

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

Date of Hearing	Monday, 20 June 2011
Members of Panel	Councillors D. Barnard, L. Kercher and M. Muir
Applicant(s) Name	Rhythms of the World Ltd.
Premises Address	Grounds of The Priory, Tilehouse Street, Hitchin, Herts. SG5 2DW
Date of Application	27 April 2011
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has 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>1. <u>OPENING HOURS AND LICENSABLE ACTIVITIES</u></p> <p>The permitted opening hours and hours of operation of the approved licensable activities are unchanged from the existing licence.</p>
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<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 it considers that it is necessary to impose conditions as a result of these representations.</p> <p>The Sub-Committee has decided not to impose any conditions of its own volition.</p>
CONDITIONS PROPOSED BY APPLICANT	<p>This licence will be subject to the conditions on the existing licence, that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in their application, save for:-</p> <p>1. Replace existing Condition 27 with proposed condition 27 as amended</p> <p>27. Noise Management Plan A draft noise management plan shall be submitted to North Hertfordshire District Council's Environmental Protection Team no later than fifty six (56) days prior to the commencement of the event. A final noise management plan shall be submitted to and approved in writing by North Hertfordshire District Council's Environmental Protection Team no later than twenty eight (28) days prior to the commencement of the event. The plan shall include measures that will be taken to achieve the following maximum noise levels at noise</p>

	<p>sensitive locations:</p> <p>Priory Barn (PB) – 1m from the central bollard at the gate separating the Priory Barn garden from the Priory Park – 75.0 dB LAEQ 15min. Kitchen Garden Court (KGC) – on the grassy area 6m from the rear wall of Kitchen Garden Court – 70.0 dB LAEQ 15min. 5 Sandy Grove (SG) – at the side of the house, 1m from the façade, facing the park – 73.0 dB LAEQ 15min. St Margaret's (SM) – in the back garden, 1m from the façade, facing the park – 73.0 dB LAEQ 15 min. 13 Hawthorn Close (13HC) – on the pavement outside the house, 1m from the garden boundary – 65 dB LAEQ 15 min.</p> <p>or such alternative locations as should be agreed in writing between the licence holder and North Hertfordshire District Council's Environmental Protection Team.</p> <p>2. Replace existing Condition 29 with proposed new Condition 29:</p> <p>29. The use of fireworks, pyrotechnics or special effects is not permitted without the prior consent of North Hertfordshire District Council's Environmental Protection Team. North Hertfordshire District Council's Environmental Protection Team shall be advised in writing of the details of the proposed use of the special effects, including the noise levels, duration and timing of them. This must be submitted to and approved in writing by North Hertfordshire District Council's Environmental Protection Team no later than twenty eight (28) days prior to the commencement of the event. A copy of the details of any approved special effects shall be submitted to the Licensing Authority no later than twenty eight (28) days prior to the commencement of event. If this condition is not complied with, no such special effects will be permitted during the event.</p> <p>3. Replace existing Condition 42 with proposed new Condition 42:</p> <p>42. Sound tests and rehearsals must be undertaken, where possible, using monitors only. In addition, sound tests and rehearsals audible outside the licensed area shall:</p> <p>(i) be permitted for a maximum of three (3) hours during the following hours 12:00hrs-20:00hrs on the day before the event; and</p> <p>(ii) on the day of the event, be permitted from two (2) hours before the start of regulated entertainment but not before 10:00hrs.</p> <p>4. Remove existing Condition 36</p> <p>These conditions are considered necessary for the promotion of one of the four licensing objectives, namely the Prevention of Public Nuisance</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following condition has been recommended by NHDC Environmental Protection and is considered necessary for the promotion of one of the four licensing objectives, namely the Prevention of Public Nuisance.</p> <p>Condition 26 on the existing Licence remains unchanged.</p>

EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO 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.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (October 2010 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.16, 1.32, 2.32, 2.33, 2.35, 2.36, 10.11, 10.15, 10.17 and 10.18</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections 5.1, 5.9, 9.1, 9.2, 9.3, 9.4, 9.5, 14.1, 14.2 and 14.3</p>
RATIONALE FOR DECISION	<p>The Sub-Committee considered the representations and evidence of the interested parties, the Responsible Authority and the Applicant. This has been a difficult decision to balance the concerns of the immediate neighbours against the advantages to, and enjoyment of, the community and those attending the festival. The decision to grant the variation to the existing licence has been made with particular regard to the potential public nuisance of the increased noise levels and the Sub-Committee decided, on balance, that the nuisance would not effect a sufficiently large number of members of the public and was not sufficiently widespread or indiscriminate.</p> <p>The Sub-Committee notes that the Applicant received a final written warning in respect of breaches of licence conditions during the 2010 festival and is effectively operating on its last chance. The Sub-Committee would expect any breaches of this amended licence to be pursued by way of enforcement and review.</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.