

1 June 2023

Our Ref Licensing Sub-Committee/16 June 2023  
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To: Members of the Committee: Councillor Ian Albert, Councillor Daniel Allen, Councillor Elizabeth Dennis and Councillor Raj Bhakar

**NOTICE IS HEREBY GIVEN OF A  
MEETING OF THE LICENSING SUB-COMMITTEE**

to be held in the

**REMOTE - VIA ZOOM**

On

**FRIDAY, 16TH JUNE, 2023 AT 10.00 AM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

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

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

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>ELECTION OF CHAIR</b> The sub-committee members will elect a Chair and determine who will be the reserve member.	
<b>2.</b>	<b>HEARING PROCEDURE</b> The procedure to be followed by the Chair when conducting the sub-committee hearing.	(Pages 3 - 6)
<b>3.</b>	<b>DETERMINATION OF HEARING</b> To determine the application for the variation of an existing premises licence at Chez Burton, 48 High Street, Baldock, SG7 6BJ	(Pages 7 - 62)

## **Pre-Hearing Preliminary**

### Sub-committee

The sub-committee will consist of three voting Members with a fourth non-participating Member listening to the hearing. In the event that a voting Member loses connection, the hearing will adjourn until connection can be restored. If the adjournment exceeds ten (10) minutes, or it is apparent sooner that re-connection will not be possible, the fourth Member will replace the absent Member and become a voting member of the sub-committee. If a quorum of three (3) Members that have been present throughout the hearing is not possible, the hearing will be adjourned to a stated date.

### Applicant

In the event that the applicant loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date.

### Other persons

In the event that an 'other person' that has indicated their wish to speak loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date. If an 'other person' that has indicated that they will not be participating orally in the hearing loses connection, the Chair may decide to continue with the hearing.

### Decision

The sub-committee will undertake their deliberations in private and return to announce their determination on the live stream however they will not wait until all parties are connected. A copy of the decision will be forwarded to all parties electronically as soon as practicable.

## **CHEZ BURTON HEARING PROCEDURE**

### **PRELIMINARIES**

1. Election of sub-committee Chair
2. Election of the reserve (non-voting) sub-committee member

### **CHAIR'S WELCOME**

3. Introduction of:
  - Councillors sitting on the sub-committee
  - legal advisor
  - licensing officer(s)
  - the other persons (objectors)
  - the applicant (and agent where applicable)
4. The Chair will outline the procedure for the hearing and seek confirmation that all parties are content to proceed on that basis.

### **LEGAL ADVICE**

5. The Chair will ask the legal advisor to outline the matters for consideration during the course of the hearing.

### **LICENSING OFFICER REPORT**

6. The Chair will ask the licensing officer if:
  - they have anything to add to their report to the sub-committee
  - if there have been any amendments to the hearing bundle and, if so, if all parties to the hearing have been made aware of the amendments
7. The Chair will ask if there are any questions of fact or clarification of the licensing officer from:
  - the other persons
  - the applicant
8. The sub-committee may ask questions of fact or clarification of the licensing officer

### **THE APPLICANT'S SUBMISSION**

9. The Chair will ask the applicant (and/or the applicant's agent) to present their submission to the sub-committee explaining why the application should be granted.

10. The Chair will ask if there are any questions of fact or clarification of the applicant from:

- the other persons

11. The sub-committee may ask questions of fact or clarification of the applicant.

### **THE OTHER PERSONS' SUBMISSION**

12. The Chair will ask the other persons (in turn unless they have identified a lead presenter) to present their submission to the sub-committee explaining why the application will have, or is likely to have, an adverse impact on the licensing objectives.

13. The Chair will ask if there are any questions of fact or clarification of the applicant from:

- the applicant

14. The sub-committee may ask questions of fact or clarification of the other persons.

### **CLOSING STATEMENTS**

15. The Chair will ask the licensing officer if they have any final submissions to the sub-committee

16. The Chair will ask if the other persons have any final submissions to the sub-committee.

17. The Chair will ask if the applicant has any final submissions to the sub-committee.

### **LEGAL SUBMISSIONS**

18. The Chair will ask the legal advisor to summarise any points of law that have arisen during the hearing.

19. The sub-committee may ask legal questions of the legal advisor.

### **ADJOURNMENT**

20. The Chair will adjourn the hearing for the sub-committee to retire to make a decision in closed session.

### **DECISION**

21. The sub-committee will return to open session and the Chair will announce the sub-committee's decision, including their reasonings.

22. The Chair will close the meeting.

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<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>16 JUNE 2023</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 NEIL BURTON FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF CHEZ BURTON, 48 HIGH STREET, BALDOCK, HERTFORDSHIRE, SG7 6BJ.

