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25 April 2019

Our Ref Licensing and Appeals Sub-Committee  
Your Ref.  
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To: Members of the Committee: Councillor Daniel Allen, Councillor Ben Lewis and Councillor Mike Rice

You are invited to attend a

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

to be held in the

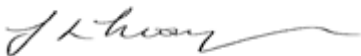
**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY SG6 3JF**

On

**THURSDAY, 9TH MAY, 2019 AT 2.00 PM**

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL  
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION  
ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

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> Procedure to be followed at the Hearing.	(Pages 3 - 4)
<b>2.</b>	<b>APPLICATION BY GREENE KING RETAILING LTD FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE VICTORIA, ICKLEFORD ROAD, HITCHIN, HERTFORDSHIRE, SG5 1TJ.</b>	(Pages 5 - 56)

# Agenda Item 1

## NORTH HERTFORDSHIRE DISTRICT COUNCIL LICENSING ACT 2003 HEARING PROCEDURE

1. Chair's Welcome Introduction of: <ul style="list-style-type: none"><li>• Councillors sitting on Sub-Committee;</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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The other persons submit their case

13. The Chair will ask the other persons, in turn, to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the other persons from the responsible authorities or the applicant.
15. The Sub-Committee may ask questions of the other persons

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The other persons, 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.

<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>09 MAY 2019</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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## LICENSING ACT 2003

### APPLICATION BY GREENE KING RETAILING LTD FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE VICTORIA, ICKLEFORD ROAD, HITCHIN, HERTFORDSHIRE, SG5 1TJ.

<b>REPORT OF THE LICENSING OFFICER</b>
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#### 1. BACKGROUND

- 1.1 The existing premises licence was granted by North Hertfordshire District Council on 09 August 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 14 March 2019, Greene King Retailing Limited made an application for the variation of a premises licence.
- 3.2 The application was received electronically so North Hertfordshire District Council served copies of this application 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 No representation was received from Hertfordshire Constabulary.
- 4.2 No representations were received from any other responsible authority.
- 4.3 One (1) representation, which has been deemed relevant by the licensing officer, was received from an 'other person' against the application and is attached as **Appendix C**.

- 4.4 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.
- 4.5 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 representations.
- 4.6 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.*

#### *D2.9*

*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.*

**E3.9.1**

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

**E3.9.2**

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

**E3.9.3**

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

**F8.1**

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

**F8.2**

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

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

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

**1.3**

*The licensing objectives are:*

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

#### 1.4

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

#### 1.16

*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).*

#### 2.14

*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.*

#### 2.15

*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.*

#### *2.16*

*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 15). 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.*

#### *2.17*

*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.*

#### *2.18*

*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.*

#### *9.42*

*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 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 9.42 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" (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 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 Relevant representation from other persons against the application

## **10. CONTACT OFFICERS**

- 10.1 Hannah Sweetman Senior Licensing Officer 01462 474231

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# **APPENDIX**

# **A**

Licensing Act 2003  
Effective from 24 November 2005

**Premises Licence No: LICPR/14763/05**

The Victoria  
1 Ickleford Road, Hitchin, SG5 1TJ

Authorised Licensable Activities

- Section A - Performance of a Play (Indoors)
- Section A - Performance of a Play (Outdoors)
- Section B - Exhibition of a Film (Indoors)
- Section C - Indoor Sporting Event
- Section E - Performance of Live Music (Indoors)
- Section E - Performance of Live Music (Outdoors)
- Section F - Playing of Recorded Music (Indoors)
- Section F - Playing of Recorded Music (Outdoors)
- Section G - Performance of Dance (Indoors)
- Section G - Performance of Dance (Outdoors)
- Section I - Entertainment Facilities for Making Music (Indoors)
- Section I - Entertainment Facilities for Making Music (Outdoors)
- Section J - Entertainment Facilities for Dancing (Indoors)
- Section J - Entertainment Facilities for Dancing (Outdoors)
- Section L - Provision of Late Night Refreshment (Indoors)
- Section M - Sale or Supply of Alcohol (On and Off the Premises)

Premises Licence Holder

Greene King Retailing Limited  
Abbot House, Westgate Brewery, Bury St Edmunds, IP33 1QT  
Registered Number: 5265451  
01284 763222

Designated Premises Supervisor

Ms Victoria J Kevans

Personal Licence No: LICPL/01834/06  
Issued by: North Hertfordshire District Council

Signed on behalf of the Licensing Authority

Date Granted: 09 August 2005  
Date Revised: 25 March 2011

.....  
Authorised Officer

**Licensable Activities**

Section A - Performance of a Play (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

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

Christmas Eve, Christmas Day, Boxing Day;

New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.

