

WELWYN HATFIELD COUNCIL
LICENSING SUB COMMITTEE
REPORT OF THE LICENSING OFFICER

Welham Green

REPORT TO LICENSING SUB COMMITTEE

VARIATION OF PREMISES LICENCE FOR THE HOPE & ANCHOR

AT: 2 STATION ROAD, WELHAM GREEN, HATFIELD, HERTFORDSHIRE

1.0 Summary of the Review

Premises Licence Holder(s)
Ei Group Plc
Address of Premises
Hope & Anchor 2 Station Road Welham Green Hatfield Hertfordshire.

This committee report contains an application for variation of an existing premises licence for the Hope & Anchor, 2 Station Road, Welham Green, Hatfield.

Appendix A - Current Premises Licence, & Summary Hour's Sheet

Appendix B - Variation Application & Proposed Hours Sheet

Appendix C -. Maps of the Locality

Appendix D - Photographs of the Hope & Anchor & area,

Appendix E - Proposed Licence Conditions - EH Officer Agreed

Appendix F - Representations Received

Summary of Application Received

An application has been received from Goss Chalks solicitors on behalf of the premises licence holder Ei Group Plc under the Licensing Act 2003 for variation of an existing premises licence for the Hope & Anchor, Welham Green to extend the times for the Live Music, Recorded Music, Sale of Alcohol and Opening Times, and to remove a condition restricting the number of events held each year.

This application as made is for: -

Thursdays

Live Music - 10:00 - 00:30 Hrs (Currently 20:00 - 22:30Hrs).

Recorded Music & Sale of Alcohol 10:00 - 00:30 (Currently 10:00 - 23:00 Hrs)

Live & Recorded Music & Sale of Alcohol - Maunday Thursdays - 10:00 - 02:00 Hrs

Fridays/Saturdays

Live Music - 10:00 - 02:00 Hrs (Currently 19:30 - 23:00 Hrs)

Recorded Music & Sale of Alcohol - 10:00 - 02:00 Hrs (Currently 10:00 - 00:00 Hrs)

Sundays

Live Music - 10:00 - 00:30 Hrs (existing 14:00 - 22:30 Hrs)

Recorded Music & Sale of Alcohol - 10:00 - 00:30 Hrs (Currently 10:00 - 22:30 Hrs)

Bank Holiday Weekends

All Fridays, Saturdays and Sundays of Bank Holiday Weekends 10:00 - 02:00 Hrs

Currently - Good Friday, Easter Saturday & Sunday

Live Music Extended to Midnight, &

Recorded Music & Alcohol extended to 01:00 Hrs

Remove Condition

Remove condition 3 from Annexe 3 of the premises licence which limits events to 12 in any calender year (a condition imposed at an earlier licensing hearing)

1.1 Unresolved representations

The representations from the Police, Ward & Parish Councillors and local residents remain unresolved.

1.2 Resolved Representations

Environmental Health Officer's representation has been resolved by adding conditions to the premises licence. See Appendix "E" for conditions to be added if Variation application is granted.

1.3 Background

The application submitted is for an application to vary an existing premises licence to extend the timings for live music, recorded music, sale of alcohol, and to close 30 mins after these timings.

Representations received are with regard to this, therefore the committee are obliged to determine the application.

2.0 Explanation

The application submitted is for the Variation of the Hope & Anchor's Premise Licence. This PA29562/11/102019 licence has been in force since 15th November 2005. The premises licence was granted at a licensing hearing held to determine an application from the premises licence holder at that time to convert and vary a premises licence issued under the old 1964 licensing act.

The premises licence holder took over the licence in February 2019 and a new designated premises started to run the premises. The current designated premises holder Adam Wyett took over in September 2019 and has run a number of Soul Nights at the premises at weekends.

The hope & Anchor is surrounded by houses on all four sides, some quite close and as a result we have had some noise issues over the years when events are held there, hence at the previous licensing hearing restrictions were put on the licence hours and the number of events that could be held.

The committee is obliged to determine this application for a variation of a premises licence for the Hope & Anchor in light of the matters in the variation application and representations received. In determining the application the sub committee must take account of the council's duty to promote the statutory licensing objectives namely:

- A) The prevention of Crime and Disorder
- B) Public Safety
- C) The Prevention of Public Nuisance
- D) The Protection of children from harm.

In making its decision, the committee is also obliged to have regard to the National Guidance and the Councils own Licensing Policy (Previously circulated).

3.0 Licensing National Guidance (S182)

- 3.1 The subcommittee will also wish to be aware of the Guidance issued under section 182 of the licensing Act 2003.

Guidance 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.

Guidance 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.

Guidance 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. Whilst 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.

Guidance 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 regarding licensed opening hours as part of the implementation of its licensing policy statement and 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.

Guidance 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.

4.0 Welwyn Hatfield Borough Council Licensing Policy

4.1 The Live Music Act 2012

The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:

- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues
- the provision of entertainment facilities

4.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

4.3 Welwyn Hatfield Statement of Licensing Policy Decision 32.1

All decisions and enforcement action taken by us will have regard to the relevant provisions of the Licensing Act 2003, s182 Guidance, the enforcement policy of the council and to the Regulatory Compliance Code

4.4 Welwyn Hatfield Statement of Licensing Policy Decision 32.3

We believe that proportionate but vigorous enforcement will be a key element in ensuring the successful implementation of the licensing regime and that the four licensing objectives are met. We intend to use our powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community.

4.5 Welwyn Hatfield Statement of Licensing Policy Decision 35.1

The Council recognises that at any time after a Premises Licence or Club Premises Certificate has been issued, a responsible authority, such as the Police or Fire Authority, a councillor, or any other person, may ask the Council to review the licence to premises because of problems arising in connection with any of the four Licensing objectives.

Explanation

For the prevention of crime and disorder, the provision of public safety, the prevention of nuisance and the protection of children from harm premises licence holders and designated premises supervisors must bear in mind these licensing objectives in the way they operate and run their premises.

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.

In order to secure the Licensing objectives, the Council may place additional conditions on a licence beyond those derived from the operating schedule. If this is necessary, the Council will draw from pools of model conditions where available.

5. Recommendation

5.1 The committee must have regard to the application made and the evidence it hears. The sub-committee is therefore asked to determine the application. In determining the application, the sub-committee may on behalf of the licensing authority, and having regard to the promotion of the licensing objectives, statute, guidance and policy decide on the following courses of action:

- a) To grant the variation of the premises licence as proposed.
- b) To modify the conditions of the licence by altering or omitting or adding to them as appropriate for the promotion of the licensing objectives (and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- c) To exclude any of the licensable activities to which the application relates.
- d) To refuse to specify a person in the licence as the premises supervisor.
- e) To reject the whole of the application.

6.0 Appendices

- a. Current Premises Licence & Summary Hours Sheet
- b. Variation Application and Proposed Hours Sheet
- c. Maps of Locality.
- d. Photographs of the Hope & Anchor and area.
- e. Conditions agreed by the Environmental Health Officer
- f. Representations received (Confidential)

Dennis Pennyfather - Licensing Technical Officer
Date – January 2020