

NORTH HERTFORDSHIRE DISTRICT COUNCIL



18 September 2026

Our Ref Licensing Sub-Committee 5 October
 2026
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To: Members of the Committee: Councillors Elizabeth Dennis, Keith Hoskins MBE, Bryony May
 and Dave Winstanley

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

to be held

VIA ZOOM

On

MONDAY, 5TH OCTOBER, 2026 AT 9.30 AM

Yours sincerely,

Isabelle Alajooz
Director – Governance

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AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
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Agenda

Part I

Item		Page
1.	ELECTION OF A CHAIR The Sub-Committee Members will elect a Chair for the hearing.	
2.	ELECTION OF A RESERVE MEMBER The Sub-Committee Members will elect a Reserve Member for the hearing.	
3.	HEARING PROCEDURE The procedure to be followed by the Chair when conducting the Sub-Committee hearing.	(Pages 3 - 4)
4.	REVIEW OF A PREMISES LICENCE IN RESPECT OF THE BARN, LOWER ROAD, TEA GREEN, LUTON, HERTFORDSHIRE, LU2 8PS To determine the application by Offley Parish Council for a review of the existing premises licence for The Barn.	(Pages 5 - 34)

THE BARN – PREMISES LICENCE REVIEW HEARING PROCEDURE

Introduction

1. Chair's welcome
2. Introduction of:
 - Councillors sitting on the sub-committee
 - Legal advisor
 - Licensing officers
 - Other Persons instigating the review (Clerk of Offley Parish Council)
 - Premises licence holder (including any representatives)
3. The Chair will outline the procedure for the hearing
4. The Chair will ask the legal advisor to outline the matters for consideration during the course of the hearing

Licensing officer's report

5. The Chair will ask the licensing officer if they have anything to add to their report to the Sub-Committee; if there has been any amendments to the hearing bundle, and if so, if all Other Persons, responsible authorities and the premises licence holder have been made aware of the amendments.
6. The Chair will ask if there are any questions of fact of the licensing officer from:
 - Other Persons instigating the review (Clerk of Offley Parish Council)
 - Premises licence holder (including any representatives)
7. The sub-committee may ask questions of the licensing officer

The Other Person requesting the review's case (Clerk of Offley Parish Council)

8. The Chair will ask Clerk of Offley Parish Council to present his submission to the sub-committee
9. The Chair will ask if there are any questions of fact of Clerk of Offley Parish Council from:
 - Premises licence holder (including any representatives)
10. The sub-committee may ask questions of Clerk of Offley Parish Council

The premises licence holder submits its case

11. The Chair will ask the premises licence holder (and/or representatives) to present their submissions to the sub-committee
12. The Chair will ask if there are any questions of fact of the premises licence holder from:

- Clerk of Offley Parish Council

13. The sub-committee may ask questions of the premises licence holder

Closing statements

14. The licensing officer may make final submissions to the sub-committee

15. The Other Persons (supporting the review) may make final submissions to the sub-committee

16. Clerk of Offley Parish Council may make his final submission to the sub-committee

17. The Other Persons (opposing the review) may make final submissions to the sub-committee

18. The premises licence holder (and/or representatives) may make final submissions to the sub-committee

Conclusion of the evidence session

19. The legal advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the sub-committee

20. The Chair will adjourn the hearing and retire into private session to consider its determination

Decision

21. The Chair will announce the sub-committee's decision in open session and give reasoning for the decision

22. The Chair will close the hearing

LICENSING SUB-COMMITTEE Monday 5th October 2026

LICENSING ACT 2003

**APPLICATION BY CLERK OF OFFLEY PARISH CENTRE
FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF
THE BARN, LOWER ROAD, TEA GREEN, LUTON, HERTFORDSHIRE, LU2 8PS**

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 The existing premises licence was varied by the licensing authority on 13 May 2015.
- 1.2 The current premises licence is attached as **Appendix A**.

2. REVIEW APPLICATION

- 2.1 The application is for a review of a premises licence following a request from an Other Person under Section 51 of the Licensing Act 2003 ("the Act").
- 2.2 On 5 August 2026, the licensing authority received an application for the review of the premises licence from the Clerk of Offley Parish Council on the grounds stated below:

A diary of noise and disturbance levels has been sent to Alan Stone – Environmental at NHC.

The disturbance is every time the venue has a function which is either a Friday, Saturday and or a Sunday.

