

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

Date of Hearing	Friday 30 th June 2006				
Members of Panel	J. Cunningham, L. McNamara and M. Muir				
Applicant(s) Name	Mr Adrian Knight				
Premises Address	Market Place, High Street, The Arcade, Bucklersbury & Sun Street, Hitchin, Hertfordshire				
Date of Application	Monday 24 th April 2006				
APPLICATION FOR VARIATION	<p>This is an application for a Premises Licence (New) under Section 17 of the Licensing Act 2003 for the period Saturday 15 July 2006 to Sunday 16 July 2006.</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> <table style="margin-left: 40px;"> <tr> <td>Saturday</td> <td>1130hrs to 2300hrs</td> </tr> <tr> <td>Sunday</td> <td>1130hrs to 2030hrs</td> </tr> </table> <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 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 • <input type="checkbox"/> PART M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p>	Saturday	1130hrs to 2300hrs	Sunday	1130hrs to 2030hrs
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	<p>PART E – Live Music PART F – Recorded Music PART G – Performances of Dance PART H – Processions of Music and Dance PART I – Provision of Facilities for Making Music PART J – Provision of Facilities for Dancing PART K – Pedestrian Only Areas Created by Road Closures as Detailed in Part 6 of the Rhythms of the World Event Safety Plan, Which Will Be Used by the Processions of Music and Dance</p> <p>Saturday 1200hrs to 2230hrs Sunday 1200hrs to 2000hrs</p> <p>PART M - Supply of alcohol</p> <p>Saturday 1200hrs to 2200hrs Sunday 1200hrs to 1930hrs</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 conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. 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 90dB over any reference time period 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 BS4142: 1997 paragraph 4-5, with the Sound Level Meter (SLM) set to Fast Response (F). 2. The organiser(s) of the function using the above sites shall agree details of how this is to be monitored with the Council's Environmental Protection Manager by Friday 7 July 2006. 3. The organisers shall within 28 days after the event submit to the Council all noise level readings taken at the event. <p>These condition are considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of public nuisance.</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> <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>
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
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.