New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.

Regulated entertainment shall only be permitted in the barn area of the premises between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and 23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Section A - Performance of a Play (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday weekends.

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see operating schedule condition 7)

Section B - Exhibition of a Film (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 01:00hrs
Saturday	11:00hrs - 01:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;  
All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.  
Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Section C - Indoor Sporting Event

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 01:00hrs
Saturday	11:00hrs - 01:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Year's Eve, New Year's Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;  
All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 01:00hrs the following morning.  
Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Live and recorded music shall only be permitted in the barn area of the premises on a  
maximum of twelve (12) days per calendar year and on no more than two (2) days per  
calendar month. (see operating schedule condition 9).

Section E - Performance of Live Music (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;  
All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.

Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Live and recorded music shall only be permitted in the barn area of the premises on a  
maximum of twelve (12) days per calendar year and on no more than two (2) days per  
calendar month. (see operating schedule condition 9).

Section E - Performance of Live Music (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday  
weekends

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per  
Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see  
operating schedule condition 7)

Section F - Playing of Recorded Music (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

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

Christmas Eve, Christmas Day, Boxing Day;

New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.

New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.

Regulated entertainment shall only be permitted in the barn area of the premises

between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and

23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Live and recorded music shall only be permitted in the barn area of the premises on a maximum of twelve (12) days per calendar year and on no more than two (2) days per

calendar month. (see operating schedule condition 9).

Section F - Playing of Recorded Music (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday weekends

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per

Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see operating schedule condition 7)

Section G - Performance of Dance (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.

Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Section G - Performance of Dance (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday  
weekends

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per  
Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see  
operating schedule condition 7)

Section I - Entertainment Facilities for Making Music (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.

Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Live and recorded music shall only be permitted in the barn area of the premises on a  
maximum of twelve (12) days per calendar year and on no more than two (2) days per  
calendar month. (see operating schedule condition 9).

Section I - Entertainment Facilities for Making Music (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday  
weekends

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per  
Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see  
operating schedule condition 7)



Section J - Entertainment Facilities for Dancing (Indoors)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 24:00hrs
Saturday	11:00hrs - 24:00hrs
Sunday	11:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 11:00hrs to 00:30hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 11:00hrs to 01:30hrs the following morning.  
Regulated entertainment shall only be permitted in the barn area of the premises  
between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and  
23:00hrs on Fridays and Saturdays. (see operating schedule condition 8)

Section J - Entertainment Facilities for Dancing (Outdoors)

Plus

These hours only apply on the following days:

Friday, Saturday, Sunday and Monday of the Easter, May and August bank holiday  
weekends

On these days, the permitted hours will be 12:00hrs to 20:00hrs.

Regulated entertainment outdoors shall only occur on a maximum of two (2) days per  
Bank Holiday weekend and for a maximum of six (6) days per calendar year. (see  
operating schedule condition 7)

Section L - Provision of Late Night Refreshment (Indoors)

Friday	23:00hrs - 01:00hrs
Saturday	23:00hrs - 01:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 23:00hrs to 01:00hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be 23:00hrs to 05:00hrs the following morning.

Section M - Sale or Supply of Alcohol (On and Off the Premises)

Monday	11:00hrs - 23:00hrs
Tuesday	11:00hrs - 23:00hrs
Wednesday	11:00hrs - 23:00hrs
Thursday	11:00hrs - 23:00hrs
Friday	11:00hrs - 01:00hrs
Saturday	11:00hrs - 01:00hrs
Sunday	10:00hrs - 23:00hrs

Plus

These hours apply each week of the year with the exception of:  
Christmas Eve, Christmas Day, Boxing Day;  
New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 10:00hrs to 01:00hrs the following morning.  
New Years Eve.

