environmental Protection
- 9.4 Appendix D Relevant representation from other persons against the application

**10. CONTACT OFFICERS**

10.1 Hannah Sweetman  
Licensing Officer  
01462 474231.

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# 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: 26 July 2005  
 Current issue date: 26 July 2005

.....  
 Authorised signatory

Premises licence number: 4627

**Part 1 – premises details**

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

Offley Place  
 Kings Walden Road, Offley, Hitchin, Hertfordshire, SG5 3DX

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 G: Performance of Dance:(Indoors)  
 Section H: Anything of a similar description to that falling within (E), (F) or (G):(Indoors)  
 Section J: Sale or Supply of Alcohol:(On the premises)

The times the licence authorises the carrying out of licensable activities

**Section E: Live Music:(Indoors)**

Day	Start Time	End Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	16:30	22:00

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

New Year's Eve

On this day, the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard terminal hour on New Year's Day



**Section F: Recorded Music:(Indoors)**

Day	Start Time	End Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	16:30	22:00

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

New Year's Eve

On this day, the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard terminal hour on New Year's Day

**Section G: Performance of Dance:(Indoors)**

Day	Start Time	End Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	16:30	22:00

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

New Year's Eve

On this day, the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard terminal hour on New Year's Day

**Section H: Anything of a similar description to that falling within (E), (F) or (G):(Indoors)**

Day	Start Time	End Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	16:30	22:00

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

New Year's Eve

On this day, the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard terminal hour on New Year's Day

**Section J: Sale or Supply of Alcohol:(For consumption on the premises)**

Day	Start Time	End Time
Monday	10:00	Midnight
Tuesday	10:00	Midnight
Wednesday	10:00	Midnight
Thursday	10:00	Midnight
Friday	10:00	Midnight
Saturday	10:00	Midnight
Sunday	12:00	22:30

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

New Year's Eve

On this day, the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard terminal hour on New Year's Day

### The opening hours of the premises

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	n/a	n/a
Saturday	n/a	n/a
Sunday	n/a	n/a

**This licence places no restriction on the hours the premises may be open to the public for non-licensable activities**

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

**For consumption on the premises**

## Part 2

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

**Mr H Sabahipour  
Kings Walden Road Offley, Hitchin, SG5 3DS**

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

**Not applicable**

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

**Mr H R Sabahipour**

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: 722  
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**