The venue capacity is set at max 200 guests albeit there is little or no car park as this has never been complete to allow 69 cars to park on site. There is a very small entrance and exit which only allows one car to pass through at a time. The staff all park on the road (lower road) as do the guests who cannot or will not enter the venue car park. Fireworks are being let off within the car park and on the surrounding village green Which is also a parking area despite signs stating NO PARKING ON THE VILLAGE GREEN.

There have been two reported sightings of a Drone emanating from the venue. These have been reported to the police authority.

Noise levels before during and after the any event. Some time very late into the night past 1.00am

Bad and inconsiderate parking on the street often blocking resident's driveways.

Parking on the village green and grass verges.

Two drone sightings."

2.3 The application specifies the following licensing objectives:

- The prevention of public nuisance
- Public safety
- The prevention of crime and disorder

Once an application for review has been made representations can be made for any of the four licensing objectives.

2.4 As required by the Act, the licensing authority displayed notices of the review at the premises in accordance with the prescribed regulations. The application was also published on the Council's website on the Licensing Register.

2.5 The application for a review is attached as **Appendix B**.

3. CONSULTATION PROCESS

3.1 On 5 August 2026, the licensing authority received an application for a review of the premises licence from an Other Person.

3.2 As the application was served electronically, the licensing authority served notice of the application to the premises licence holder and the responsible authorities.

3.3 Public notices were displayed on the premises for a period of twenty-eight (28) consecutive days between 6 August 2026 and 2 September 2026 in accordance with the requirements of the Act. Officers visited the premises periodically to ensure that the notices were continually displayed.

3.4 A newspaper advertisement is not required by the Act for an application for a review.

3.5 On 9 September 2026, a follow up email was sent to the Other Person requesting any supporting evidence to be provided. The response included only the original submission statement.

3.6 On 16 September 2026 the date for the hearing was revised due to availability of attendees and was subsequently agreed to be held on 5 October 2026.

4. REPRESENTATIONS

4.1 No representations were received from any responsible authority.

4.2 The applicant for the review and the premises licence holder 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.

4.2 This report and all appendices have been published on the Council's website and all hearing invitations required to satisfy paragraph 4.2 above have included a link to the relevant web page.

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) to take no action;
 - ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, removing live and recorded music deregulation, 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.
- 5.4 National Guidance Section 11.20 states:
- "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*
- 5.5 The applicant for the review and / or the premises licence holder may appeal the decision made by the Sub-Committee to the Magistrates Court. Any appeal must be made within 21 days from the date that appellant is notified, in writing, by the Licensing Authority of the decision to be appealed against.
- 5.6 The hearing determination will not take effect until the end of the period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of or withdrawn.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 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:
- 6.2 Paragraph B6
Our vision is:

To ensure that North Hertfordshire continues to offer a diverse range of well managed licensed venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy.

6.3 Paragraph 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.

6.4 Paragraph 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**.

6.5 Paragraph 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.

6.6 Paragraph 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.
- 6.7 Paragraph 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.
- 6.8 Paragraph 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.
- 6.9 Paragraph 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.
- 6.10 Paragraph E2.1
The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.
- 6.11 Paragraph 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.**
- 6.12 Paragraph E3.1.4
The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of

prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

6.13 Paragraph E3.2.1

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

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

6.13 Paragraph E3.2.4

The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.

6.14 Paragraph E3.2.5

A licensing sub-committee will not impose restrictions or licence conditions on a licence/certificate that relate to deregulated entertainment in order that they can automatically apply if deregulation is subsequently removed. At a review hearing where it is decided to remove deregulation, the licensing sub-committee should tailor any restrictions and/or conditions based on the evidence submitted to them at that time.

6.15 Paragraph 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.

6.16 Paragraph 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.

6.17 Paragraph 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.

6.18 Paragraph F4.1

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

6.19 Paragraph F8.1

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

6.20 Paragraph F8.2

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

6.21 Paragraph 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.

6.22 Paragraph O2.2

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

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (September 2026 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where it deems it appropriate and the determination should be based upon consideration of the full document:

7.2 Paragraph 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.

7.3 Paragraph 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.

7.4 Paragraph 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.

7.5 Paragraph 1.16

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

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

7.6 Paragraph 1.17

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

7.7 Paragraph 2.20

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.**

7.8 Paragraph 2.21

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.

- 7.9 Paragraph 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.
- 7.10 Paragraph 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.
- 7.11 Paragraph 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 any 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.
- 7.12 Paragraph 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.
- 7.13 Paragraph 10.9
It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.
- 7.14 Paragraph 11.19
Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
• modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

7.15 Paragraph 11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

7.16 Paragraph 16.55

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension(4) and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

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.

