

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

Date of Hearing	Tuesday, 2 August 2016
Members of Panel	Councillors D. Barnard, J. Green and M. Rice

Applicant(s) Name	Mr Kenneth Campbell
Premises Address	Rocabessa, 23 Churchgate, Hitchin, Herts. SG4 0PP
Date of Application	18 July 2016
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, 6 August 2016</p> <p>Time: 15.30hrs 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: Jamaica Independence Celebration 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>To issue a counter notice (ie. <u>NOT</u> allow the temporary event)</p>

<p>REASONS FOR DECISION</p>	<p>The sub-committee considers 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> <ol style="list-style-type: none"> 1. Based on previous history of how Mr Campbell has managed the premises, the Sub-Committee has no faith in his ability to properly control the event and ensure that the four licensing objectives are suitably promoted. 2. Since revocation of the Premises Licence, it cannot be said that this Temporary Event Notice is the same as previous Temporary Event Notices around this annual event; of greatest concern to the Sub-Committee was their incapability to impose appropriate conditions on the event as a result of this revocation. 3. The Sub-Committee are concerned that matters such as door security, prevention of public nuisance, public safety and the protection of children from harm at the premises would be completely left to Mr Campbell to manage without the reassurance of any conditions on the Temporary Event Notice, which, in the Sub-Committee's view, he has proven he is incapable of doing effectively.
<p>CONDITIONS</p>	<p>Not applicable.</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 an unlimited fine, or to both.</p>
<p>POLICE CLOSURE</p>	<p>The sub-committee notes that the Police have powers to close premises for up to 24 hours. They may exercise these powers when a</p>

POWERS	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	02/08/2016
NAME OF SIGNATORIES		Councillors D. Barnard, J. Green and M. Rice	