

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

Date of Hearing	Tuesday 11 th April 2006
Members of Panel	J. Cunningham, G.Grindal and J. Kirby.
Applicant(s) Name	Mr Tim Stephen
Premises Address	Butt's Close, Access of Fishponds Road, Hitchin.
Date of Application	Wednesday 22 nd February 2006
APPLICATION FOR VARIATION	<p>This is an application for a Premises Licence (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 approved 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 2400hrs to 2359hrs</p> <p>These hours are to apply on each day that an event is held.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> PART A – Plays • <input type="checkbox"/> PART B – Films • <input type="checkbox"/> PART E – Live Music • <input type="checkbox"/> PART F – Recorded Music • <input type="checkbox"/> PART G – Performance of a Dance • <input type="checkbox"/> PART H – Anything of a Similar Nature – Parts E, F or G • <input type="checkbox"/> PART I – Provision of Facilities for Making Music • <input type="checkbox"/> PART J – Provision of Facilities for Dancing • <input type="checkbox"/> PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J <p>The hours during which the licensable activities may take place are:</p>

	<p>PART A – Plays PART B – Films PART E – Live Music PART F – Recorded Music PART G – Performance of Dance PART H – Anything of a similar description to that falling within E,F or G PART I – Provision of Facilities for Making Music PART J – Provision of Facilities for Dancing PART K – Provision of facilities for entertainment of a similar description to that falling within i or j</p> <p>Monday to Sunday 1000hrs to 2200hrs</p> <p>These hours are to apply on each day that an event is held.</p>
<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 condition is considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The condition is:</p> <ol style="list-style-type: none"> 1. That <u>no more than twelve (12)</u> events to take place on the area to which the Premises Licence applies <u>in any one year.</u>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by:</p> <p><u>Hertfordshire Fire and Rescue Service</u></p> <p>To ensure Public Safety</p> <ol style="list-style-type: none"> 1. The Premises Licence holder must undertake a Fire Risk assessment of the whole site prior to any event, to include: <ol style="list-style-type: none"> a) A Fire and Rescue Service appliance which must be accessible within 50 metres of any temporary structure. b) A Fire and Rescue Service appliance ‘hard standing area’ which must be established along with emergency vehicle access to the site. This must be maintained clear for use at all times during the event (including preparation and ‘take down’ times).

2. A Fire Risk Assessment must be carried out on each marquee or structure to include the following:

a) Exits from the marquee/structure which must be:

- Distinctively and conspicuously indicated using suitable exit signs. These signs should conform to the size and colour specified in BS 5499: Part 1 :2002 or The Health and Safety (signs and signals) Regulations 1996

- A minimum of 1050mm in width (if they are doors, they should be outward opening in the direction of escape and fitted with 'push bar' type fastenings conforming to BSEN 1125).

- Kept unobstructed and clear from any trip hazards such as guy lines and electrical cables.

a) All Marquees should be fire retardant or treated as such in accordance with BS 5438

b) Firefighting equipment must be provided and sited in accordance with BSEN 3 and BS 5306: Part 8: 2000.

c) Emergency lighting units must be provided and sited in accordance with BS 5266: Part 1: 2005 provisions.

3. The applicant must inform and supply plans to this Authority prior to any proposed event. These plans must include the following information to enable the Service to make a determination regarding:

- The occupancy of each marquee/structure

- The occupancy of the common/field

- The Fire and Rescue Service appliance 'hard standing area'

- The Fire and Rescue Service appliance access and egress

- The location of fire extinguishers, including fire hydrant locations

- The location of any specific hazards and risks

Hertfordshire Constabulary

To prevent crime and disorder

1) The event organiser must submit a full event plan, risk assessment and site plan to all responsible authorities no later than 8 weeks before the date of the event, excluding those events as above. If any one of the responsible authorities is not

	<p>satisfied with the Premises Licence Holder's plans then approval for the event will be withheld.</p> <p><u>Environmental Health</u></p> <p>To prevent Public Nuisance The control of music noise shall be adequate to ensure that the Music Noise Level (MNL), shall not, at the façade of any noise sensitive premises, exceed an LAeqT of 75dB over the reference time period of 15 minutes, throughout the duration of the event, including any rehearsal or sound checks. Measurements should have regard to the methodology quoted in BS4142: 1997 paragraph 4-5, with the Sound Level Meter (SLM) set to Fast Response (F).</p> <p><u>Building Control</u></p> <p>To ensure Public Safety That the conditions proposed by the applicant in their operating schedule submitted to the Responsible Authority on 10 April 2006 will apply at all events to be held in the area to which the Premises Licence applies.</p> <p>These conditions are considered <i>necessary</i> for the promotion of three of the four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and the promotion of public safety.</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 in part Q of their application.</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 or certificate 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>

4.2 *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.*

4.3 *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.*

5. Licence Conditions

5.1 *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.*

5.2 *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.*

9. The Prevention of Public Nuisance

9.1 *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 these matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.*

10. Live Music, Dancing and Theatre

10.1 *The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.*

10.2 *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.*

10.3 *The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.*

COMMENCEMENT DATE	This licence will come into effect from the second appointed day, namely the 24 th of November 2005.
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.