

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



21 November 2019

Our Ref Licensing Sub 06.12.19  
Your Ref.  
Contact. Committee Services  
Direct Dial. (01462) 474655  
Email. committee.services@north-  
herts.gov.uk

To: Members of the Committee: Councillor Ian Albert, Councillor Elizabeth Dennis-Harburg 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, GERONON  
ROAD, LETCHWORTH GARDEN CITY SG6 3JF**

On

**FRIDAY, 6TH DECEMBER, 2019 AT 10.30 AM**

**\*\*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. HEARING PROCEDURE</b> Procedure to be followed at the hearing	(Pages 3 - 4)
<b>2. GRANT OF A PREMISES LICENCE FOR THE STATION KNEBworth</b> APPLICATION BY KNEBworth PARISH COUNCIL FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE STATION HOTEL, STATION APPROACH, KNEBworth, HERTFORDSHIRE SG3 6AT	(Pages 5 - 44)



## THE STATION KNEBORTH HEARING PROCEDURE

### 1. Chair's Welcome

Introduction of:

- Councillors sitting on Sub-Committee
  - Legal advisor;
  - Licensing officer(s);
  - Hertfordshire Constabulary
  - The applicant
2. The Chair will outline the procedure for the hearing
  3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.

### The Licensing Officer's report

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 amendments to the hearing bundle, and if so, if all Other Persons, and the applicants have been made aware of the amendments.
5. The Chair will ask if there are any questions of fact of the licensing officer from:
  - Hertfordshire Constabulary
  - The applicant
6. The Sub-Committee may ask questions of the licensing officer

### The Applicant's case

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 applicants from:
  - Hertfordshire Constabulary
9. The Sub-Committee may ask questions of the applicant.

### Hertfordshire Constabulary submit their case

10. The Chair will ask Hertfordshire Constabulary to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of Hertfordshire Constabulary from:
  - The applicant
12. The Sub-Committee may ask questions of Hertfordshire Constabulary

Closing Statements

13. The licensing officer may make final submissions to the Sub-Committee
14. Hertfordshire Constabulary may make final submissions to the Sub-Committee
15. The applicant may make final submissions to the Sub-Committee.

Conclusion

16. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
17. The Sub-Committee will close the hearing and retire to make a decision.
18. Where possible, the Sub-Committee will return and the Chair will announce the sub-Committee's decision including reasons for the decision.

LICENSING AND APPEALS SUB-COMMITTEE  
6 DECEMBER 2019

\*PART 1 – PUBLIC DOCUMENT

LICENSING ACT 2003

APPLICATION BY KNEBORTH PARISH COUNCIL  
FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF  
THE STATION HOTEL, STATION APPROACH, KNEBORTH, HERTFORDSHIRE SG3 6AT

REPORT OF THE LICENSING OFFICER

**1. BACKGROUND**

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

**2. APPLICATION**

- 2.1 The application is for the grant of a premises licence under Section 17 of the Act.
- 2.2 The licensable activities and hours applied for, including operating schedule conditions, are as attached as **Appendix A**.

**3. APPLICATION PROCESS**

- 3.1 On Tuesday 15 October 2019 Knebworth Parish Council made an application to North Hertfordshire District Council for the grant of a premises licence for a public house known as The Station Hotel.
- 3.2 The prescribed consultation period was from 15 October 2019 until 12 November 2019.
- 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) consecutive days in accordance with the requirements of the Act.
- 3.4 A newspaper advertisement was placed in The Comet in accordance with the requirements of the Act.

**4. REPRESENTATIONS**

- 4.1 Hertfordshire Constabulary entered in to discussion with Knebworth Parish Council during the consultation period regarding appropriate licence conditions. Agreement was not made thus failing to satisfy the police concerns. Hertfordshire constabulary have requested conditions to be applied to the licence. The proposed conditions are attached as **Appendix B**.