On this day, the permitted hours will be extended from the standard terminal hour until  
the standard opening hour on New Year's Day.

In the event of the transmission of any live national or international sporting events or  
non-sporting events, outside of the normal permitted hours, the permitted supply of  
alcohol will be permitted from thirty (30) minutes before the start of the event (the due  
kick off/start time) until thirty (30) minutes after the end of the event (the final whistle,  
presentation of cup, etc.).

### Hours Premises Open to the Public

Monday	08:00hrs - 23:30hrs
Tuesday	08:00hrs - 23:30hrs
Wednesday	08:00hrs - 23:30hrs
Thursday	08:00hrs - 23:00hrs
Friday	08:00hrs - 01:30hrs
Saturday	08:00hrs - 01:30hrs
Sunday	10:00hrs - 23:30hrs

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

Christmas Eve, Christmas Day, Boxing Day;

New Years Day;

Good Friday, Easter Saturday, Easter Sunday and Easter Monday;

All other bank holidays and the day preceding a bank holiday.

On these days, the permitted hours will be 08:00hrs to 01:30hrs the following morning.

New Years Eve.

On this day, the permitted hours will be extended from the standard terminal hour until the standard opening hour on New Year's Day.

In the event of the transmission of any live national or international sporting events or non-sporting events, outside of the normal permitted hours, the permitted opening hours will be permitted from thirty (30) minutes before the start of the event (the due kick off/start time) until thirty (30) minutes after the end of the event (the final whistle, presentation of cup, etc.).

## Licence Conditions

### Mandatory Conditions

- 1) 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.
  
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  
- 3) Unless the licensing authority has been notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies, the admission of children to the exhibition of any film must be restricted in accordance with the recommendation made by the British Board of Film Classification.
  - 20 (3) (b) Where the relevant licensing authority has notified the holder of the licence that this subsection applied to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

### Embedded Restrictions

All embedded restrictions resulting from the implementation of the Licensing Act 2003 have been removed from this premises licence.

### General Conditions

All of the standard conditions attached to the existing licence(s) will be attached to the premises licence/club premises certificate. The conditions will not be attached, however, where:

- (a) The licensing authority has specified that they will be excluded,
- (b) They are inconsistent with any condition offered by the applicant in the operating schedule,
- (c) They are duplicative of existing statutory provisions,
- (d) They restrict the conditions attached by the licensing authority.

This licence is issued without prejudice to any other statutory requirements of North Hertfordshire District Council.

### **Operating Schedule Conditions**

**a) General - all four licensing objectives (b,c,d,e)**

- None

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

- (i) Management and staff will be adequately trained in all aspects relating to the promotion of this licensing objective. Training records will be kept and made available to the Licensing Authority or a Responsible Authority upon request.
- (ii) The Designated Premises Supervisor (DPS), or a nominated deputy, will attend and be an active member of the local Pub Watch scheme, where one exists.

**c) Public safety**

- None

**d) The prevention of public nuisance**

- (i) The Designated Premises Supervisor, or a nominated deputy, will ensure that any litter left by patrons externally will be cleared on a daily basis.
- (ii) The Designated Premises Supervisor, or a nominated deputy, will ensure that a 'due diligence' log is completed every time regulated entertainment takes place at the premises. The log must include any external noise checks undertaken by management and/or staff.
- (iii) Noise shall not emanate from the premises such as to cause a nuisance to residents in nearby residential premises.
- (iv) The Designated Premises Supervisor, or a nominated deputy, will ensure that clearly readable notices shall be prominently displayed requesting that customers respect the needs of local residents and leave the premises and area quietly.

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

- (i) Persons under the age of eighteen (18) years will only be permitted on the premises if they are accompanied by a person who has attained the age of eighteen (18) years.