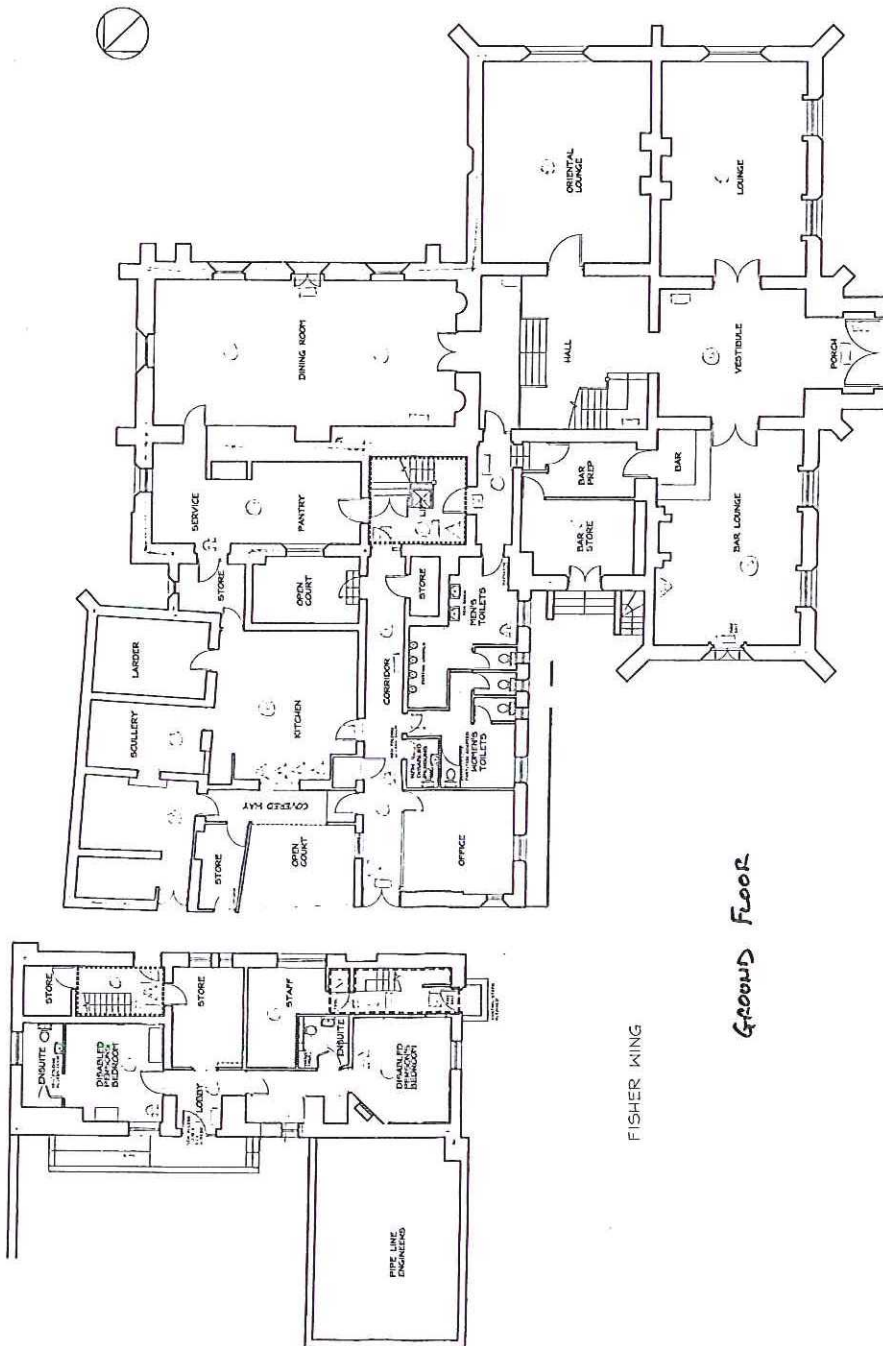
None

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

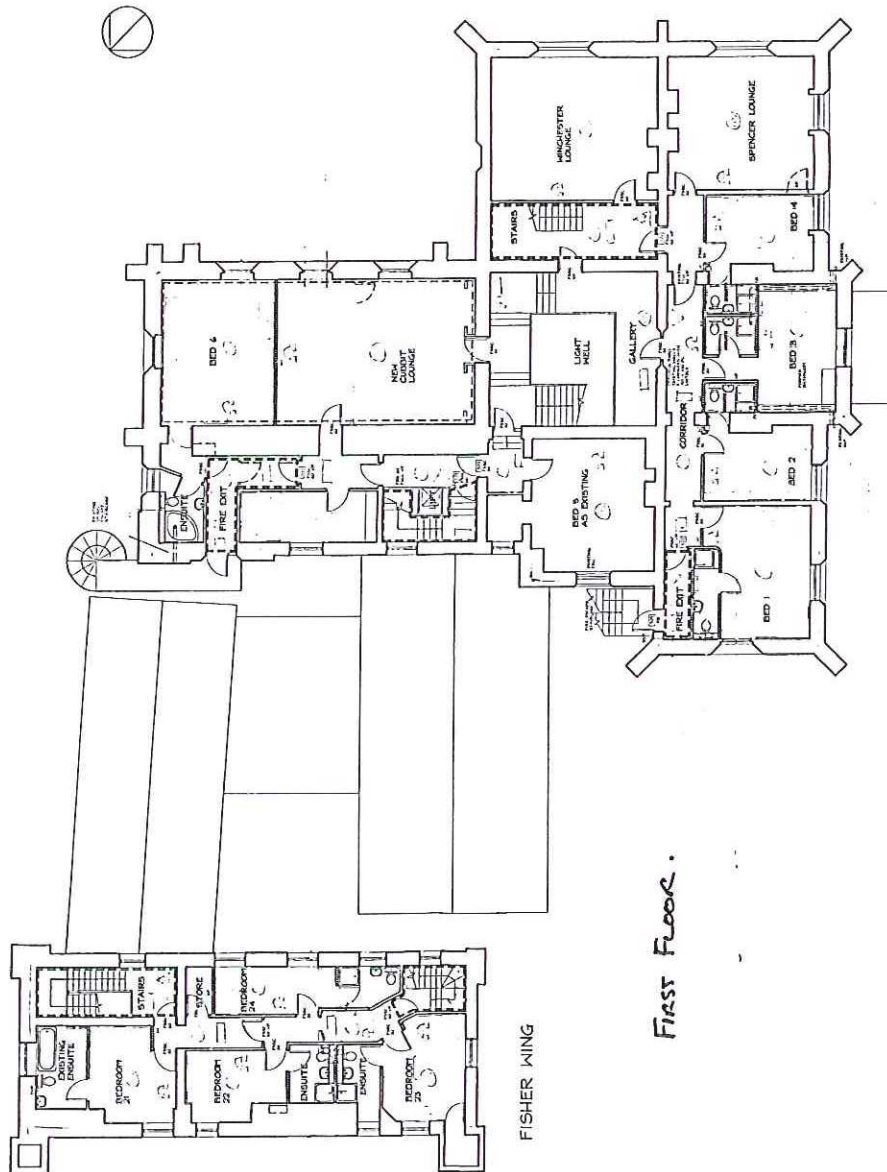
None

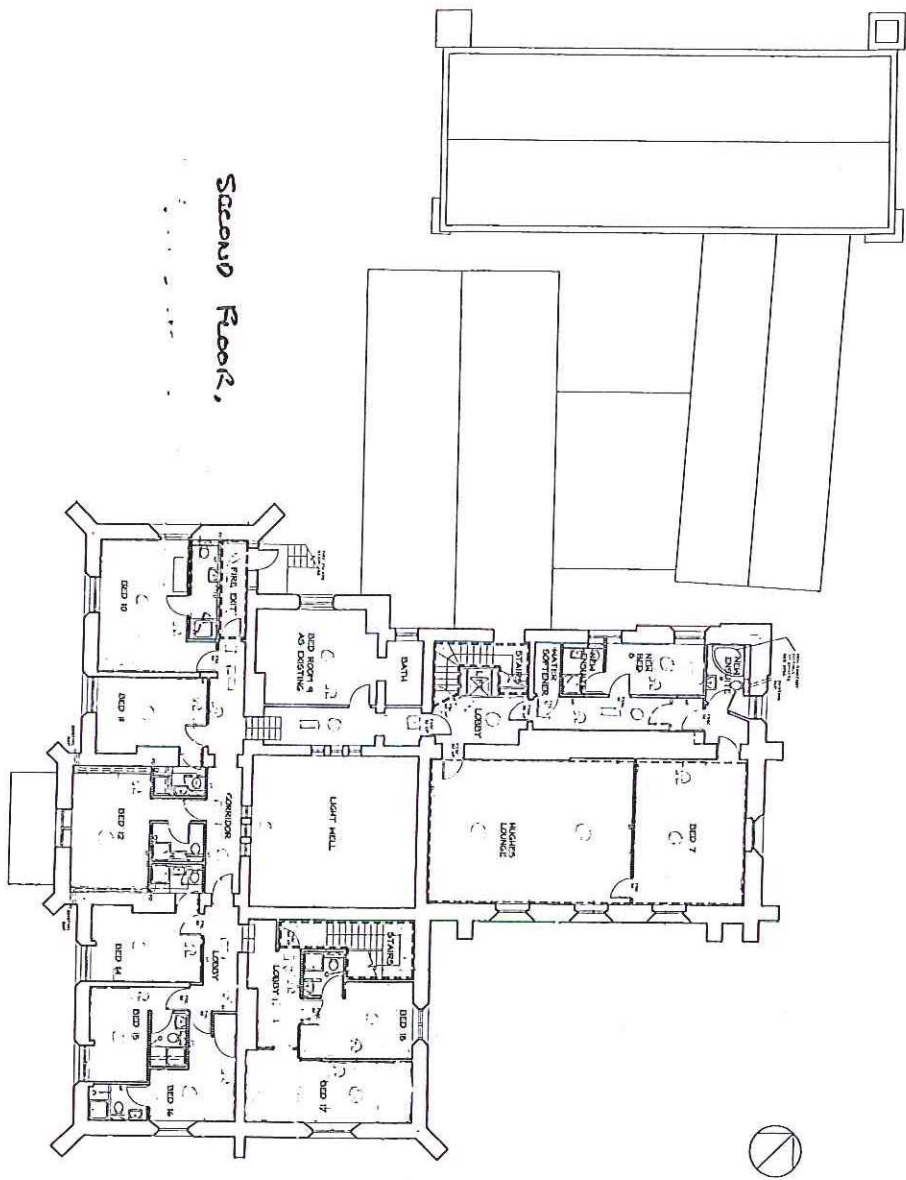
## **Annex 4 – Plans**

See attached



FISHER WING  
Ground Floor





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# 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 Hamid Sabahipour

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

**Premises licence number**

LICPR/14024/05

**Part 1 – Premises Details**

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

Offley Place  
Kings Walden Road  
Great Offley  
Hitchin  
Hertfordshire

Post town     HITCHIN

Postcode     SG5 3DX

Telephone number at premises (if any)

Non-domestic rateable value of premises     £109,000

**Part 2 – Applicant details**

Daytime contact  
telephone number

E-mail address (optional)

Current postal address if  
different from premises  
address

AS ABOVE

Post town

Postcode



### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 see guidance note 2)

Variation to extend hours of sale and supply of alcohol

Offer a resident's bar until 3am for hotel guests

Designated area for Marquee events

Permit outside area for consumption of alcohol on the premises and music to be played outside

