

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

Date of Hearing	Tuesday, 17 November 2015
Members of Panel	Councillors L. Kercher, G. Morris and M. Muir

Applicant(s) Name	Mr Kenneth Campbell
Premises Address	Rocabessa, 23 Churchgate, Hitchin, Herts. SG4 0PP
Date of Application	6 November 2015
APPLICATION FOR TEMPORARY EVENT NOTICES	This is an application for a Temporary Event Notice under Section 100 of the Licensing Act 2003.
DETAILS OF APPLICATION	<p>Date of Event: Saturday, 21 November 2015</p> <p>Time: 20.30hrs to 02.30hrs the following morning</p> <p>Duration of Event: 2 days</p> <p>Licensable Activities: The Sale by Retail of Alcohol (On premises) The Provision of Regulated Entertainment</p> <p>Details of Event: Old School Music Party</p> <p>The Licensing Authority has received an objection to the above Notice under Section 104(2) of the Licensing Act 2003 ("the Act").</p> <p>The following objection has been received:</p> <p>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p>
DECISION	<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 Licensing Act 2003, the National Guidance, their Statement of Licensing Policy and has decided:</p> <p><u>Not to issue</u> a counter notice (allow the temporary event)</p>

<p>REASONS FOR DECISION</p>	<p>The sub-committee do not consider that stopping this event is appropriate for the promotion of the following objectives; Crime and Disorder, Public Nuisance, Public Safety, Protection of Children from Harm.</p> <p>In making this decision the sub-committee have taken into account the following evidence relating to the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm:</p> <p>1. The Licensing and Appeals Committee were content that Mr Campbell had not breached his previous temporary event notice held on 1st November 2015, but that it would be beneficial for the promotion of the licensing objectives for the TEN at issue today to have the benefit of the existing premises licence conditions.</p> <p>2. Mr Campbell is adamant that he has learnt a valuable lesson since being prosecuted by the council for breaching his licence conditions, and the committee therefore feel that it should not be too onerous to expect that he adhere to the licence conditions during the temporary event for which he has put in the current TEN.</p>
<p>CONDITIONS</p>	<p>The premises user must adhere to the follow conditions during the temporary event:</p> <ol style="list-style-type: none"> 1. All of the Mandatory Conditions, 2. All General Conditions including <ol style="list-style-type: none"> a. Prevention of Crime and Disorder Conditions 1. to 19 b. Public Safety Conditions 1. to 5. c. Prevention of Public Nuisance Conditions 1. to 21. d. Protection of Children from Harm Conditions 1. to 4. <p>These are included in the accompanying Statement of Conditions.</p>
<p>RIGHT OF APPEAL</p>	<p>In accordance with Schedule 5, Part 3, Paragraph 16 of the Act, the Local Police and/or the applicant may appeal against the above decision to the Magistrates Court within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against. But no appeal may be brought later than five working days before the day on which the event specified in the Temporary Event Notice(s) begins.</p> <p>A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the Temporary Event Notices you gave is situated.</p> <p>Under Section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.</p>

POLICE CLOSURE POWERS	The sub-committee notes that the Police have powers to close premises for up to 24 hours. They may exercise these powers when a temporary event notice is in effect and they are satisfied the event is disorderly, likely to become disorderly or causing nuisance as a result of noise from the premises. Such orders may only be made where it is appropriate in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.		
SIGNATURES	On Behalf of the Licensing Authority	DATE	17/11/15
NAME OF SIGNATORIES		Councillors L. Kercher, G. Morris and M. Muir	