**Operating Schedule Conditions offered by the Premises Licence Holder following negotiations with Environmental Protection**

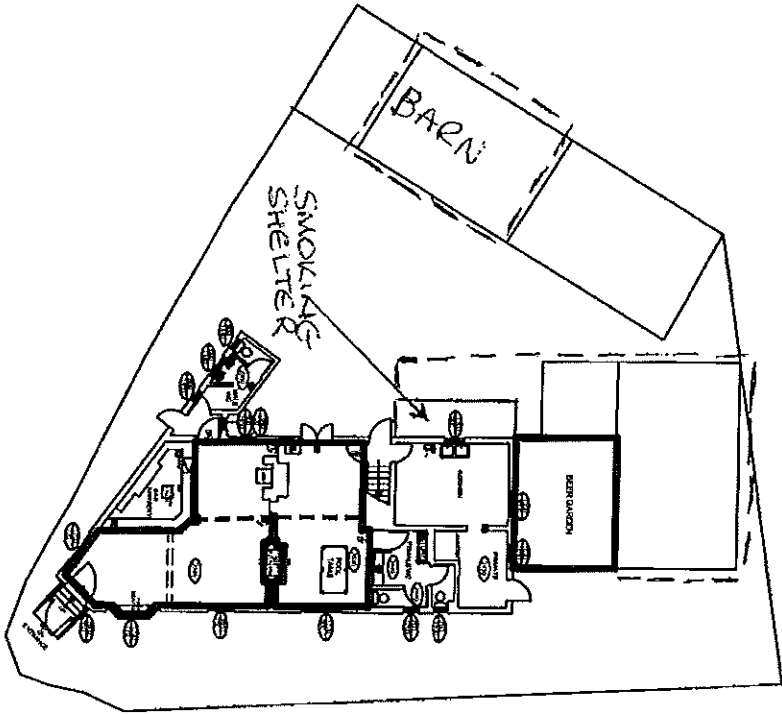
1. The designated premises supervisor (DPS) or some other responsible person shall manage, where necessary, the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and, therefore, noise disturbance to local residents is minimised.
2. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to respect the needs of local residents and to leave the premises quickly and quietly.
3. All windows and doors to the internal areas of the premises (including the barn) shall be closed after 23:00hrs and at all times whilst live and recorded music is taking place, except for ingress/egress and in the case of an emergency.
4. The premises will enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of this agreement.
5. Deliveries and waste collections relating to the premises shall only take place between 08:00hrs and 20:00hrs Monday to Sunday.
6. No glass bottles shall be emptied into the waste bins at the premises between 21:00hrs and 08:00hrs Monday to Sunday.
7. Regulated entertainment shall only be permitted in the external areas of the premises on Bank Holiday weekends during Easter, May and August (Friday to Monday inclusive) between 12:00hrs and 20:00hrs. Such regulated entertainment shall only occur on a maximum of two (2) days per Bank Holiday weekend and for a maximum of six days per calendar year.
8. Regulated entertainment shall only be permitted in the barn area of the premises between 11:00hrs and 22:00hrs Sunday to Thursday and between 11:00hrs and 23:00hrs on Fridays and Saturdays.
9. Live and recorded music shall only be permitted in the barn area of the premises on a maximum of twelve (12) days per calendar year and on no more than two (2) days per calendar month.
10. The designated premises supervisor shall keep a record of the events detailed in conditions 7 and 9 along with details of any complaints received by the designated premises supervisor from residents regarding these events. This record should be made available to the Environmental Protection Team and/or the Licensing Team at the Council upon request.
11. For outdoor events detailed in condition 7, the designated premises supervisor shall notify immediate neighbours of such events via letter at least two (2) weeks before the proposed event date. This letter shall contain a contact telephone number of the

designated premises supervisor or other responsible person so that they can be contacted during an event should any issues arise.

**Conditions attached at a Hearing**

None

**architect ltd.**  
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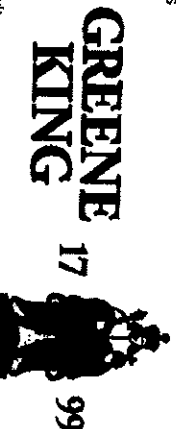


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GROUND FLOOR

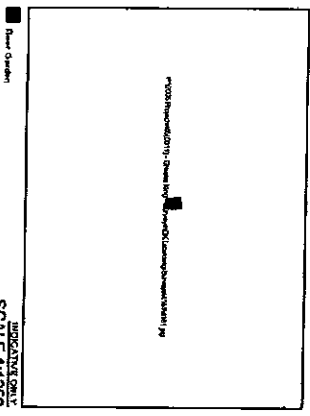
DATE	19.03.17
BY	AS
FOR	AS
PROJECT	AS
NO.	2/17

