

LICENSING AND APPEALS SUB-COMMITTEE 17 th June 2010
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY RHYTHMS OF THE WORLD LTD FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF THE GROUNDS OF HITCHIN PRIORY,
TILEHOUSE STREET, HITCHIN, HERTFORDSHIRE, SG5 2DL.**

**REPORT OF THE STRATEGIC DIRECTOR OF
HOUSING, PLANNING AND ENTERPRISE**

1. BACKGROUND

- 1.1 The premises does currently hold a Premises Licence under the Licensing Act 2003, however, it is limited to a capacity of 4,999.
- 1.2 This application is for a premises licence specifically for the Rhythms of the World Festival, that allows for a capacity of 19,999 on a maximum of two days per calendar year between June and August.

2. APPLICATION

- 2.1 The application is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.
- 2.2 The licensable activities and hours applied for are as follows:

- 2.3 In the section of the application that requests details of the Designated Premises Supervisor, the applicants have written "not known at present".
- 2.3.1 This does not invalidate the application, it just prevents the sale of alcohol under any premises licence that the Sub-Committee were minded to grant until such time as a Designated Premises Supervisor had been nominated and that person had signed the relevant form of consent.
- 2.3.2 Ordinarily, the Designated Premises Supervisor would be nominated as part of the application giving Hertfordshire Constabulary the opportunity to make representations if they deemed that person to be unsuitable.
- 2.3.3 In order that Hertfordshire Constabulary have the opportunity to assess the suitability of the proposed Designated Premises Supervisor, an *application to vary the premises licence to specify a designated premises supervisor* would have to be submitted to include a Designated Premises Supervisor. This would give the Constabulary fourteen days to assess the nominated person's suitability.

3. APPLICATION PROCESS

- 3.1 On 26th April 2010, Rhythms of the World Ltd made an application for the grant of a Premises Licence.
- 3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities
- 3.3 Public notices were displayed around the premises in accordance with the requirements of the Licensing Act 2003 and were exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Comet newspaper on 6th May 2010 in accordance with the Act.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 A representation was initially received from the Council's Environmental Protection Officer.
- 4.2.1 During the consultation period, the applicants agreed to the conditions requested by the Environmental Protection Officer and amended the application to include them in the operating schedule (details of the agreed conditions are contained within the Environmental Protection Officer's representation). These conditions now form part of the application.
- 4.2.2 Given that there are representations from Interested Parties in relation to the prevention of public nuisance, the Environmental Protection Officer has not withdrawn her representation in order to safeguard her agreement.
- 4.2.3 Should the Sub-Committee accept the agreed conditions as written, the Environmental Protection Officer would have no representation to make. If the Sub-Committee were minded to amend the agreed conditions in any way, the Environmental Protection Officer would wish to address the Sub-Committee in relation to her concerns.
- 4.2.4 As a party to the hearing, the Environmental Protection Officer could participate fully in proceedings, for example, by answering any specific

questions of the Sub-Committee or other parties.

4.2.5 The Environmental Protection Officer's representation is as follows:

- 4.3 No representations were received from any other Responsible Authority.
- 4.4 Three representations were received from Interested Parties.
- 4.5 The Council's Scheme of Delegation in respect of the Licensing Act 2003 requires the Licensing Officer to determine whether a representation is relevant as specified by the Act.

Where representations include paragraphs that are not relevant to the Licensing Act 2003, these paragraphs have been clearly marked as 'not relevant' and should not be considered as part of the determination process.

- 4.6 The relevant representations are as follows:

- 4.7 The Applicants have been served with a copy of the representations.
- 4.8 The Applicants, NHDC Environmental Protection Officer and the Interested Parties have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.

5 OBSERVATIONS

- 5.1 In determining this application, the Sub-Committee must have regard to the representations and take such steps, as it considers necessary for the promotion of the Licensing Objectives.
- 5.2 In making its decision, the Licensing and Appeals Sub-Committee must act with a view to promoting the Licensing Objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
- i) Grant the Application as made
 - ii) Grant the Application with conditions. Conditions should only be added where they are necessary to promote the Licensing Objectives.
 - iii) Refuse the Application.

6. CONTACT OFFICERS

- 6.1 Steve Cobb
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