

**North Hertfordshire District Council  
Licensing Act 2003  
Decision Notice**

Date of Hearing	11 August 2005
Members of Panel	P. Clark, J Cunningham, J. Kirby.

Applicant(s) Name	Mr Ciro Ascione and Mrs Jan Bavister
Premises Address	University of Luton, Putteridge Bury Campus, Hitchin Road, Herts, LU2 8LE
Date of Application	18 May 2005

<b>APPLICATION FOR VARIATION</b>	<p>This is an application for variation of a Premises Licence during the transitional period under Schedule 8 paragraph 7(b) of the Licensing Act 2003.</p> <p>The Sub-Committee have read the material presented to us and have listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>Either:</p> <p>The application is <b>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The opening hours applied for are:</p> <p>Monday to Sunday 7:00 am – 12:30am the following morning</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> PART E – Live Music</li> <li>• <input type="checkbox"/> PART F – Recorded Music</li> <li>• <input type="checkbox"/> PART G – Performances of dance</li> <li>• <input type="checkbox"/> PART H – Anything of a similar description to that falling within E, F or G</li> <li>• <input type="checkbox"/> PART I – Provision of facilities for making music</li> <li>• <input type="checkbox"/> PART J – Provision of facilities for dancing</li> <li>• <input type="checkbox"/> PART K – Provision of facilities for entertainment of a</li> </ul>
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	<p>similar description to that falling within I or J</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PART M – Supply of alcohol</li> </ul> <p>The licensable activities are permitted to take place in both the indoor and outdoor areas of the licensed premises, as shown on the plan of the premises, attached to this application, subject to the conditions set out below.</p> <p>The hours during which the following licensable activities may take place are:</p> <p><b>PART E – Live Music</b>  <b>PART F – Recorded Music</b>  <b>PART G – Performances of dance</b>  <b>PART H – Anything of a similar description to that falling within E,F or G</b>  <b>PART I – Provision of facilities for making music</b>  <b>PART J – Provision of facilities for dancing</b>  <b>PART K – Provision of Facilities for entertainment of a similar description to that falling within I or J</b></p> <p>Monday to Sunday 12:00 noon – 12:30am the following morning</p> <p>And the hours during which the following licensable activity may take place are:</p> <p><b>PART M – Supply of alcohol</b></p> <p>Monday to Sunday 11:00am – 11:45pm</p>
<p><b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are necessary for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and they consider that it is necessary to impose conditions as a result of these representations.</p> <p>The following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> <li>1. The outside area of the premises, which is shown on the plan attached to the application, will cease to be used for the provision of regulated entertainment after 8:00pm in the evening.</li> <li>2. During events where regulated entertainment is provided all doors and windows will be kept closed after 11pm every evening, except to allow for egress and ingress and in the event of an emergency.</li> </ol>

<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions, offered by the applicant in order to promote the four licensing objectives, set out in part Q of their application. The licensing authority will attach only those conditions that they consider to be within the control of the applicant and enforceable.</p> <p>Plus the following conditions offered by the applicant:</p> <ol style="list-style-type: none"> <li>1. The maximum number of persons, excluding staff, allowed on the premises shall be 180 persons at any one time.</li> <li>2. At all time the premises are open to the public either a duty manager or designated premises supervisor shall be present on the premises.</li> </ol>
<p><b>STATEMENT OF LICENSING POLICY</b></p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching their decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p><b>5. Licence Conditions</b></p> <p>5.1 <i>The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will seek to avoid attaching disproportionate and over burdensome conditions on licences.</i></p> <p>5.2 <i>Conditions will only be imposed when they are necessary 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. Conditions are likely to be focused towards the direct impact of those activities on persons living, working or otherwise engaged in activities in the vicinity.</i></p> <p><b>9. The Prevention of Public Nuisance</b></p> <p>9.1 <i>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 these matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.</i></p>
<p><b>NON-ATTENDANCE BY THE APPLICANT</b></p>	<p>The Sub-Committee makes the following observations:</p> <ol style="list-style-type: none"> <li>1. The applicant has not attended the hearing.</li> <li>2. The applicant has not sought an adjournment of the hearing.</li> </ol>

	<p>Once a hearing has been set it is for the parties to ensure that they attend or are represented or submit written material for consideration. Hearings may proceed in the absence of a party and in such circumstances the party's original representations will be taken into account together with any further material in support of that representation which has been served on all parties before the day of the hearing. If it is not possible for a party or their witness to attend a hearing the Authority's would normally expect to consider their representation in their absence.</p> <p>In reaching their decision the Sub-Committee has taken into account the applicant's:</p> <ol style="list-style-type: none"> <li>1. Original Application</li> <li>2. Letter to Ms Silverio dated 29/07/05</li> </ol>
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the second appointed day, namely the 24 <sup>th</sup> of November 2005.
<b>RIGHTS OF REVIEW</b>	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.