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

- 1.1 There is a licence granted under the Licensing Act 2003 (“the Act”) is currently in place for the premises, it was granted to the property under grandfather rights from the previous Licensing Act 1964 and has been in existence since September 2005. It was transferred to the current owner Neil Burton on 21 June 2021.
- 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 Act.
- 2.2 The licensable activities and hours originally applied for, including operating schedule conditions, are as attached as **Appendix B**.

#### 3. APPLICATION PROCESS

- 3.1 On 3 April 2023, Neil Burton made an application to North Hertfordshire District Council for the grant of a premises licence. The application was placed on hold as the publishing of the newspaper advert did not meet the required time scales. The application was restarted with the advert in the newspaper from 20 April with an end of consultation date of 21 May 2023 giving an extended consultation period of 32 days to match the other advertised dates. The applicant was aware of this extended opportunity for representations to be submitted.
- 3.2 The prescribed consultation period was from 20 April 2023 until 21 May 2023 inclusive.
- 3.3 The application was received electronically so copies were served by the Council to Hertfordshire Constabulary and the other responsible authorities.
- 3.4 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.
- 3.5 Part way through the consultation period, the notice was erroneously amended by the applicant to display the last date for representations as the date of the notice, however the prescribed advertising requirements were met for the prescribed period. The

newspaper advert and the Council's website displayed the correct last date for representations.

- 3.6 Considering the relevant case law, a representation that was not submitted during the consultation period was not accepted however the customer was advised that he could be called as a witness by any of the persons making relevant representations to supplement the comments they had made during the consultation period.
- 3.7 A newspaper advertisement was placed in The Comet in accordance with the requirements of the Act.

#### **4. REPRESENTATIONS**

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 No representation was received from NHDC Environmental Protection.
- 4.3 No representations were received from any other responsible authority.
- 4.4 Five (5) representations were received from other persons against the application and are attached as **Appendix C**.
- 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 representations include comments that are not relevant to the Act, these comments have been clearly redacted by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing (see sections 8.8 – 8.13).**
- 4.7 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.
- 4.8 The applicant has been served with a copy of all representations by way of this report.
- 4.9 The applicant and the other persons making relevant representations 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 2021 – 2026 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 licensed entertainment venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy.”***

*B8*

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

*B9*

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

*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 8.41 – 8.44 of the Statutory Guidance which state:*

*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 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 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.

#### 8.43

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

#### 8.44

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.

#### D2.1

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

#### D2.4

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

#### D2.5

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

#### D2.6

Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons

*from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.*

#### *D2.8*

*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.*

#### *E3.1.1*

*Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social*

behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

#### *E3.3.1*

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

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

#### *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 daytime and night-time economy.*

#### *E3.9.3*

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

#### *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.*

#### *O4.2.1*

*In order for a representation to be relevant it must be:*

- (i) made during the prescribed consultation period;*
- (ii) relate to the effect or likely effect on the licensing objectives;*
- (iii) not be frivolous or vexatious [other persons only]; and*
- (iv) in the case of reviews, not be repetitious [other persons only]*

## 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 (December 2022 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.*

#### 2.15

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

#### 2.16

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

#### 2.17

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

#### 2.18

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

#### 2.19

*Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people*

*being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.*

#### *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.*

#### *9.42*

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

#### *9.43*

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



#### 9.44

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

#### 10.8

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

#### 10.9

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

#### 10.10

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

#### 10.13

*The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.*

10.14

*Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested*

## **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 When determining applications, licensing authorities must ensure that their decision is based on what is ‘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'.

#### **Evidence not to consider**

- 8.7 A number of points made in the representations have been deemed not relevant by the licensing officer. The points have been redacted and cannot be seen. The following paragraphs 8.8 to 8.13 are a summary of the redacted points which, for clarity, should not be discussed during the hearing.
- 8.8 There are comments made regarding how previous complainants had not been directly informed. There is a prescribed consultation process that was followed, and the licensing authority cannot go beyond those requirements.
- 8.9 There are comments suggesting that patrons of the venue will become rowdy whilst on the premises due to alcohol consumption. It is an offence under the Act to serve persons that are believed to be drunk or to allow disorderly conduct on a licensed premises. The licence holder will have a duty under the Act, were the variation to the premises licence to be granted, to ensure that patrons behave in a lawful manner.
- 8.10 There was a comment that allowing the variation would devalue the objector's property. Property prices are not within the remit of the four licensing objectives therefore cannot be considered by the sub-committee.
- 8.11 There are comments made regarding comments made on social media by people regarding the residents. There is no evidence to suggest that these comments were posted by Mr Burton or his staff therefore he cannot be held responsible for the behaviour of others on social media which is out of his control. The application should be judged on its content and the sub-committee should consider whether or not it believes that the applicant can adequately promote the licensing objectives.
- 8.12 There were comments that Mr Burton has reneged on comments made during a previous licensing hearing. Those comments were made in relation to that particular application and Mr Burton has complied with the conditions imposed by that licensing sub-committee. A licence holder is permitted to make a variation application at any time under the Act therefore this is a separate application that should be judged on the specific evidence relating to the content of this application.
- 8.13 There was a comment regarding the applicant's reference to his ability to make a profit utilising the current licence conditions. The other person queried the relevance of this

against the national economic situation impacting on all businesses. The application should be judged solely on the ability of the licence holder to adequately promote the licensing objectives, national economic considerations are not relevant to the licensing objectives.

