

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

Date of Hearing	Thursday, 6 <sup>th</sup> September 2007
Members of Panel	Councillors T. Brindley, P. Clark & M. Weeks
Applicant(s) Name	Jill Wingfield
Premises Address	Letchworth Tennis Club, Muddy Lane, Letchworth Garden City, Herts. SG6 3TB
Date of Application	17 <sup>th</sup> July 2007
<b>APPLICATION FOR PREMISES LICENCE</b>	<p>This is an application for a Premises Licence under Schedule 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><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Monday to Sunday 0800hrs to 0030hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> <li>• New Years Eve</li> </ul> <p>On this day the hours will be from 0800hrs to 0230hrs 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>• PART C – Indoor Sporting Events</li> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART J – Provision of Facilities for Dancing</li> <li>• PART M - Supply of alcohol</li> </ul> <p>The hours during which the licensable activities may take place are:</p>

**PART C – Indoor Sporting Events**

Monday to Sunday 0800hrs to 2300hrs

**PART E – Live Music (indoors only)**

Monday to Friday 1200hrs to 2200hrs  
Saturday and Sunday 1000hrs to 2200hrs

These hours are to apply each day of the year with the exception of:

- New Years Eve

On this day the hours will be from 1000hrs to 0200hrs the following morning

**PART F – Recorded Music**

Sunday to Thursday 0800hrs to 2200hrs  
Friday and Saturday 0800hrs to 0000hrs (12 Midnight)

These hours are to apply each day of the year with the exception of:

- New Years Eve

On this day the hours will be from 0800hrs to 0200hrs the following morning

**PART J – Provision of Facilities for Dancing**

Sunday to Thursday 0800hrs to 2200hrs  
Friday and Saturday 0800hrs to 0000hrs (12 Midnight)

These hours are to apply each day of the year with the exception of:

- New Years Eve

On this day the hours will be from 0800hrs to 0200hrs the following morning

**PART M - Supply of alcohol**

Monday to Sunday 1200hrs to 0000hrs (12 Midnight)

These hours are to apply each day of the year with the exception of:

- New Years Eve

On this day the hours will be from 1200hrs to 0200hrs the following morning

**CONDITIONS  
DEEMED  
NECESSARY FOR**

The Sub-Committee recognises that conditions will only 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

<p><b>THE PROMOTION OF THE LICENSING OBJECTIVES</b></p>	<p>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"> <li>1. Whenever regulated entertainment is provided on a Friday or Saturday all doors and windows to the tennis club building shall be kept shut after 2230 except to allow for egress and ingress and in the event of an emergency</li> <li>2. The area outside the tennis club building (in particular the patio area) shall not be used at any time for the playing of live or recorded music (Part E &amp; Part F)</li> <li>3. Whenever live or recorded music is played the licensee shall monitor the level of noise arising from that regulated entertainment hourly from 2100 to ensure that the music will not be audible above background level at the perimeter of the boundary with the residential lodgings of St Christopher's School (Arunbank, Arunfield and the junior lodgings)</li> <li>4. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly</li> </ol>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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 P of their application.</p> <p>In addition the applicant agreed:</p> <ol style="list-style-type: none"> <li>1. That the hours applied for the provision of recorded music (Part F) and the provision of facilities for dancing (Part J) would be reduced to complement the opening hours requested</li> <li>2. That the application for non-standard timings would be withdrawn if the Committee were minded to refuse these additional events</li> </ol>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><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>

#### **4. Regulating Licensing**

4.1 *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.*

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.*

#### **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*

	<p><i>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.</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>10. Live Music, Dancing and Theatre</b></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><b>RATIONALE FOR DECISION</b></p>	<p>The Sub-Committee restricted the hours the premises is permitted to provide regulated entertainment and alcohol as it was satisfied that public nuisance was likely to occur from the longer hours and that the nuisance would be disproportionate and unreasonable to those persons living in the vicinity. The Sub-Committee considers that the restrictions on the licensable activities would meet the objective of the prevention of public nuisance</p>
<p><b>COMMENCEMENT DATE</b></p>	<p>This licence will come into effect from the date of this decision.</p>
<p><b>RIGHTS OF REVIEW</b></p>	<p>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.</p>