Add the new venue Ballroom onto our premises Licence and all areas as per floor plan

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

#### 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 see guidance note 3) Please tick all that apply**

- 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 Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

# B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Permission to screen films inside or on the grounds outside		
Mon	10.00	23.00			
Tue	10.00	23.00	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed	10.00	23.00			
Thur	10.00	23.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	23.00			

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			
Fri			<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)
Sat			
Sun			

D

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



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Music outside for wedding receptions, during drinks receptions, live music such as string quartet, pianist/vocalists, Outdoor ceremonies		
Mon	10.00	01.00			
Tue	10.00	01.00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	10.00	01.00			
Thur	10.00	01.00	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 (please read guidance note 7)		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	01.00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Outdoor ceremonies Music outside for wedding receptions, during drinks receptions, live music such as string quartet, pianist/vocalists		
Mon	10.00	01.00			
Tue	10.00	01.00	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	10.00	01.00			
Thur	10.00	01.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	01.00			



G

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

H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	23.00	03.00			
Tue	23.00	03.00			
Wed	23.00	03.00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	23.00	03.00			
Fri	23.00	03.00			
Sat	23.00	03.00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun	23.00	03.00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	10.00	01.00			
Tue	10.00	01.00			
Wed	10.00	01.00			
Thur	10.00	01.00			
Fri	10.00	01.00			
			<b>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</b> (please read guidance note 7) These hours apply everyday of the week with the exception of people residing in the hotel and their bonafide guests. The hours for the Residents and their bonafide guests is 10:00hrs – 03:00hrs.		
Sat	10.00	01.00			
Sun	10.00	01.00			