### **Consumption of alcohol**

- 8.14 The sub-committee are reminded that the consumption of alcohol is not a licensable activity, it is the sale that is licensable.
- 8.15 The current premises licence includes the outdoor area as part of the licensed premises on the plan therefore the sale and consumption of alcohol are permitted in the garden area shown on said plan.
- 8.16 In the same way that a sub-committee, should they be minded based on the available evidence, can restrict the use of a beer garden adjacent to a licensed premises, it can also restrict the use of any area included on the plan.

### **Outdoor dining**

- 8.17 The serving and consumption of food is not a licensable activity prior to 23:00hrs however, as it is taking place in a licensed area, any restriction on the use of the outdoor area would also apply to dining.
- 8.18 Post 23:00hrs. the provision of late night refreshment is licensable. The current premises licence authorises late night refreshment until 00:30hrs Monday to Saturday and until midnight on Sundays, however this activity is indoors only.
- 8.19 As the provision of late night refreshment takes place at the point the food is delivered, i.e., outdoors, this would not be permitted even if extended hours for the use of the outdoor area was permitted.
- 8.20 This would mean in practice that post 23:00hrs, the area could only be used for:
  - (i) the consumption of alcohol within the permitted opening hours; and/or
  - (ii) the consumption of food delivered prior to 23:00hrs

### **Review of a premises licence**

- 8.21 Should the sub-committee be minded to grant the variation the revised licence will exist in perpetuity however there is a safeguard within the Act.
- 8.22 Any responsible authority or other person may apply to the licensing authority for the review of a premises licence if they can demonstrate that the premises are not adequately promoting the licensing objectives. In the case of other persons, they would need to demonstrate the direct impact on their household of licensable activities at the premises in terms of one or more of the licensing objectives.
- 8.23 If accepted by the licensing authority, an application for review would result in a twenty-eight (28) day consultation period advertised at the premises and on the licensing authority website where any responsible authority or other person could submit a representation.

- 8.24 A licensing sub-committee would hold a hearing to assess the representations and the oral submissions of the licence holder before considering what, if any, action was appropriate. The options available to the sub-committee would be:
- i) to take no action;
  - ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, or altering permitted timings of licensable activities);
  - iii) to exclude a licensable activity from the premises licence;
  - iv) to remove the designated premises supervisor from the premises licence;
  - v) to suspend the premises licence for a period not exceeding three months; or
  - vi) to revoke the premises licence.

### **Deregulation of regulated entertainment**

- 8.25 Since 6 April 2015, regulated entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs for audiences of 500 or less on premises licensed for the sale of alcohol.
- 8.26 Should the sub-committee be minded to grant the variation of outdoor opening hours, as the outdoor area forms part of the licensed premises, live and recorded music would not require a licence between the hours of 08:00hrs and 23:00hrs during hours where the premises licence allowed it to be open to the public and the sale of alcohol was authorised. This deregulation currently applies to the outdoor area up to the existing closing time of 22:00hrs therefore extending the outdoor opening hours would allow the provision of live and recorded music for a further hour up to 23:00hrs. There is no evidence to suggest that the licence holder is currently utilising this deregulation.
- 8.27 Any conditions relating to regulated entertainment (live and recorded music) during the period of deregulation would not have effect therefore cannot be imposed by the sub-committee.
- 8.28 Deregulation can be removed at a premises licence review whereby live and recorded music would then need to be authorised by the premises licence and any restrictions on timings or imposed conditions would apply.

## **9. APPENDICES**

- 9.1 Appendix A Current premises licence
- 9.2 Appendix B Application
- 9.2 Appendix C Representations from other persons

## **10. CONTACT OFFICER**

Melanie Gillespie  
Assistant Licensing Officer  
[melanie.gillespie@north-herts.gov.uk](mailto:melanie.gillespie@north-herts.gov.uk)