Project	VISIONA
Client	GREENE KING PUB PARTNERS
Location	Abbey House, Westgate Street, Bury St Edmunds, Suffolk, IP33 1QT
Scale	1:100
Date	19.03.17

Greene King Pub Partners  
 Abbey House  
 Westgate Street  
 Bury St Edmunds  
 Suffolk  
 IP33 1QT  
 Phone: 01284 765222  
 Fax: 01284 706502  
 URL: www.greenekingpubs.co.uk



- LEGEND**
- 1. LIVING ROOM
  - 2. KITCHEN
  - 3. BATHROOM
  - 4. BEDROOM
  - 5. HALLWAY
  - 6. TOILET
  - 7. WASH HAND BASIN
  - 8. SINK
  - 9. FRIEDGER
  - 10. EXHIBITION LIGHT
  - 11. DISTRIBUTION BOARD
  - 12. FIRE ALARMS
  - 13. BELL SWITCH
  - 14. SMOKE DETECTOR
  - 15. W/F DETECTOR
  - 16. FIRE ALARM
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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 Greene King retailing Limited

*(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

<b>Premises licence number</b> LICPR/14763/05
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description The Victoria 1 Ickleford Road			
Post town	Hitchin	Postcode	SG5 1TJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19,250.00

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

**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			

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)

This is an application change the layout and design of the premises in accordance with the submitted plan, drawing number 04A. The change include the addition of fixed seating and a screen.

To extend the sale of alcohol Thursday ~~14th~~ until 00:00hrs (currently permitted until 23:00hrs).

To allow 30 minutes drinking up time following the end of permitted hours.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

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:

#### 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.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

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

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

A

Plays Standard days and timings (please read guidance note 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)			<u>Will the exhibition of films 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			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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</u> (please read guidance note 7)		
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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
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 type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			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					
Sat					
Sun					

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 type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			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					
Sat					
Sun					

G

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

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>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sun					

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

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	00:00			
Fri	11:00				
Sat	11:00	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)		
Sun	10:00	23:00	To remain as per the existing premises licence.		

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).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		
Mon	08:00	23:30		
Tue	08:00	23:30		
Wed	08:00	23:30		
Thur	08:00			
Fri	08:00	00:30		
Sat	08:00	01:30		
Sun	10:00	23:30		
				<b>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</b> (please read guidance note 7)
				As per the existing premises licence.

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)**

As per the existing premises licence.

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

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:

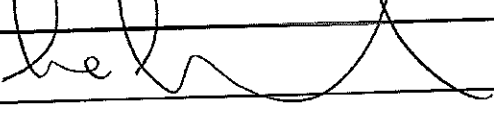
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or **paid online**
- 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. **Submitted online – to be distributed by local authority**
- 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	 For TLT LLY
Date	14 March 2019
Capacity	Solicitor to applicant

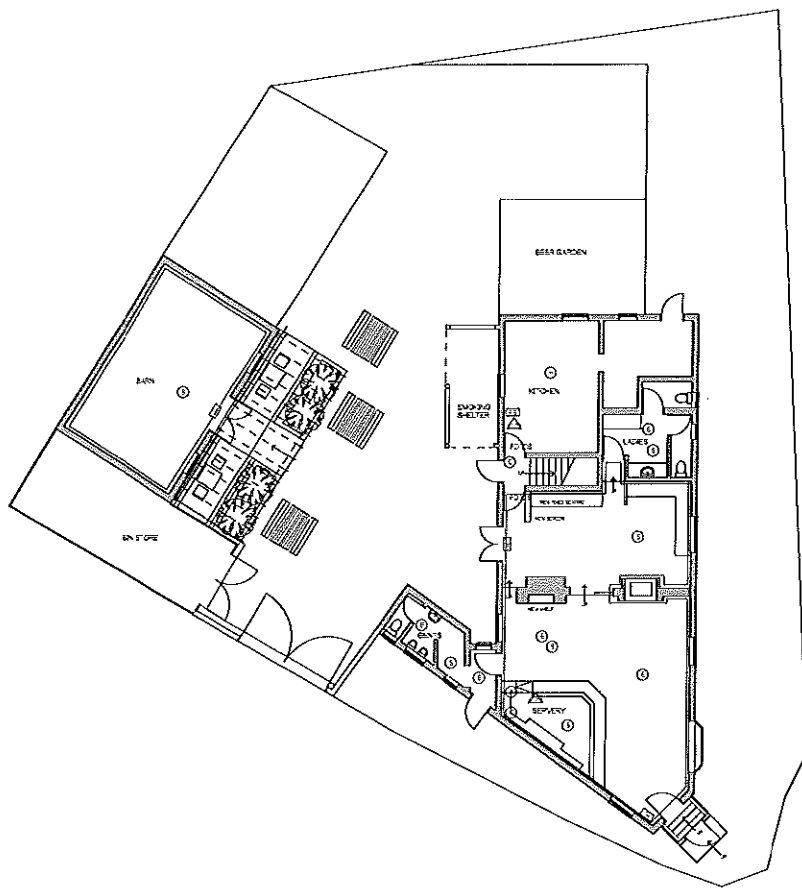
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</b>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