K

<p>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).</p>
---



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b><u>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</u></b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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.
--

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

**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 and e) (please read guidance note 11)**

**b) The prevention of crime and disorder**

Staff Training  
CCTV

**c) Public safety**

Health & Safety Policy  
Fire Risk Assessment  
Staff Training

**d) The prevention of public nuisance**

Monitor sound level at events  
Security for relevant events  
Remind all guests to leave quietly and that we are in a residential area and to respect our neighbours

**e) The protection of children from harm**

Age verification Policy-Think 21

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 (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	H.Sabahipour
Date	28.09.18
Capacity	Owner

**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 address for correspondence associated with this application (please read guidance note 15)**

Post town		Post code	
Telephone number (if any)			



If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

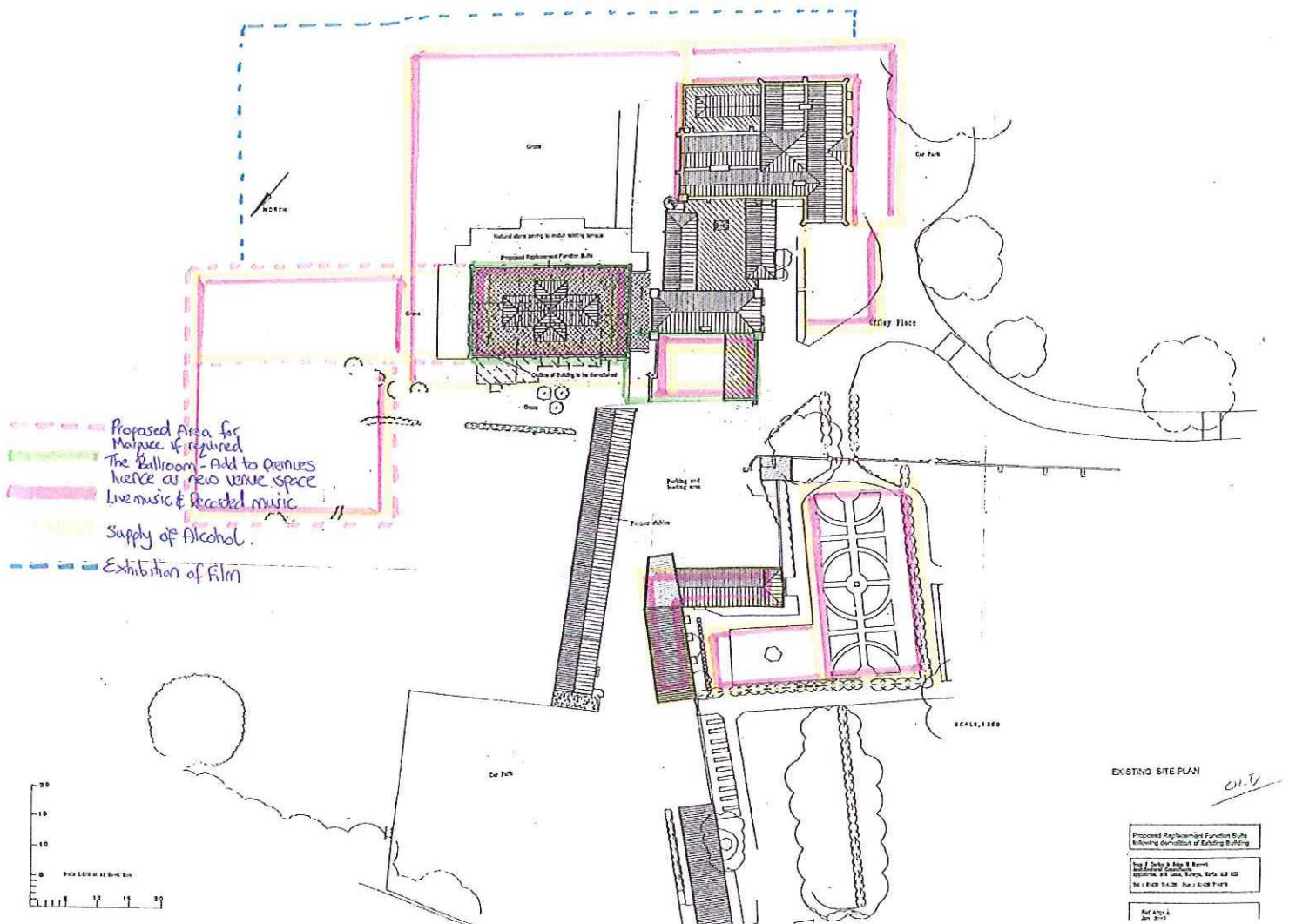
**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