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**Licensing Act 2003**

**Part A**

**Format of premises licence**

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

**Original grant date: 05 September 2005  
Current issue date: 08 April 2022**



.....  
Authorised signatory

**Premises licence number: 4892**

**Part 1 – premises details**

**Chez Burton  
48 High Street, Baldock, Hertfordshire, SG7 6BJ**

**This licence is granted in perpetuity**

**Licensable activities authorised by the licence**

**Section I: Provision of Late Night Refreshments:(Indoor)  
Section J: Sale or Supply of Alcohol:(On the premises)**

<b>The times the licence authorises the carrying out of licensable activities</b>		
<b><u>Section I: Provision of Late Night Refreshments:(Indoor)</u></b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	23:00	00:30
Tuesday	23:00	00:30
Wednesday	23:00	00:30
Thursday	23:00	00:30
Friday	23:00	00:30
Saturday	23:00	00:30
Sunday	23:00	midnight
<p>These hours are to apply each day of the year with the exception of:            Christmas Day and Good Friday            On these days, the permitted hours will be 23:00hrs - midnight</p>		
<b><u>Section J: Sale or Supply of Alcohol:(For consumption on the premises)</u></b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	midnight
Tuesday	10:00	midnight
Wednesday	10:00	midnight
Thursday	10:00	midnight
Friday	10:00	midnight
Saturday	10:00	midnight
Sunday	12:00	23:30
<p>These hours are to apply each day of the year with the exception of:            Christmas Day On this day, the permitted hours will be 12:00hrs - 23:30hrs.            Good Friday            On this day, the permitted hours will be 10:00hrs - 23:30hrs.</p>		

<b>The opening hours of the premises</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	00:30
Friday	10:00	00:30
Saturday	10:00	00:30
Sunday	10:00	00:00



**For consumption on the premises**

**Part 2**

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

**Mr Neil Burton  
11 Croft Lane, Letchworth Garden City, Hertfordshire, SG6 1AS**

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

**n/a**

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

**Adrian John Parker**  
**5**

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

**Licence Number: 1742**  
**Issuing authority: North Hertfordshire District Council**

## **Annex 1 – Mandatory conditions**

No supply of alcohol may be made under this licence:

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

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

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
- (c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective.
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

The premises licence holder or club premises certificate holder must ensure that an age

verification policy applies to the premises in relation to the sale or supply of alcohol.

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

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

The responsible person must ensure that:

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

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

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

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

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

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

- (i) P is the permitted price;
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