- 4.2 No representation was received from NHDC Environmental Protection as conditions were agreed by the applicant to be added to the operating schedule during the consultation period. These conditions are included in **Appendix C** and now form part of the application.
- 4.3 No representations were received from any other responsible authority
- 4.4 No representations were received from any 'other persons'.
- 4.5 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.6 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.7 The applicant has been served with a copy of all representations by way of this report.
- 4.8 The applicant and Hertfordshire Constabulary have been invited to attend the hearing to present their cases respectively. They have been advised that they may be legally represented and of the 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 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 sub-committee has the following options when issuing the Decision Notice:
- i) Grant the application as made
  - ii) Grant the application with conditions and/or amendments to the licensable activities and/or timings (conditions should only be added where they are appropriate to promote the licensing objectives).
  - iii) Refuse the application.

## **6. LICENSING POLICY CONSIDERATIONS**

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

B6

Our vision is:

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

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.*

D1.4

*When determining applications the Council will have regard to this Statement of Licensing Policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its Sub-Committee, will balance its decision against all other factors for and against the application.*

D1.5

*The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this Policy. To achieve this, the Council supports the principles set out in sections 8.33 – 8.36 of the Statutory Guidance which state:*

8.33

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

8.34

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

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.35

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

8.36

*It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

D1.6

*Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.*

D1.8

*Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.*

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.*

D2.5

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

D2.8

*The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.*

D2.9

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

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*



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

#### *D3.1*

*The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.*

#### *D3.2*

*The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem.*

#### *D3.3*

*Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives.*

#### *D3.4*

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

#### *D6.2*

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

#### *D6.3*

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

*D6.6*

*The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.*

*D6.7*

*The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this Policy and the Guidance, is less likely to result in the imposition of conditions by a Licensing Sub-Committee following representations.*

*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.*

*D6.9*

*Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a Licensing Sub-Committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.*

*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.*

*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.*

*F4.1*

*In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.*

*F4.2*

*Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.*

**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.*

**O1.1**

*The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:*

- (i) Crime and Disorder Act 1998  
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.*
- (ii) Human Rights Act 1998  
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.*
- (iii) Equality Act 2010  
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.*

**O2.2**

*Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.*

**7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE**

- 7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (April 2018 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document:

**1.3**

*The licensing objectives are:*

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

#### 1.4

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

#### 1.5

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

*They include:*

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

#### 1.16

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

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

#### 1.17

*The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.*

#### 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).*

#### 8.41

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

#### 8.42

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

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

#### 8.44

*It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

#### 8.47

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

#### 9.12

*Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

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. 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 Statutory Guidance requires licensing sub-committees to ensure that their decisions are based on measures that are 'appropriate' for the promotion of the licensing objectives.
- 8.3 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.*

- 8.4 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 9.43 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.
- 8.5 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.*

- 8.6 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'.

**9. APPENDICES**

- 9.1 Appendix A Application (Inc. plan, operating schedule and accompanying documents)
- 9.2 Appendix B Representation from Hertfordshire Constabulary
- 9.3 Appendix C Conditions agreed with NHDC Environmental Protection

**10. CONTACT OFFICER**

Molly Shiells  
Licensing Officer  
[molly.shiells@north-herts.gov.uk](mailto:molly.shiells@north-herts.gov.uk)



**Application for a premises licence to be granted  
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 Knebworth Parish Council

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Station Hotel, 1 Station Approach, Knebworth</b>			
<b>Post town</b>	Knebworth	<b>Postcode</b>	<b>SG3 6AT</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£32500</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input checked="" type="checkbox"/> | please complete section (B) |

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

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

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

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

<b>Name</b> Knebworth Parish Council
<b>Address</b> 9 Oakfields Road Knebworth Herts SG3 6NS
<b>Registered number (where applicable)</b>  
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Local Government Body
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	5	112019

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

DD	MM	YYYY

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

The Station Hotel, built in 1883, is a brick built, partially rendered building located on the corner of Station Approach and Park Lane, Knebworth opposite the railway station. There is a small car park and garden to the front of the building and to the rear there is a delivery access, a small staff car park and a pub garden.

The Station Hotel has two entrances, one from Station Approach, the second is the main entrance off the car park. The entrances lead to a bar area with a restaurant to the west side of the building. The first floor is used for staff accommodation and storage.

