

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

Date of Hearing	Monday 13 th March 2006
Members of Panel	J. Cunningham, J. Kirby and M. Muir
Applicant(s) Name	Mr Brian Batchelor
Premises Address	Green Farm, Bendish, Herts. SG4 8JD
Date of Application	Tuesday 17 th January 2006
APPLICATION FOR PREMISES LICENCE	<p>This is an application for a Premises Licence made under Section 17 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>The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <p>Monday to Sunday 1100hrs to 2300hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <p>PART E – Live Music PART F – Recorded Music PART G – Performance of Dance PART J – Provision of Facilities for Dancing PART M - Supply of Alcohol</p> <p>All licensable activities applied for are permitted. The hours during which the following licensable activities may take place are:</p> <p>PART E – Live Music PART F – Recorded Music PART G – Performance of Dance PART J – Provision of Facilities for Dancing</p> <p>Monday to Sunday 1100hrs to 2300hrs</p>

	<p>PART M - Supply of Alcohol</p> <p>Monday to Saturday 1100hrs to 2300hrs Sunday 1200hrs to 2300hrs</p>
<p>SCOPE OF LICENCE</p>	<ol style="list-style-type: none"> 1. This licence will only be effective between the dates of 1st May to 31st October (inclusive). Providing licensable activities at the premises outside of these dates will be a breach of the licence and an offence. 2. The premises is not permitted to provide more than 12 events in any calendar year. An event will have a maximum duration of one day. Providing more than 12 events in any calendar year will be a breach of the licence and an offence. The applicant will keep a record of all events held on the premises and will make that record available to the Licensing Authority at their request. 3. Any Marquee or Temporary Structure erected on the premises may only be erected on the area shown on the revised plan dated 1st March 2006. Erecting a Marquee or Temporary Structure on any other part of the premises will be a breach of the licence and an offence.
<p>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</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 prevention of public nuisance</p> <ol style="list-style-type: none"> 1. At all times the marquee is used for the provision of regulated entertainment the sides of the marquee will be kept closed. 2. At all times the marquee is used for the provision of regulated entertainment the entrances and exits to the marquee will be kept closed except to allow for egress and ingress and in the event of an emergency. 3. To ensure that lighting does not cause a nuisance to nearby residents the applicant will ensure that no light source provided in the grounds of the premises is more than 1 metre in height. <i>Note – this does not apply to lighting inside the marquee or temporary structure.</i>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE</p>	<p>The conditions recommended by <u>Hertfordshire Fire & Rescue Service</u> have been agreed to by the applicant and will be imposed.</p> <p>Those conditions are as follows:</p>

AUTHORITIES

1. The Designated Premises Supervisor must undertake a fire risk assessment of the whole site prior to any event, to include:
 - (i) A fire appliance should be able to get within 50 metres of any temporary structure.
 - (ii) An emergency vehicle *hard-standing* should be established together with emergency access and egress to the site which must be maintained clear at all times.

2. A fire risk assessment must be carried out on each marquee to include the following:-
 - (i) Exits from the marquees should be:
 - Indicated by appropriate signage conforming to BS 5499 or the Health and Safety (Safety Signs & Signals) Regulations 1996.
 - A minimum of 1050mm (if there are doors fitted they should be outward opening and fitted with push bar type fastenings conforming to BSEN 1125).
 - Kept unobstructed from any trip hazards such as guy lines etc.
 - (ii) All marquees should be fire retardant, treated as per BS 5438
 - (iii) Firefighting equipment should be provided and sited as per BS 5306
 - (iv) Emergency lighting should be provided and sited as necessary conforming to BS 5266

3. The applicant must inform and supply plans to the Fire and Rescue Service prior to an event taking place providing sufficient information to enable the Service to make a determination regarding:
 - (i) The occupancy of each marquee
 - (ii) The occupancy of the 'field'
 - (iii) The emergency vehicle *hard-standing*
 - (iv) Emergency access and egress
 - (v) Location of fire safety equipment (including fire hydrants)
 - (vi) Location of hazards

The conditions recommended by NHDC – Environmental Health have been agreed to by the applicant and will be imposed.

These conditions are as follows:

1. That the applicant will comply with the Health and Safety risk assessment, dated 1 March 2006, on all occasions that events are held under the terms of this premises licence. A copy of this risk assessment is annexed hereto and marked 'A'.
2. That the applicant will provide the information contained in

	<p>the Health and Safety risk assessment to the Environmental Health Officer at least 28 days before the event is due to commence.</p> <p>3. The control of music noise shall be adequate to ensure that music noise levels ('MNL') shall not at the façade of any noise sensitive premises, exceed an LaeqT of 75dB over any reference time period of T of 15 minutes, throughout the duration of the event, including any rehearsal or sound check. Measurements should have regard to the methodology quoted in BS 4142:1997, paragraph 4-5, with sound level meter ('SLM') set to fast response ('F').</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out the 'operating schedule' at Part P of their application.</p> <p><u>Plus:</u></p> <p>1. At each event there will be no more than 200 guests attending the event.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<p>The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.</p>
<p>STATEMENT OF LICENSING POLICY</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>4. Regulating Licensing</p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council may attach conditions to licences issued under the Act and these must be focussed on matters, which are within the control of the individual licence holders and others in possession of relevant authorisations.</i></p> <p>4.2 <i>Licensing law is not a mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises or event and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in North Hertfordshire.</i></p>

	<p>4.3 <i>In addressing these matters the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or otherwise engaged in activities in the vicinity.</i></p> <p>5. Licence Conditions</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>9. The Prevention of Public Nuisance</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>10. Live Music, Dancing and Theatre</p> <p>10.1 <i>The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</i></p>
<p>RATIONALE FOR DECISION</p>	<p>The licensing authority has had regard to the relevant representations. The licensing authority has decided that rejection of the application, and refusal to grant the premises licence is not necessary to promote the licensing objectives.</p> <p>In reaching this decision the licensing authority takes into account the ability of the interested parties and responsible authorities to apply for a review of the licence if the licence holder is not promoting</p>

	the licensing objectives under the terms of this licence.
PLANNING PERMISSION	<p>At paragraph 3.35 of the Guidance issued by the Secretary of State for Culture, Media and Sport it states:</p> <p><i>Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to the building would not relieve the applicant of the need to apply for planning permission or building control where appropriate. Proper intergration should be assured by licensing committees where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking decisions and avoid any unnecessary overlap.</i></p> <p>The planning and licensing regimes operate independently. The grant of a premises licence does not influence the decision of the local authority to grant or refuse planning permission. If the licence is inconsistent with planning restrictions the obligation rests with the licence holder to make an application to apply for, amend or relax planning conditions in order that they may operate under the terms of the premises licence without breaching planning law.</p>
COMMENCEMENT DATE	This licence will come into effect from Monday 1 st May 2006.
RIGHTS OF REVIEW	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.