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

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

## **Annex 2 – Conditions consistent with the operating schedule**

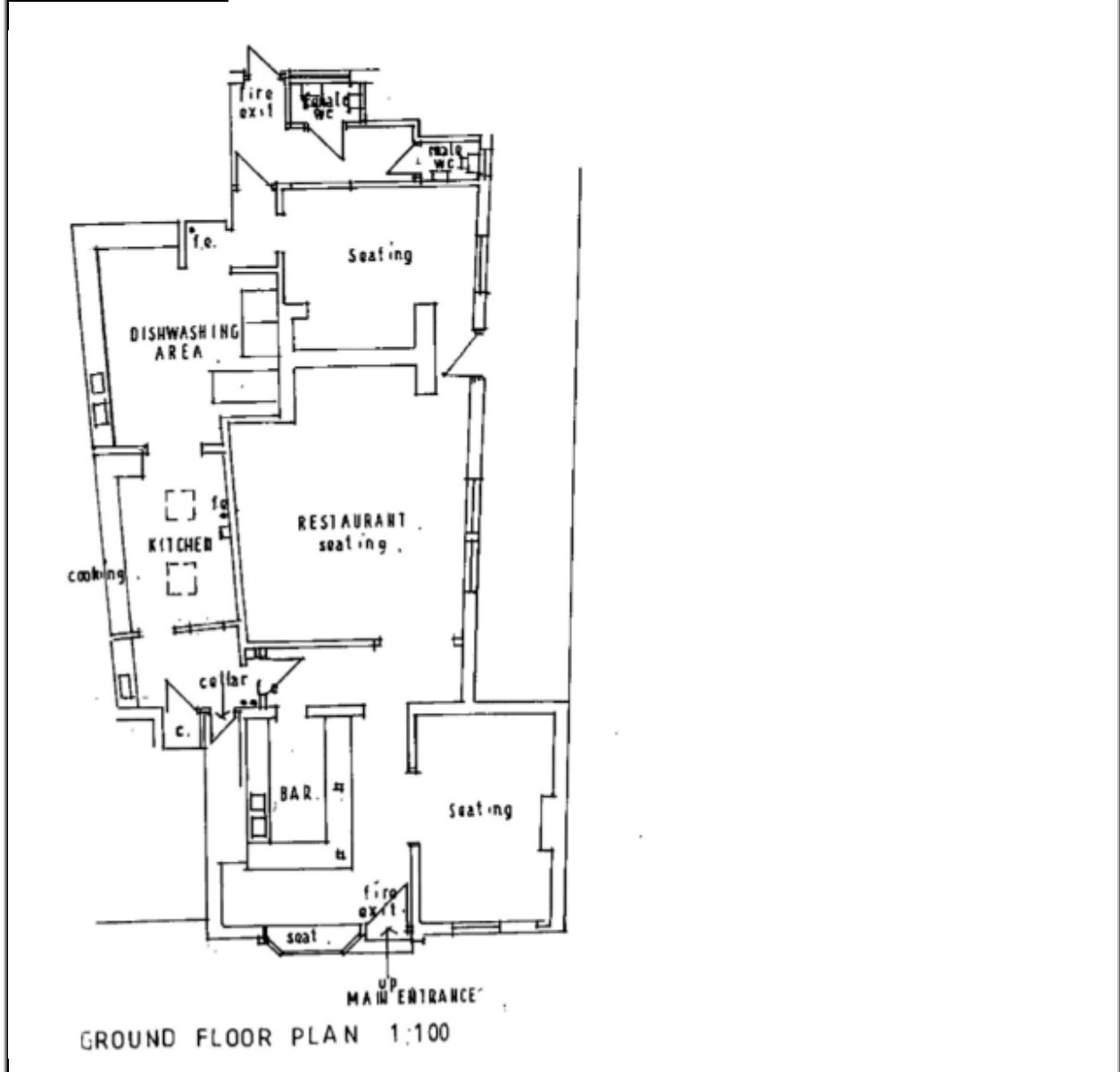
None

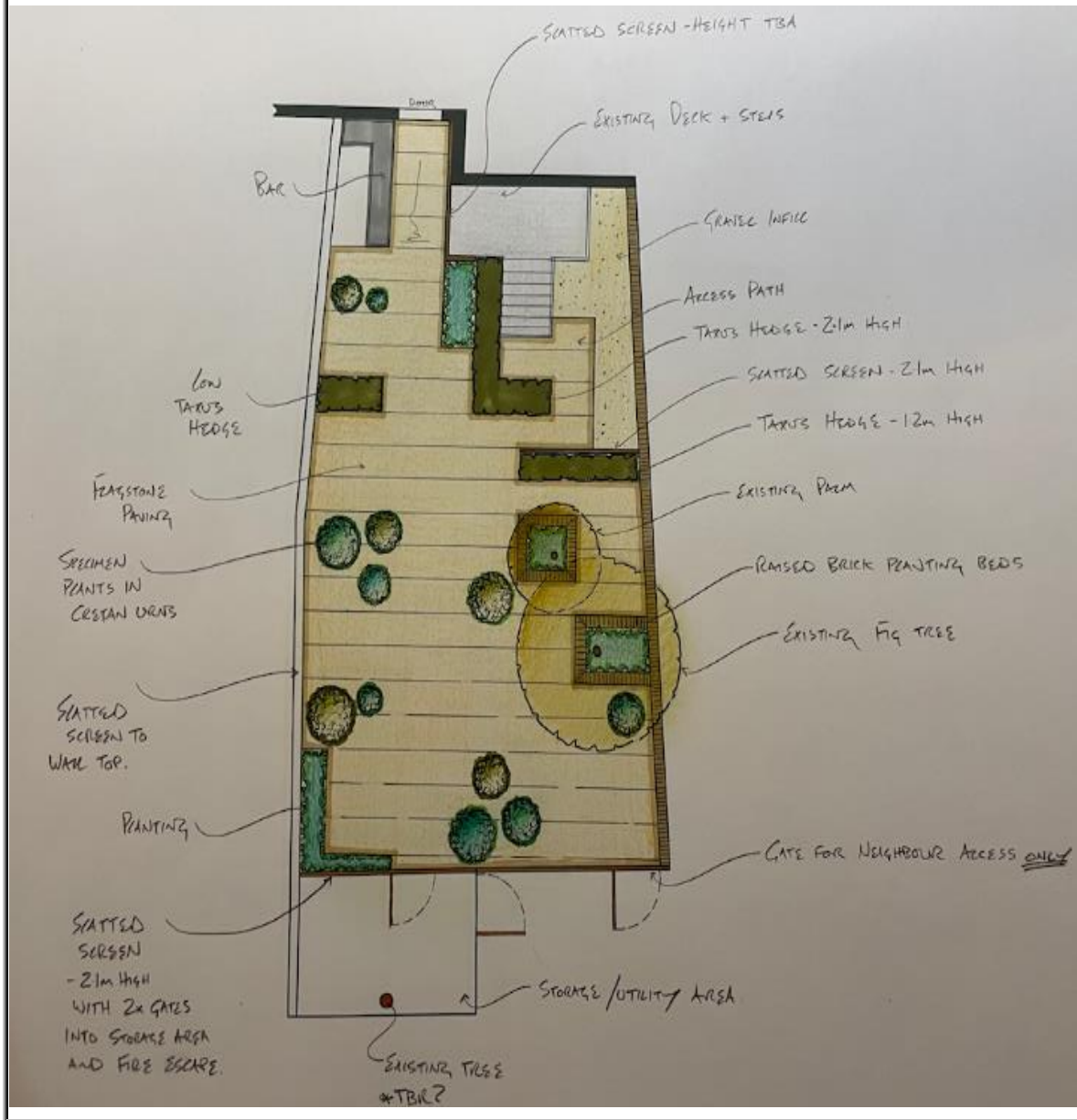
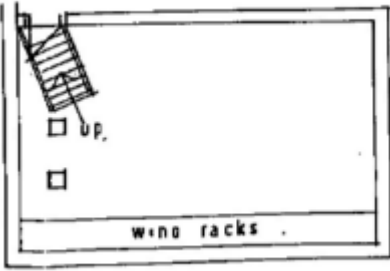
### Annex 3 – Conditions attached after a hearing by the licensing authority

The premises licence holder will ensure that the outdoor area is not used by patrons after 22:00hrs and that it will be cleared of patrons by that time.