Alcohol will be consumed on the premises, in the enclosed pub garden located to the rear of the building and in the small garden area located to the front of the building

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

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

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

Provision of regulated entertainment

Please tick any 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) x

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed			<b>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</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" 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 3) Live music to include karaoke. To include amplified and non amplified music					
Mon	07.00	24.00						
Tue	07.00	24.00						
Wed	07.00	24.00				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	07.00	24.00						
Fri	07.00	24.00				<b>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</b> (please read guidance note 5)		
Sat	07.00	24.00						
Sun	07.00	23.30						

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	07.00	24.00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	07.00	24.00			
Wed	07.00	24.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	07.00	24.00			
Fri	07.00	24.00	<b>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</b> (please read guidance note 5)		
Sat	07.00	24.00			
Sun	07.00	23.30			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	07.00	24.00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	07.00	24.00			
Wed	07.00	24.00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur	07.00	24.00			
Fri	07.00	24.00	<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 5)		
Sat	07.00	24.00			
Sun	07.00	23.30			

# H

<b>Anything of a similar description to that falling within (c), (f) or (g)</b> Standard days and timings (please read guidance note 6)			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 2)	Indoors	
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (c), (f) or (g)</u></b> (please read guidance note 4)		
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 (c), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00			
Thur	10.00	24.00			
Fri	10.00	24.00			
Sat	10.00	24.00			
Sun	10.00	23.30			
			<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 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Lloyd Willis	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	24.00	<p><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 5)</p>
Tue	07.00	24.00	
Wed	07.00	24.00	
Thur	07.00	24.00	
Fri	07.00	24.00	
Sat	07.00	24.00	
Sun	07.00	23.30	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The designated premises supervisor or some other responsible person shall manage and uphold all Licencing Objectives, train staff, control tills, and promote safe drinking with no irresponsible drink promotions or activities.

All staff will undertake bar safety and process training and further regular additional sessions, including conflict strategy for requesting ID, challenge 25, stay safe, appropriate response to any conflict etc.

Promoting the licensing objective and due diligence within the Building and Management polices handbook, Health and Safety Risk Assessment, Fire Risk Assessment, Operating Schedule and related signs in appropriate places. E.g. Challenge 25, Licence Certificate prominently displayed, ensuring all Bar Staff training is signed off.  
Security lighting in all external areas.

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

Appointed staff will be competent and appropriately trained.

Right to work checks will be made on all staff employed.

Challenge 25 notices will be displayed to remind customers they may be asked to show proof of age.

Promotion of responsible, safe and sensible drinking.

Age challenge and refusal will be recorded on the EPOS till system

**c) Public safety**

Health & Safety and Fire Risk assessments will be prepared and reviewed regularly.

Staff will undertake fire safety training so they are aware of potential hazards and what to do in emergency.

There will be adequate external lighting to ensure that users can leave the premises safely.

A log book will be kept on the premises containing particulars of inspections made.

All relevant safety certificates will be obtained and kept up to date

**d) The prevention of public nuisance**



Brewery and catering deliveries trucks and lorries will only be permitted to arrive/ exit the premises during daytime hours. 08.00-22.00 hrs Monday to Saturday and 10.00-20.00hrs on Sunday.

No external refuse disposal (particularly mixed recycling) after 10.00pm

Clear and legible notices shall be displayed at exits and external areas of the premises, requesting patrons to respect the needs of local residents and to keep noise to a minimum

External lighting will be bespoke and will be positioned in such a way so as not to cause disturbance to nearby residents

Licensed taxi firms picking up guests will be requested not to "blow their horns" in the car park.

All windows and external doors to the premises shall be closed at all times after 23.00 during live and recorded music constituting regulated entertainment except for ingress, egress or in the case of an emergency

e) The protection of children from harm

Challenge 25 ID will be adopted for No proof/ No Sale

A 'sensible drinking' approach will help ensure that children are not exposed to incidences of violence or disorder.