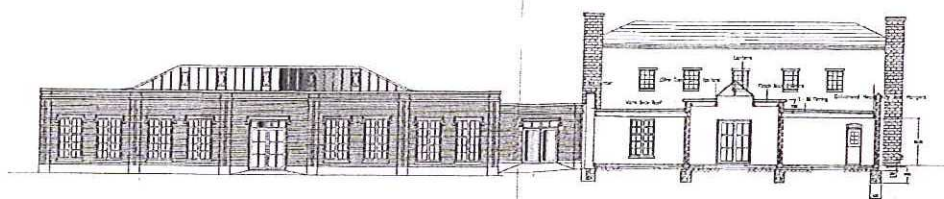


- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 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
    - 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.



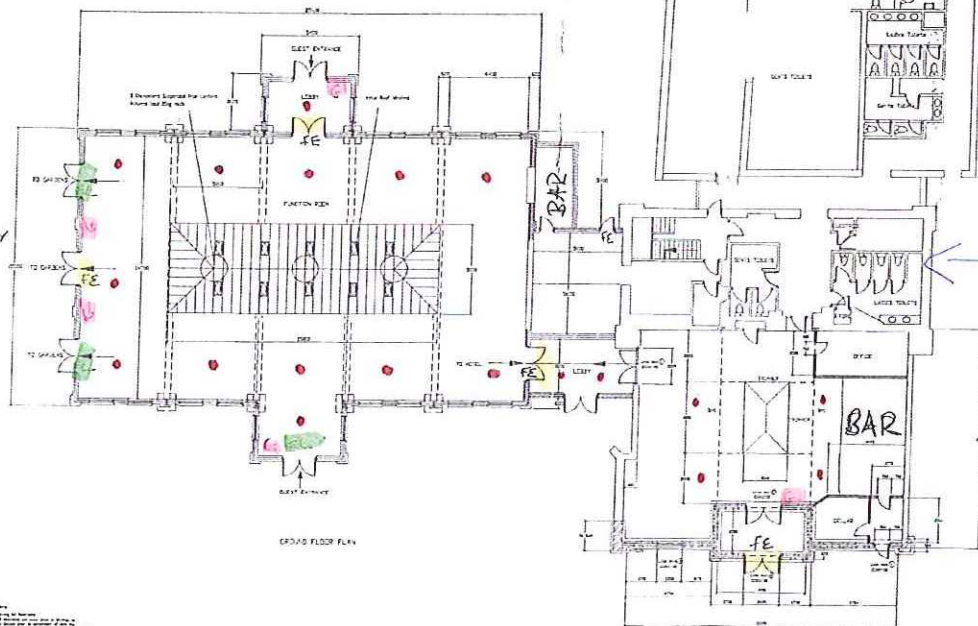




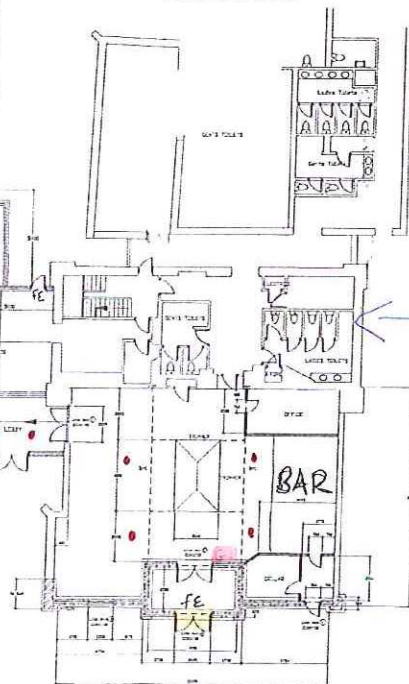
PROPOSED REAR ELEVATION

SECTIONAL FRONT ELEVATION

NOTES  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
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9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.



GROUND FLOOR PLAN



GROUND FLOOR PLAN

Office space  
Single person room  
Crest Office

Proposed Single Storey Side Extension  
Following Definition of Existing Building

Area	Area	Area	Area
1.1	1.2	1.3	1.4
2.1	2.2	2.3	2.4
3.1	3.2	3.3	3.4
4.1	4.2	4.3	4.4
5.1	5.2	5.3	5.4
6.1	6.2	6.3	6.4
7.1	7.2	7.3	7.4
8.1	8.2	8.3	8.4
9.1	9.2	9.3	9.4
10.1	10.2	10.3	10.4

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# APPENDIX

## C



**Environmental Protection licence conditions for Offley Place, Kings Walden Road,  
Great Offley, Hitchin- 30.10.18**

1. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, the 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 serving the small and large function rooms and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum.
3. All windows and external doors to the small function room (including the access lobby to the large function room) shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except for ingress, egress or in the case of an emergency.
4. All north-west facing side and roof windows and external doors to the large function room shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except in the case of an emergency. All other windows (with the exception of the south-east facing roof windows) and external doors to this function room (including the access lobby to the small function room) shall be closed after 2300 when live and recorded music constituting regulated entertainment is taking place there except for ingress, egress or in the case of an emergency.
5. For events taking place in the small function room, the designated smoking area for patrons shall be located in the paved area immediately outside the door serving the access lobby to the large function room.