The premises licence holder will ensure that there is a separate, unimpeded access to Flat 1D that will not form part of the outdoor area used under the premises licence.

### Annex 4 – Plans





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For help contact

\* required information

**Section 1 of**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  Yes  No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

**Name**

First name

Family name

**Contact Details**

E-mail

Telephone number

Fax number

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

Is the applicant's business registered outside the UK?  Yes  No

Commercial register

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**User Profile**



**Name**First name Family name **Contact Details**E-mail Telephone number Fax number Other telephone number  Indicate here if you would prefer not to be contacted by telephone

Are you:

 Applying as a business or organisation, including as a sole trader Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Your Business**Is your business registered in the UK with Companies House?  Yes  NoIs your business registered outside the UK?  Yes  NoCommercial register 

The entity with which your business is registered, for example "Amsterdam Chamber of Commerce".

Registration number Business name 

If your business is registered, use its registered name.

VAT number  

Put "none" if you are not registered for VAT.

Legal status Your position in the business

Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
<b>Address</b>		
Building number or name	<input type="text" value="Chez Burton"/>	
Street	<input type="text" value="48 High Street"/>	
District	<input type="text"/>	
City or town	<input type="text" value="Baldock"/>	
County or administrative area	<input type="text" value="Hertfordshire"/>	
Postcode	<input type="text" value="SG76BJ"/>	
Country	<input type="text" value="United Kingdom"/>	
<b>Address</b>		
Building number or name	<input type="text"/>	
Street	<input type="text"/>	
District	<input type="text"/>	
City or town	<input type="text"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text"/>	
Country	<input type="text"/>	

<b>Section 2 of 18</b>	<b>APPLICATION DETAILS</b>
------------------------	----------------------------

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address
  OS map reference
  Description

**Address**

Building number or name	<input type="text" value="Chez Burton"/>
Street	<input type="text" value="48 High Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Baldock"/>
County or administrative area	<input type="text" value="Hertfordshire"/>
Postcode	<input type="text" value="SG76BJ"/>
Country	<input type="text" value="United Kingdom"/>

**Contact Details**

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Fax number	<input type="text"/>
Other telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="4000"/>

**Section 3 of 18** | **VARIATION**

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

Date variation to take effect from  /  /   
dd mm yyyy

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

**Describe Briefly The Nature Of The Proposed Variation**

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.

Our current premises licence runs from 10:00 - 00:00 Monday to Saturday and 12:00 - 23:30 Sundays inside the restaurant building and 10:00 - 22:00 in the restaurant garden. These garden times mean that we have to start removing guests at 21:30 which is causing both considerable customer dissatisfaction plus loss of sales resulting us struggling to keep the business in profit. This licence variation requests the same opening times in the restaurant garden as those inside the restaurant.

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of a play take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

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.

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 5 of 18**

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes

No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

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WEDNESDAY

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Start

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

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.

State any seasonal variations for indoor sporting events.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors

Outdoors

Both

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.

State any seasonal variations for boxing and wrestling entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Provide 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.

Start

End

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors
- Outdoors
- Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Ambient restaurant background music is played via small wall mounted speakers.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The garden is only open in sunny, dry days.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas and New Years Eve and any extraordinary event such as Baldock Festival etc

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

Standard Days And Timings

MONDAY

Start   
Start

End   
End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Provide a description of the type of entertainment that will be provided.

Will this entertainment take place indoors or outdoors or both?

- Indoors                      Outdoors                      Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes                      No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start  End

Start  End

Indoors

Will the provision of late night refreshment take place indoors or outdoors or both?

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Already licenced for these times inside the restaurant. This variation requests the same hours for the restaurant garden. Both Inside and outside is classed as 'On Premises'

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Garden is only open on sunny dry days.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.



Christmas and New Years Eve and any extraordinary event such as Baldock Festival etc

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Provide 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.

Start

End

TUESDAY

Start

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Start

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WEDNESDAY

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THURSDAY

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Start

End

FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the sale of alcohol be for consumption?  On the premises  Off the premises  Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Already licenced for these times inside the restaurant. This variation requests the same hours for the restaurant garden. Both Inside and outside is classed as 'On Premises'

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas and New Years Eve and any extraordinary event such as Baldock Festival etc

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

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WEDNESDAY

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THURSDAY

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FRIDAY

Start  End

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SATURDAY

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SUNDAY

Start  End

Start  End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Garden is only open on dry sunny days

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas and New Years Eve and any extraordinary event such as Baldock Festival etc

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

The 10pm curfew in the garden restaurant. We have operated for a year with no issues or complaints

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

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

List here steps you will take to promote all four licensing objectives together.

