

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

Date of Hearing	Monday, 25 January 2016
Members of Panel	Councillors A. Millard, G. Morris and M. Muir
Applicant(s) Name	Dale Mabert on behalf of HertsSC
Premises Address	Baldock Road Recreation Ground, Letchworth Garden City
Date of Application	16 November 2015
APPLICATION FOR GRANT	<p>This is an application for the grant of a Premises Licence under section 17 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> <ol style="list-style-type: none"> 1. The application is <u>rejected</u>. The Sub-Committee has found that the licensing objective of Prevention of Public Nuisance has not been met by the application and is not satisfied that any conditions attached to the licence could ensure the licence meets this objective.
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	None
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	Given the fact that the application has been refused, those conditions agreed between the applicant and (respectively) the Hertfordshire Constabulary, NHDC Environmental Health Team and NHDC Licensing Team, as set out in Appendix E to the report of the Licensing Officer, are no longer relevant.
CONDITIONS PROPOSED BY APPLICANT	Again, given the fact that the application has been refused, those conditions proposed by the applicant at the hearing, whilst having been considered by the sub-committee, were not deemed enough to allay their concerns.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	None

<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (March 2015 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>1.3, 1.4, 1.16, 1.17, 2.14, 2.15, 2.20, 8.33, 8.34, 8.35, 8.36, 9.12, 10.8, 10.9 and 10.10</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy 2016 in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>B6, B7, B8, B9, B10, D1.5, D2.1, D2.9, D6.2, D6.3, E3.9.1, E3.9.2, E3.9.3, F8.1, F8.2, G2.1, G2.2, G2.3, G2.4, G2.5, G2.6, G2.7, G2.8, G2.9, G2.10, G2.11, G4.1, G4.2, G5.1, G5.2, G5.3, G5.4, G5.5, G5.6, G8.2.1, G8.2.2, G8.2.3, G8.8.1, G8.8.2, G8.8.3, G8.8.4, G8.8.5, G8.8.6, H2.1, H2.2, H2.3, H3.1, H3.2 and O4.2.6</p>
<p>RATIONALE FOR DECISION</p>	<p>1. The Sub-Committee listened to the detailed submissions made by the applicant's noise expert, including the thorough explanations of what the differing dB(A)'s level equated to in practice. The Sub-Committee also took into consideration the different specialist equipment and amplifiers that were being proposed by the applicant, and how this affected the direction and distribution of noise generated by the live music at the event. However, there was still grave concerns that the level of noise generated would amount to a public nuisance bearing in mind the close proximity to residential housing.</p> <p>There was also a great degree of uncertainty surrounding such things as the noise generated by the attending festival goers themselves, something which the applicant's noise expert admitted he could not predict, as well as the effect the prevailing weather conditions at the time of the event would have on the noise.</p> <p>2. Another cause of concern for the sub-committee was the position surrounding parking provision for the event. Notwithstanding the fact that the applicant offered to reduce the maximum attendance of the event from 5,000 to 1,000 people on each of the two days, this still presented the potential for a large amount of cars to descend to what is primarily a residential location.</p> <p>The Sub-Committee gave careful consideration to the comments made by several of the objectors with regard to the public nuisance they experienced during a recent fireworks event. That event had been held at a site adjacent to the proposed event, and resulted in a large amount of cars parking in the and around their residential properties. The Sub-Committee did not see how the applicant could realistically negate the potential for a repeat public nuisance from occurring as a result of their event.</p>

	<p>It became clear during the course of the hearing that the assurances put forward by the applicant in relation to parking, namely that the local Sainsbury's Supermarket was on side to provide a large amount of parking, was not correct. The Sub-Committee accept that this was most likely due to the two parties working at cross purposes, however the fact that parking was, as a result, still largely unresolved at this stage did not fill the Sub-Committee with confidence that it had been addressed adequately enough to avoid a public nuisance.</p>
COMMENCEMENT DATE	N/A
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person that is affected by the application 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>