- 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.



- ILLUMINATED EMERGENCY EXIT SIGN
- EMERGENCY LIGHT
- FIRE ALARM SOUNDER
- FIRE ALARM CALL POINT
- SMOKE DETECTOR
- HEAT DETECTOR
- △ FIRE EXTINGUISHER - WATER
- △ FIRE EXTINGUISHER - FAST CHEMICAL
- △ FIRE EXTINGUISHER - CO2
- △ FIRE EXTINGUISHER - FOAM
- FIRE EXTINGUISHER - FAN BOLT & SELF CLOSER
- FIRE EXTINGUISHER - SELF CLOSER
- FIRE BLANKET

REV 4-30/18

**ARC**  
FIRE

ARC Fire Protection Ltd.  
100-1000 10th Street  
Vancouver, BC V6A 4K6  
Tel: 604-278-1111  
Fax: 604-278-1112  
www.arcfire.com

CLIENT  
GREEN 10-3

PROJECT  
THE VICTORIA  
KITCHEN

DRAWING  
LICENSE PLAN AS PROPOSED

DATE FEBRUARY 2018  
SCALE 1/8" = 1'-0"  
DRAWN BY JAC  
PROJECT NO. 0618  
DRAWING NO. 01A

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LICENSE - PLAN AS PROPOSED

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# APPENDIX

## C

## Hannah Sweetman

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**From:** Caroline Speck on behalf of Licensing  
**Sent:** 11 April 2019 08:51  
**To:** Hannah Sweetman  
**Subject:** FW: Objection to new license Victoria Pub

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

**From:** Emelie Karlsson  
**Sent:** 10 April 2019 18:40  
**To:** Licensing  
**Subject:** Objection to new license Victoria Pub

To whom it may concern,

I'd like to put in an objection to the new licensing for extended hours for the Victoria pub Ickleford Road. My reasons for objecting is due to noise level at unsociable hours. The pub is in the middle of a residential area and noise levels can be very high at times. We can hear it in our living rooms and bedrooms. Our neighbours has on several occasions had to call the pub as the noise level has been to loud. We are almost direct neighbours with the pub and although I understand that we live next to a pub the extended hours meaning that pub goers are to leave the pub at 01:30 will seriously impact on the quality of me and my family's life and day to day living. Our bedroom window faces out towards the street and we can hear people leaving the pub, having chats and waiting for taxis.

As I can see there has been no notices been put up in the pub to respect neighbour and leave quietly. Neither has any letter been ever sent to us before an event with phone numbers to contact the pub.

We have at times had glasses left in our front garden and there has been vomit on the pavement outside our house, as expressed I understand we live next to a pub and we do enjoy visiting on occasions and accept that these things may happen however I am very concerned that it will get worse if people are to stay longer to drink, especially on a Thursday as we have to get up for work.

This summer was quite difficult as the World Cup was on and lots of people in the beer garden at diffent times watching the big screens, it effected me and my step kids and our enjoyment of our garden during the summer. I'm happy for this to be on special occasions but we need at times be able to sit in our garden and relax.

Kind regards,

Emelie Karlsson  
3 Ickleford Road  
Hitchin  
SG5 1TJ