We will ensure that responsible sales and consumption of food and alcohol always prevails within the establishment, inside or out. We are a small, independent, fine dining restaurant. Our guests book to come in and it is predominantly an eating establishment rather than a drinking one.

b) The prevention of crime and disorder

We ensure that behaviour within our restaurant, from staff and customers adhere to both criminal and licensing laws. Our staff are trained and experienced in recognising potential criminal or disorderly behaviour and our policies are clear as to when to refuse alcohol and remove individuals from the premises.

c) Public safety

We adhere to all health and safety regulations including fire safety procedures. The restaurant and garden layout had been designed in accordance to all regulations.

d) The prevention of public nuisance

We ensure that behaviour within our restaurant is not offensive or a nuisance to the neighbourhood. Our staff are trained and experienced in recognising potential disorderly or nuisance behaviour and our policies are clear as to when to refuse alcohol and remove individuals from the premises. Noise levels are kept to a minimum.

e) The protection of children from harm

We are a fine dining restaurant and do not cater for children. We do not offer children's meals and historically, less than 2% of our guests are children, with a large proportion of that 2% babies in prams.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o 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.
  - o 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.
  - o 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:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non-domestic rateable value of the premises. If the licence only covers a part of a bigger premises, the rateable value for the whole of the premises will apply unless the licence area has been issued with its own rateable value.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

- Band A - No RV to £4300 £100.00
- Band B - £4301 to £33000 £190.00
- Band C - £33001 to £8700 £315.00
- Band D - £87001 to £12500 £450.00\*
- Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

- Band D - £87001 to £12500 £900.00
- Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number of persons in attendance at any one time. This attendance number includes all staff and performers.

- Capacity 5000-9999 £1,000.00
- Capacity 10000 -14999 £2,000.00
- Capacity 15000-19999 £4,000.00
- Capacity 20000-29999 £8,000.00
- Capacity 30000-39000 £16,000.00
- Capacity 40000-49999 £24,000.00
- Capacity 50000-59999 £32,000.00
- Capacity 60000-69999 £40,000.00
- Capacity 70000-79999 £48,000.00
- Capacity 80000-89999 £56,000.00
- Capacity 90000 and over £64,000.00

Fee amount (£)

190

**ATTACHMENTS**



**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name	<input type="text" value="11"/>
Street	<input type="text" value="Croft Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="Letchworth"/>
County or administrative area	<input type="text" value="Hertfordshire"/>
Postcode	<input type="text" value="SG61AS"/>
Country	<input type="text" value="United Kingdom"/>

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

**DECLARATION**

\* I/we understand 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.



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	<input type="text" value="Neill Burton"/>
Capacity	<input type="text" value="Owner"/>
Date	<input type="text" value="31"/> / <input type="text" value="1"/> / <input type="text" value="2023"/> dd mm yyyy
	<input type="button" value="Remove this signatory"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
  2. Go back to to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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.

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

**Digital Signature Information**

Signer's name	<input type="text"/>
Signer's contact information	<input type="text"/>
Signing time	<input type="text"/>
Signer status	<input type="text"/>
Signature status	<input type="text"/>
Certificate issuer	<input type="text"/>

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**Chez Burton**  
**Representations by other persons**

Paul Watts  
1 Maltings Court Mansfield Road Baldock Herts SG7 6EB

Dear Sirs

We wish to object to the proposed extending open hours of the above Licensed property in THE GARDEN AREA.

As stated in our previous objection letter dated 5<sup>th</sup> March 2022, our house is at the back of this restaurant and overlooks the rear garden referred to in this application.

Our property is less than 15 meters away from the garden. All the windows from our property overlook the garden. We live on the first and second floor. Our bedroom is on the second floor and has Velux windows. These will be open at night on hot evenings.

We were happy with the compromise reached last year at the Licensing meeting we it was agreed that the garden would be open until 22:00 hours. Now the request is to be open until 12 midnight 6 days a week and 22:30 on Sunday.

In the warmer weather we will be able to hear every noise from the garden. It is human nature that as people have more to drink, their voices increase in volume and sound travels upwards.

[REDACTED]

Yours sincerely

Paul watts

David & Stephanie Taylor  
3 Maltings Court, Mansfield Road, Baldock, Herts, SG7 6EB

Dear Sir/Madam

We **STRONGLY OBJECT** to the above application for the following reasons:

Chez Burton is surrounded by at least **SEVEN** residential properties whose bedroom windows all overlook the garden area of the restaurant; it is of the utmost importance that you should consider what the affect of granting this variation would have on the residents who live in such close proximity.

The most significant area of concern is the disturbance caused by customers drinking and talking in the garden area with soft background music playing **UNTIL MIDNIGHT**. This would result in a significant, harmful noise intrusion at a time of the night when we would be attempting to sleep.