6. Live and recorded music constituting regulated entertainment shall not take place in the small function room after 0000 Sundays to Thursdays.
7. Live and recorded music constituting regulated entertainment shall not take place in the large function room after 0000 Sundays to Thursdays on more than two (2) days per calendar week.
8. Live and recorded music constituting regulated entertainment shall only take place outside after 2300 and until no later than 0000 on no more than four (4) days per calendar year and only on a maximum of one (1) day per calendar week on either a Friday or a Saturday.
9. Live and recorded music constituting regulated entertainment shall only take place outside after 2300 and until no later than 0000 within an enclosed marquee and only when the type, location and orientation of the enclosed marquee and sound systems to be used for an event are agreed in writing by the Council's Noise Control Officer at least four (4) weeks prior to the event taking place.

# APPENDIX

## D

## Hannah Sweetman

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**From:** Licensing  
**Sent:** 30 October 2018 15:27  
**To:** Hannah Sweetman  
**Subject:** FW: Comments on Offley Place proposed variation

**From:** Sarah Lord  
**Sent:** 28 October 2018 22:15  
**To:** Licensing  
**Subject:** Comments on Offley Place proposed variation

Rookery Barn  
Harris Lane  
Offley  
Hitchin  
SG5 3DY  
28.10.2018

To whom it may concern,

Re: Premises License Variation 8009, Offley Place

We object to the proposed extension of hours in which music can be played, and to the proposed change to allow music to be played outside. Offley Place currently plays loud music with doors and windows open until midnight, accompanied by guests shouting along to the music, meaning that we have to keep our windows shut during hot summer nights. When this occurs, usually at weekends, we can't enjoy being in our own garden as the volume is as loud as if we had our own music on. Outside music would only make this worse.

We feel that if these proposed changes are allowed, it will negatively impact us, and presumably most of our neighbours in this rural village.

Yours sincerely,

Sarah Lord and Tom Gill

(Also sent by post)