Persons under the age of sixteen years of age are accompanied by an adult whilst on the premises

**Checklist:**

**Please tick to indicate agreement**

- |  |   |
|--|---|
| • I have made or enclosed payment of the fee.  | X |
| • I have enclosed the plan of the premises.  | X |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable.              | X |
| • I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. | X |
| • I understand that I must now advertise my application.   | X |
| • I understand that if I do not comply with the above requirements my application will be rejected.                        | X |

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	14.10.19
Capacity	Clerk

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.







This page is intentionally left blank



### Licensing Act 2003

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

### North Herts District Council

Responsible Authority: Police

<b>Your Name</b>	Simon Mullan (warrant no. 2881)
<b>Job Title</b>	Community Safety Sergeant
<b>Postal address</b>	Hitchin Police Station College Rd Hitchin Herts, SG5 1JX
<b>Email Address</b>	licensingeasternarea@herts.pnn.police.uk
<b>Contact telephone number</b>	01438 757372
<b>Facsimile Number</b>	

<b>Name of the premises you are making a representation about</b>	The Station Hotel	
<b>Address of the premises you are making a representation about</b>	1 Station Approach Knebworth SG3 6AT	
<b>Details of the individual you are making representations about</b>	Name	<u>Address</u>
	Date & Place of Birth	
<b>Is this the first objection in respect of this individual or these premises</b>	Yes	<u>Brief details / cross reference</u>

## Licensing Objections

<b><i>Which of the four licensing Objectives does your representation relate to?</i></b>	<b><i>Yes Or No</i></b>	<b><i>Evidence supporting representation or reason for representation. Please use continuation sheet as required</i></b>
<b>To prevent crime and disorder</b>	Yes	See attached report
<b>Public safety</b>	Yes	See attached report
<b>To prevent public nuisance</b>	Yes	See attached report
<b>To protect children from harm</b>	Yes	See attached report

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	See attached report
---	---------------------

Signed on behalf of Hertfordshire Constabulary      Sergeant Simon Mullan

Date:                      Friday 8<sup>th</sup> November 2019

Please submit this form along with any additional sheets to: [insert name and address] or email to [Insert email address]

**This form must be returned within the Statutory Period.**



## **Representation to New Premises Licence Application for Station Hotel, 1 Station Approach, Knebworth**

Report prepared by Mrs Kuljit Sangha, North Herts Police Licensing Officer

This representation is in relation to a new premises licence application for Station Hotel, 1 Station Approach, Knebworth. The applicant, Knebworth Parish Council Town Clerk Claire Graham, has accepted a number of conditions that Environmental Health have proposed one of which is in relation to the smoking area not to be located in the pub garden. Therefore Knebworth Parish Council have now relocated the smoking area to the front of the property. The representation is in relation to the following licensing objectives: crime and disorder, public safety, public nuisance, protection of children from harm.

During the initial Police visit on Wednesday 30<sup>th</sup> September 2019, (by Kuljit Sangha, PC Harding - Safer Neighbourhood Officer and PCSO O'Driscoll), prior to any negotiations with Environmental Health, we discussed where the smoking area was going to be located, which we were informed would be in the pub garden. With that in mind Police had no concerns. I then proposed a number of conditions as follows:

- Hours Premises Are Open to the Public will be: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday: 07:00hrs – 00:00hrs and Sunday: 07:00hrs – 23:30hrs.
- Supply of Alcohol Times: Monday, Tuesday, Wednesday, Thursday Friday and Saturday: 10:00hrs – 23:30hrs and Sunday: 10:00hrs – 23:00hrs.
- DPS/Premises Licence Holder will ensure that an age challenged and refusal will be recorded on the EPOS till system.
- DPS/Premises Licence Holder will ensure that any refusal of alcohol record will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.
- DPS/Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
- DPS/Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.
- DPS/Premises Licence Holder will ensure the Challenge 25 policy is implemented.
- DPS/Premises Licence Holder will ensure that Challenge 25 notices will be displayed in a prominent locations to remind customers they may be asked to show proof of age.
- DPS/Premises Licence Holder will ensure that no open vessels will be permitted in the designated smoking area at any time during operating hours.