It is essential that you please take into account the detrimental affect this would have on us all and the quality of our lives if this variation of the licence were to be approved.

Yours faithfully

David & Stephanie Taylor

Maria Free

3 Barns Courtyard Mansfield Road Baldock SG7 6FE

I live directly beside the garden of Chez Burton, I currently have noise from the garden which I have accepted, however a proposal to midnight is unacceptable, I work full time and would have no peace or quality of life. How would I be expected to sleep, I hear every conversation in my garden and house currently but knowing it will stop at around 10. 10.30 means I can get some peace and sleep, I have to be up at 6am Most people drinking at midnight would not consider the neighbours. This garden was always a residential garden because it is surrounding residential gardens, I totally object because it would seriously affect my life and value of property.

Thank you for your email, I have attached some photos of my garden to the left of the wall looking out of my bedroom window.

If a licence is granted allowing the garden to stay open until 12pm and alcohol being consumed how can I living in a residential property expect to have any peace, I work long hours in a stressful job this would have implications on my mental health, as drinking in a garden to that hour will cause noise [REDACTED]

[REDACTED]. I am already getting noise that stops me from enjoying my garden, increasing the hours will increase alcohol consumption increasing noise.

I have grandchildren that stay over if you allow drinking to 12pm I would no longer be in a position to let them stay.

I appreciate any business wanting to extend drinking hours but it should not be in the detriment of neighbours living in very close proximity.

Brian McAleer

2 Barns Courtyard Mansfield Road Baldock SG7 6FE

REF. Chez Burton 48, Hight Street Baldock SG7 6BJ.

I have seen the proposed plans to extend the hours to Chez Burton.

It has come to my attention that Chez Burton have proposed to extending the hours in the rear garden.

I think that 10.30 is more than acceptable, any later this will interfere with my life and well being, I already hear a lot of noise from the garden that affects me from not wanting to sit outside as it is in very close proximity to my garden. allowing the noise to continue until midnight would affect my well being. This proposed garden area was until Chez Burton took over a private residential garden. [REDACTED]

Karen and Robin Watts  
2 Maltings Court, Baldock

1<sup>st</sup> May 2023

FAO: The North District Council Licensing Committee

**Re: Objection to Chez Burton restaurant requesting to lift the current curfew that was imposed last year.**

We oppose the application that Chez Burton has made to have the garden open till 11pm and beyond thereby removing the 10pm curfew that was put in place last year by the licensing sub-committee. We object to this happening due to the proximity of our home to the Chez Burton garden. We are concerned about the noise pollution and disturbance that this would cause if it were to go ahead. The Maltings Court houses were built so that our bedroom windows and living areas faced away from the White Lion pub, so we would not be disturbed but now we must put up with the Chez Burton garden, which can get quite noisy. The 10pm curfew was put in place so that this would not impact on the residents. We accept that we live close to the High Street and have to put up with a degree of disturbance associated with this, but this must be managed in such away to limit its impact beyond which is reasonable.

Since the opening of the Chez Burton garden, we have felt uncomfortable and unhappy in our own home. We don't live on the High Street but we now feel that the High Street is intruding into our lives which we didn't ask for. Looking out over the Chez Burton garden is not a pleasant experience with people gawping up at us whilst we are going about our daily lives, we feel exposed and on show. With the garden closing to customers at 10pm, we at least know that we can get some respite and we will be able to go to bed at a reasonable time without too much disturbance. Although sometimes the garden lights are left on for several days at a time which is rather annoying. [REDACTED]

[REDACTED] The Watts family have lived here for years, many more years than Chez Burton. (It was a baker then a sweet shop before it was a restaurant). All this leaves you feeling quite vulnerable in your own home, and we no longer want to live here. Our 1-year-old grandson comes to stay on a Friday and or Saturday night. It concerns us that he too will be disturbed if the garden is permitted to stay open later than 10pm.

[REDACTED]

[REDACTED]

The garden opened for patrons in July 2022, so not that long ago and in his application Mr Burton states that customers are "dissatisfied" because they have to start removing guests at "9.30pm". Patrons are made aware of the curfew in the garden upon arriving at the restaurant and are therefore able to make an informed choice as to whether to sit outside or not. He states that this causes loss of sales therefore he is struggling to make a profit. The garden is also open from lunchtime onwards on Fridays and Saturdays, weather permitting, so he is able to make use of the garden during the day. [REDACTED]

[REDACTED]

Mr Burton is also now utilising his Pavement Licence at the front of the restaurant. Even though he stated in the hearing last year that he cannot use that space due to the position of the zebra crossing, he did manage to put out a few tables and chairs at the front of his restaurant which were used by patrons. The reason for mentioning all this is to show that this application is unreasonable and that we've all had to make compromises and to lift the curfew would be unjust.

Yours sincerely,

Karen and Robin Watts