Case law

- 8.2 As the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.3 The Guidance states at paragraph 2.20 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.4 Whilst conditions may be inappropriate, where the evidence demonstrates that action is appropriate, licensable activities or hours may be restricted, or the premises licence may be suspended or revoked.
- 8.5 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.6 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the

hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that “beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right” (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the Hope and Glory case.

- 8.7 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

Evidence for consideration – relevance and weight of matters raised

Parking

- 8.8 Existing legislation provides separate mechanisms for addressing many parking matters, including enforcement by civil enforcement officers where a traffic regulation order applies, and by the police where vehicles cause obstruction of the highway.
- 8.9 The sub-committee should distinguish general parking-enforcement and highway matters from any evidenced nuisance, obstruction, crime or disorder directly linked to customers attending or leaving the premises
- 8.10 If the sub-committee were to consider parking, it would have to assess whether any proposed measure would be within the licensee’s control, appropriate and proportionate.

Noise

- 8.11 Reference was made to noise reports concerning loud music and disturbance which were sent to Environmental Health. Those documents have not been provided as part of the review papers and are therefore not evidence presently before the sub-committee. The sub-committee may nevertheless consider the applicant’s account and any admissible evidence given at the hearing, assigning it such weight as it considers appropriate.
- 8.12 The allegations of loud music, disturbance associated with customers arriving at and leaving the premises, and noise continuing beyond 1.00 a.m. can engage the prevention of public nuisance objective. The weight to be given to those allegations will depend on the evidence presented, including the frequency, duration, timing and location of the disturbance, its relationship to licensable activities and the effectiveness of the existing licence conditions.

- 8.13 No representation was received from Environmental Health. The sub-committee may take this into account but must determine the review on the evidence before it.

Drones

- 8.14 Reference was made to two drone sightings said to have been reported to the police. No supporting material concerning those reports is included in the review submission. The allegation is relevant only to the extent that the sub-committee is satisfied that the drone activity was connected with the operation of the premises and adversely affected one or more licensing objectives.

- 8.15 No representation was received from the Police.

Fireworks

- 8.16 Reference was made to the use of fireworks being discharged at the premises and on the village green, but no supporting material is included in the review papers. The matter is relevant only to the extent that the sub-committee is satisfied that it was connected with the operation of the premises and caused, or risked causing, public nuisance, danger to public safety, crime or disorder.

- 8.17 The Fire Authority have not submitted a representation for this review.

Venue Capacity and access

- 8.18 The references to venue capacity, parking capacity and the width of the access do not, without more, establish a breach of the public safety objective. They may be relevant only where evidence demonstrates a direct safety risk arising from the operation of the licensed premises. Matters governed adequately by planning, highways, building control or fire-safety legislation should not be duplicated through licensing controls.

9. EQUALITY AND HUMAN RIGHTS IMPLICATIONS

- 9.1 There are no equality or human rights implications arising directly from this report. The Licensing Act 2003, its regulations, Section 182 Guidance and the Council's own Licensing Policy set out the approach to ensure that all interested parties' rights are met.

10. BACKGROUND PAPERS

- 10.1 The Licensing Act 2003 and its regulations: [Licensing Act 2003 & Regulations](#)
- 10.2 The Home Office's Section 182 Guidance: [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK](#)

10.3 North Herts Council Statement of Licensing Policy: [Statement of Licensing Policy | North Herts Council](#)

11. APPENDICES

11.1 Appendix A Current premises licence

11.2 Appendix B Application for the review

12. CONTACT OFFICER

12.1 Jasmine Jennings
Licensing Team Leader
jasmine.jennings@north-herts.gov.uk

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: 09 August 2005
Current issue date: 29 November 2024**



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Authorised signatory

Premises licence number: 3973

Part 1 – premises details

**The Barn
Lower Road, Tea Green, Luton, Hertfordshire, LU2 8PS**

This licence is granted in perpetuity

Licensable activities authorised by the licence

**Section F: Recorded Music:(Indoors)
Section E: Live Music:(Indoors)
Section I: Provision of Late Night Refreshments:(Indoor)
Section J: Sale or Supply of Alcohol**

The times the licence authorises the carrying out of licensable activities

Section F: Recorded Music:(Indoors)

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

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

The standard terminal hour is extended by one (1) additional hour every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and August Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Christmas Eve and Boxing Day.

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

Section E: Live Music:(Indoors)

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

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

The standard terminal hour is extended by one (1) additional hour every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and August Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Christmas Eve and Boxing Day.