- DPS/Premises Licence Holder will ensure that customers are not permitted to leave the premises with any open vessels.

Police then received further correspondence (highlighted in blue below) on Tuesday 5<sup>th</sup> November 2019 from Claire Graham on behalf of Knebworth Parish Council stating:

I believe that Lloyd Willis, the DPS, has been in contact with you regarding the proposed conditions. I thought it might be helpful to provide a plan of the pub and the proposed locations of the smoking areas. The smoking area identified at the rear is the lowest point of the garden, near the bottom of an accessible ramp to the raised part of the garden. It is also about three feet lower than the adjacent development land with a 10 foot high boundary hedge, so is quite contained. The Council proposed the area in the garden to avoid groups of smokers loitering in the car park. However as an alternative smoking area the Council would like to propose a site in front of the building which can accommodate up to three picnic benches, see attached plan. This location would permit smokers to sit and drink more socially and give a better impression of the pub. If required some form of screening could be put in place. However I believe that this would be contrary to some of your proposed conditions. The proposed site is set well back from the footpath, unlike the Royal British Legion in Gun Lane which has an area immediately off the footpath with benches where people smoke and drink. Are you able to amend your conditions to accommodate this proposal? I have sent the plan to Sarah Scothmer, the EHO, for her comments. I look forward to your comments on the proposal for the seating/smoking/drinking area at the front of the building.



Station Hotel  
Smoking Area.pdf

Having now been informed (in the above email) that the smoking area would be relocated at the front of the premises accommodating three picnic benches (see attached plan which was not the original plan that was submitted with the application), for the purpose of smoking and drinking. There has only been one plan submitted with the application which does not show any seating area at the front of the premises. During the Police visit, there was no mention of any plans with regard to any sort of seating at the front of the premises for the purpose of drinking, it is now apparent that on the application it states 'alcohol will be consumed on the premises, in the enclosed pub garden located to the rear of the building and in the small garden area located to the front of the building' The original plan with the application does not show any small garden area located to the front of the building, just a car park. At the time of our visit PC Harding asked about the smoking area and the proposed DPS Lloyd Willis did mention that it is not the image that he is creating for the business to have smoking at the front of the premises. But now with a new location for the smoking area, it now appears that the applicant has created additional seating for anyone to sit outside in that area for the sole purpose of drinking and smoking all day until closing time, therefore allowing customers to stay outside at the front for longer periods of time than is necessary. As stated in Claire's email above she herself has stated that Knebworth Parish Council proposed the area in the garden to avoid groups of smokers loitering in the car park.

Our understanding is that Environmental Health has proposed and the applicant has accepted the following condition with regard to the pub garden: 'There will continue to be a seating area in the garden which will be until 10pm (Sun – Thurs) and 10.30pm (Fri – Sat)'. Therefore Police can't really understand the need for additional seating at the front of the premises, when the pub garden is still open in the evenings and then there is additional seating inside the premises. The front of the premises has a self-contained car park of its own (see attached plan), which has two points of entry/exit for vehicles, one of those entry/exit points would be too close to the smoking area especially if that area



becomes busy and possibly noisy, which therefore raises concerns about public safety and public nuisance. With the congregation of customers in that area because of seating, this area poses a risk to customers from potential injuries, even more so if they are intoxicated with cars coming in and out of the car park. Also by having tables and chairs for the smoking and drinking that poses a risk to children who may possibly be attending with their parents and sitting in that area. There is currently a number of luxury apartments being built opposite the premises and further plans for additional flats to the right side of the building, which means there could possibly be noise complaints (people noise – congregating in the front, etc) from local residents once those apartments/flats are occupied

On that note we would say the more appropriate area for smoking at the front of the premises would be the other side of the proposed smoking area with no seating, which I have marked on the plan as X. Therefore this minimises any risk to customers, including children and there is no incentive for them to remain in that area than is necessary. It also minimises any people noise issues that could potentially impact on residents. Based on the relocation of the smoking area/seating area to the front there is no mention of how many people would be permitted in that area. On the application the applicant has not proposed a drinking up time for customers, which means that the supply of alcohol terminal hour is the same as the closing time, which will not allow customers to finish their drinks.

