

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

Date of Hearing	Monday 14 th May 2007				
Members of Panel	A. Bardett, D. J. Barnard and J. Cunningham				
Applicant(s) Name	Adrian Knight				
Premises Address	Bancroft Gardens, Hitchin, Hertfordshire.				
Date of Application	Wednesday 7 th March 2007				
APPLICATION FOR GRANT OF PREMISES LICENCE	<p>This is an application for grant of a Premises Licence 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> <ol style="list-style-type: none"> 1. The application is <u>approved</u> subject to the conditions and hours as are set out below. 2. The application is deemed to include Appendix A as amended and considered at the hearing and attached to this Licence <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Saturday</td> <td style="width: 50%;">1130hrs to 2030hrs</td> </tr> <tr> <td>Sunday</td> <td>1130hrs to 1930hrs</td> </tr> </table> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART E – Live Music • PART F – Recorded Music • PART G – Performance of a Dance • PART I – Provision of Facilities for Making Music • PART M – Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART E – Live Music PART F – Recorded Music PART G – Performance of a Dance PART I – Provision of Facilities for Making Music</p>	Saturday	1130hrs to 2030hrs	Sunday	1130hrs to 1930hrs
Saturday	1130hrs to 2030hrs				
Sunday	1130hrs to 1930hrs				

	<p>Saturday 1200hrs to 2000hrs Sunday 1200hrs to 1900hrs</p> <p>PART M – Supply of alcohol</p> <p>Saturday 1200hrs to 1930hrs Sunday 1200hrs to 1830hrs</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 sub-committee does not consider that any additional conditions are required.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by Hertfordshire Constabulary:</p> <ol style="list-style-type: none"> 1. A full signed Security Plan showing deployment and staffing numbers is submitted to Hertfordshire Constabulary 31 days prior to the event having previously been forwarded to and agreed by, Hertfordshire Constabulary, the Applicant, and the contracted Security Company. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed. <p>This condition is considered <u>necessary</u> as amended for the promotion of two of the four licensing objectives, namely public safety and the prevention of crime and disorder.</p> <ol style="list-style-type: none"> 2. An agreed statement of intent signed by the Applicant outlining roles and responsibilities must be submitted to Hertfordshire Constabulary 31 days prior to the event. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed. <p>This condition as amended is considered <u>necessary</u> for the promotion of two of the four licensing objectives, namely public safety and the prevention of crime and disorder.</p> <ol style="list-style-type: none"> 3. Full Child Protection Policy is written which does not rely on the services of Police Officers (save for emergencies). <p>This condition as amended is considered <u>unnecessary</u> to ensure the promotion of one of the four licensing objectives,</p>

namely the protection of children from harm because this is dealt with in the amended Appendix A.

4. A signed full street cleansing plan is circulated to, agreed by and submitted to the Local Authority and Hertfordshire Constabulary by the Applicant 31 days prior to the event, in order to reduce the amount of broken glass. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed.

This condition as amended is considered **necessary** for the promotion of one of the four licensing objectives, namely public safety.

5. A signed and written record of the measures taken by the Applicant to reduce the amount of glass available at the event, is submitted to Hertfordshire Constabulary 31 days prior to the event. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed.

This condition as amended is considered **necessary** for the promotion of one of the four licensing objectives, namely public safety.

6. 70 stewards must be supplied to steward the event. An agreed signed Stewarding Plan must be submitted to Hertfordshire Constabulary and the Local Authority 31 days before the event takes place, with a suitable contingency plan. The Stewarding Plan must be compatible with the Security Plan. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed.

This condition is considered **necessary** for the promotion of one of the four licensing objectives namely public safety

The following conditions have been recommended by Building Control:

7. Relevant independent certification or manufacturers details are to be provided to demonstrate that any fabric or other material used in the construction or in conjunction with tents, marquees and similar structures, roof coverings, weather protection covers, curtains, drapes, back drops, scrim and other materials, used in or upon structures, consist of flame resistant materials or shall be rendered flame resistant to the current British Standard (as referred to in risk assessments R2 – R6). The information necessary to discharge this condition will be provided at least 31 days before the event or by data sheets permanently attached to structures inspected on the date of the

event by the Building Control Manager. No licensable activity shall take place within any structure unless the Building Control Manager is satisfied in accordance with this condition.

This condition as amended is considered **necessary** by the Sub-Committee to promote the licensing objective of public safety

8. The major incident plan and evacuation procedures being completed for all identified areas, indicating proposed occupancy, target evacuation time (for Bancroft Gardens) to be submitted to the Local Authority no less than 31 days prior to the event. In the event that this condition is not strictly adhered to the activities permitted by this Premises Licence may not proceed.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely public safety.

9. The information necessary to discharge the following condition must be provided at least 31 days before the event:

Technical details of the 'Peek-A-Boo' structure are provided. These details must include:

- Structural and technical drawings and/or calculations of each structure.
- Details of the proposed additional loadings to be applied to individual elements of each structure
- Suitable access and egress provided to each structure and any loading ramps being finished in a non-slip material.
- How individual elements of any stage are to be fixed positively together.
- The edges of any structure being adequately marked and protected with handrails (as per risk assessments R2 – R5) at 1.1m high and a 150mm toe board on all edges except the downstage edge.
- The provision of any additional lower handrails for the use of children or those with limited mobility or limited upper limb use.
- Suitable guarding beneath any handrail for structures to be accessible by children, this guarding would be non-climbable and not allow a 100mm sphere to pass through any part.
- How all flexible wall and roof materials affixed to any stage, mast or tower are designed to meet the relevant wind loading criteria applicable to the structure.
- Details of means of escape in case of emergency from structures, as referred to in

	<p>paragraph 10.2 of the safety file.</p> <p>This condition is considered <i>necessary</i> for the promotion of one of the four licensing objectives, namely public safety.</p>
CONDITIONS PROPOSED BY APPLICANT	<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 P of their application.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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>
STATEMENT OF LICENSING POLICY	<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</i></p>

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.*

7. Licensing Hours

- 7.1 *The Council recognises that fixed and overly restrictive opening times can lead to peaks of disorder and disturbance on the streets due to large numbers of people leaving licensed premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. Longer licensing hours with regard to the sale of alcohol are an important factor in reducing these concentrations and the resulting crime and disorder.*

- 7.2 *The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the Licensing Objectives.*

8. Children and Licensed Premises

- 8.1 *The Council recognises the diversity of premises that will be licensed under the Act. The premises will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. Access by children to any premises will not be limited unless it is considered necessary for the prevention of physical, moral or psychological harm to them.*

- 8.2 *When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.*

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*

	<p><i>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>
RATIONALE FOR DECISION	The Sub committee has taken into account the evidence at the hearing and is minded to grant the Licence subject to the conditions in order to promote the four licensing objectives.
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.