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

New Year's Day.

Section I: Provision of Late Night Refreshments:(Indoor)

Day	Start Time	End Time
Monday	23:00	00:30
Tuesday	23:00	00:30
Wednesday	23:00	00:30
Thursday	23:00	00:30
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	23:30

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

The standard terminal hour is extended by one (1) additional hour every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and August Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Christmas Eve and Boxing Day.

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

Section J: Sale or Supply of Alcohol

Day	Start Time	End Time
Monday	11:00	00:30
Tuesday	11:00	00:30
Wednesday	11:00	00:30
Thursday	11:00	00:30
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	12:00	23:30

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

The standard terminal hour is extended by one (1) additional hour every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and August Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

The standard terminal hour is extended by one (1) additional hour every Christmas Eve and Boxing Day.

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

The opening hours of the premises		
Day	Start Time	End Time
Monday	11:00	01:00
Tuesday	11:00	01:00
Wednesday	11:00	01:00
Thursday	11:00	01:00
Friday	11:00	01:30
Saturday	11:00	01:30
Sunday	12:00	midnight
These hours are to apply each day of the year with the exception of: The standard terminal hour is extended by one (1) additional hour every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and August Bank Holiday weekend. The standard terminal hour is extended by one (1) additional hour every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. The standard terminal hour is extended by one (1) additional hour every Christmas Eve and Boxing Day. The standard terminal hour on New Year's Eve is extended until the standard terminal hour on New Year's Day.		

For consumption on and off the premises
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Part 2

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

**The Barn Tea Green Ltd
50 Wellington Street, Luton, Bedfordshire, LU1 2QH
events@thebarnteagreen.co.uk**

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

03752645

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

**Michael Anthony O'Malley
22 Willow Way, Luton, LU3 2SD**

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: 194753
Issuing authority: Luton Borough 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

The premises licence holder will ensure that adequate illumination is provided to the exterior areas of the premises at all times whilst the premises is open to the public.

The premises licence holder will ensure that telephone numbers for licensed taxi services are available to facilitate customers onward journeys.

The premises licence holder will ensure that clear and legible notices shall be displayed at all exits of the function room requesting patrons to respect the needs of local residents and to leave the premises quickly and quietly.

The premises licence holder will ensure that after 23:00hrs, the external doors to the function room shall remain closed during live and recorded music constituting regulated entertainment taking place in said function room, except for ingress, egress or in the case of an emergency.

The premises licence holder will ensure that children under the age of sixteen (16) years are not permitted on the premises after 21:00hrs unless accompanied by a responsible adult and attending a private function or taking a table meal.

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

None

Annex 4 – Plans

See attached

NORTH HERTS COUNCIL

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I David Sample Clerk to Offley Parish Council

(Insert name of applicant)

(delete as applicable)

Part 1 – Premises or club premises details

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

The Barn Lower Road Tea Green

Post town Luton

Post code (if known) LU2 8PN

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

SAMPLE

First names

DAVID

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

[Redacted address]

Post town

[Redacted post town]

Post Code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

**E-mail address
(optional)**

[Redacted email address]

(B) DETAILS OF OTHER APPLICANT

Name and address

[Redacted name and address]

Telephone number (if any)

E-mail address (optional)

[Redacted telephone number and email address]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address 
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- ☐ #
- ☐ #
- ☐ #
- ☐

Please state the ground(s) for review (please read guidance note 2)

A diary of noise and disturbance levels has been sent to Alan Stone – Environmental at NHC.

The disturbance is every time the venue has a function which is either a Friday, Saturday and or a Sunday.

The venue capacity is set at max 200 guests albeit there is little or no car park as this has never been complete to allow 69 cars to park on site. There is a very small entrance and exit which only allows one car to pass through at a time. The staff all park on the road (lower road) as do the guests who cannot or will not enter the venue car park.

Fireworks are being let off within the car park and on the surrounding village green Which is also a parking area despite signs stating NO PARKING ON THE VILLAGE GREEN.

There have been two reported sightings of a Drone emanating from the venue. These have been reported to the police authority.

Please provide as much information as possible to support the application (please read guidance note 3)

Noise levels before during and after the any event. Some time very late into the night past 1.00am

Bad and inconsiderate parking on the street often blocking resident's driveways.

Parking on the village green and grass verges.

Fireworks let off within the venue.

Two drone sightings.

Have you made an application for review relating to the premises before

Please tick ✓ yes
☐

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐#

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**


Signature


Date


Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.