Police are proposing the following conditions:

- Hours Premises Are Open to the Public will be: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday: 07:00hrs – 00:00hrs and Sunday: 07:00hrs – 23:30hrs.
- Supply of Alcohol Times: Monday, Tuesday, Wednesday, Thursday Friday and Saturday: 10:00hrs – 23:30hrs and Sunday: 10:00hrs – 23:00hrs.
- DPS/Premises Licence Holder will ensure that an age challenged and refusal will be recorded on the EPOS till system.
- DPS/Premises Licence Holder will ensure that any refusal of alcohol record will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.
- DPS/Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
- DPS/Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.
- DPS/Premises Licence Holder will ensure the Challenge 25 policy is implemented.
- DPS/Premises Licence Holder will ensure that Challenge 25 notices will be displayed in a prominent locations to remind customers they may be asked to show proof of age.
- DPS/Premises Licence Holder will ensure that the designated smoking area is located at the front of the premises in the location marked as X on the attached plan.
- DPS/Premises Licence Holder will ensure that customers are not permitted to leave the premises with any open vessels.

- DPS/Premises Licence Holder will ensure that no open vessels will be permitted at the front of the premises at any time during operating hours.
- DPS/Premises Licence Holder will ensure that no drinking will be permitted at the front of the premises at any time during operating hours.

Dated: Friday 8<sup>th</sup> November 2019

Dear All,

In addition to the representation that has already been lodged on Friday 08/11/19, we would also add that Police have concerns that the applicant has not considered installing cctv. We were advised that a lot of money would be spent on refurbishing the premises, therefore cctv would add another element of cost, which they would not consider at this point in time. However Police consider that cctv is needed to ensure that all four licensing objectives are met, which would protect the premises, staff, customers, children and assist police with their enquiries in the event of incident..

Therefore Police are proposing the following cctv conditions:

- DPS / Premises Licence Holder will ensure that CCTV system is installed, in working order and shall continually record whilst the premises is open to the public.
- DPS / Premises Licence Holder will ensure that CCTV cameras are installed and in working order.
- DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than 24 hours after request.
- DPS / Premises Licence Holder will ensure that all CCTV recordings will be kept for a minimum of 28 days.
- DPS / Premises Licence Holder will ensure that prior to opening the premises to the public in accordance with the premises licence operating hours, the CCTV system will be checked to ensure that it is working and recording for a minimum of 28 days.
- DPS / Premises Licence Holder will ensure that the CCTV cameras cover key and vulnerable parts of the premises, including the entry and exit points.
- DPS / Premises Licence Holder will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the CCTV system and download copies of any footage, upon request by Police Licensing Officer, Police Officers and Police Community Support Officers. One of these persons will be at the premises at all times when the premises are open to the public.

Regards

Kuljit

***Kuljit Sangha***

Mrs Kuljit Sangha

Police Licensing Officer for North Herts

Hitchin Police Station, College Road, Hitchin, SG5 1JX

**Environmental Protection licence conditions for The Station Public House,  
Station Road, Knebworth, Hertfordshire**

The Designated Premises Supervisor (DPS) or some other responsible person shall manage, where necessary, 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.

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

There is to be no smoking in any part of the rear beer garden which is the area behind the right hand side fire exit. The designated smoking area shall be located at the front of the property. This area is to be designated by a sign and managed at all times.

No persons are to be permitted into any area of the rear beer garden after 22:00 Sunday to Thursday and after 22:30 Friday and Saturday evenings.

Deliveries and waste collections relating to premises shall only take place between 0800 and 2200 Monday to Saturday and 1000 and 2000 on Sundays.

No glass bottles shall be emptied into waste bins at the premises between 2200 and 0800.

All windows and external doors to the premises shall be closed at all times after 22:30 Friday and Saturday and 22:00 Sunday to Thursday during live and recorded music, except for ingress egress or in the case of an emergency.

Version 2 06.11.19 SS

This page is intentionally left blank