

NORTH HERTFORDSHIRE DISTRICT COUNCIL



31 July 2020

Our Ref Licensing and Appeals Sub-Committee –
10.08.2020
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To: Members of the Committee: Councillor Daniel Allen, Councillor Lisa Nash, Councillor Sam North and Councillor Michael Weeks

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE LICENSING AND APPEALS SUB-
COMMITTEE**

to be held as

A VIRTUAL MEETING

On

MONDAY, 10TH AUGUST, 2020 AT 10.00 AM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda
Part I

Item		Page
1.	HEARING PROCEDURE Procedure to be followed during the licensing hearing.	(Pages 3 - 6)
2.	APPLICATION TO VARY A PREMISES LICENCE FOR HITCHIN TOWN CENTRE Application by Hitchin Initiative to vary an existing premises licence to amend timings for regulated entertainment and add the sale of alcohol.	(Pages 7 - 58)



Pre-Hearing Preliminary **Committee and Member Services Manger to outline the arrangements for the remote hearing including:**

Sub-committee

The sub-committee will consist of three voting Members with a fourth non-participating Member listening to the hearing. In the event that a voting Member loses connection, the hearing will adjourn until connection can be restored. If the adjournment exceeds ten (10) minutes, or it is apparent sooner that re-connection will not be possible, the fourth Member will replace the absent Member and become a voting member of the sub-committee. If a quorum of three (3) Members that have been present throughout the hearing is not possible, the hearing will be adjourned to a stated date.

Applicant

In the event that the applicant loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date.

Responsible Authorities

In the event that a responsible authority loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date.

Decision

The sub-committee will undertake their deliberations in private and return to announce their determination on the live stream however they will not wait until all parties are connected. A copy of the decision will be forwarded to all parties electronically as soon as practicable.

HITCHIN TOWN CENTRE HEARING PROCEDURE

1. Chair's Welcome

Introduction of:

- Councillors sitting on Sub-Committee
 - Legal advisor;
 - Licensing officer(s);
 - Hertfordshire Constabulary officer(s)
 - NHDC environmental health officer(s)
 - The applicant
2. The Chair will outline the procedure for the hearing and seek confirmation that all parties are content to proceed on that basis.
 3. The Chair will ask the legal advisor to outline the matters for consideration during the course of the hearing.

The Licensing Officer's report

4. The Chair will ask the licensing officer if they have anything to add to their report to the sub-committee; if there has been any amendments to the hearing bundle, and if so, if all responsible authorities and the applicant have been made aware of the amendments.
5. The Chair will ask if there are any questions of fact of the licensing officer from:
 - Hertfordshire Constabulary
 - NHDC Environmental Health
 - The applicant
6. The sub-committee may ask questions of the licensing officer

The Applicant's case

7. The Chair will ask the applicant to present their submissions to the sub-committee.
8. The Chair will ask if there are any questions of fact of the applicants from:
 - Hertfordshire Constabulary
 - NHDC Environmental Health
9. The sub-committee may ask questions of the applicant.

Responsible authorities submit their case

10. The Chair will ask Hertfordshire Constabulary to present their submissions to the sub-committee
11. The Chair will ask if there are any questions of fact of the other persons from:
 - NHDC Environmental Health
 - The applicant
12. The sub-committee may ask questions of Hertfordshire Constabulary
13. The Chair will ask NHDC Environmental Health to present their submissions to the sub-committee
14. The Chair will ask if there are any questions of fact of the other persons from:
 - Hertfordshire Constabulary
 - The applicant
15. The sub-committee may ask questions of NHDC Environmental Health

Closing Statements

16. The licensing officer may make final submissions to the sub-committee
17. Hertfordshire Constabulary may make final submissions to the sub-committee
18. NHDC Environmental Health may make final submissions to the sub-committee
19. The applicant may make final submissions to the sub-committee.

Conclusion

20. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the sub-committee.
21. The sub-committee will close the hearing and retire to make a decision.
22. The sub-committee will return to the live stream and the Chair will announce the sub-committee's decision including their reasons.

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**LICENSING AND APPEALS SUB-COMMITTEE
10 AUGUST 2020**

***PART 1 – PUBLIC DOCUMENT**

LICENSING ACT 2003

**APPLICATION BY HITCHIN INITIATIVE LIMITED
FOR A VARIATION TO A PREMISES LICENCE IN RESPECT OF
HITCHIN TOWN CENTRE**

(covering Hitchin Market Place, Churchyard, Sun Street, Bucklersbury, Brand Street, Bancroft, High Street, Hermitage Road and Bancroft Recreation Ground)

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

1.1 This is an application to vary an existing premises licence.

2. APPLICATION

2.1 The application is for a full variation to a premises licence under section 34 of the Licensing Act 2003 and is attached as **Appendix A**.

3. APPLICATION PROCESS

3.1 On the 17 June 2020, Hitchin Initiative Ltd made an application for a full variation of an existing premises licence.

3.2 The application was received electronically by NHDC and was circulated to Hertfordshire Constabulary and the other responsible authorities

3.3 A public notice was displayed on the premises for a period of not less than twenty-eight (28) consecutive days in accordance with the requirements of the Act.

3.4 A newspaper advertisement was placed in The Comet newspaper in accordance with the requirements of the Act.

4. REPRESENTATIONS

4.1 Hertfordshire Constabulary had concerns with the application and entered into negotiations with the applicant during the consultation period.

4.2 The applicant and Hertfordshire Constabulary could not reach agreement during the consultation period or resolve the Constabulary's concerns. As a result, Hertfordshire Constabulary made a relevant representation attached as **Appendix B**.

- 4.3 Hertfordshire Constabulary's position is that the application should not be granted without the amended timings and additional operating schedule conditions included within their representation. This does not preclude the sub-committee from considering other options where appropriate for the promotion of the licensing objectives.
- 4.4 NHDC Environmental Health has made a relevant representation which is attached as **Appendix C**.
- 4.5 NHDC Environmental Health's position is that the application should be refused as the operating schedule does not include sufficient detail to demonstrate that the licensing objective of public safety is adequately promoted.
- 4.6 The applicant and the responsible authorities making relevant representations 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 representation and take such steps, as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the 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 issued by the Home Office.
- 5.3 The sub-committee has the following options when making their determination:
- i) Grant the application as made
 - ii) Grant the application with amended timings and/or licensable activities
 - iii) Grant the application (as made or as amended) with conditions
(conditions should only be added where appropriate to promote the licensing objectives)
 - iv) Refuse the application.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2016 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate.

B6

Our vision is:

"To ensure that North Hertfordshire continues to offer a diverse range of well managed entertainment venues and community and cultural activities within a safe and enjoyable environment."

B8

The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.

B10

The Council will seek to encourage cultural and community events in the district by allowing the appropriate use of its own public spaces and encouraging Town Centre Managers to obtain premises licences for town centres to remove the burden of community groups having to obtain their own permissions.

C4.2

The Council has a duty under the Act to carry out its functions and responsibilities with a view to promoting the prescribed 'licensing objectives'. Each objective has equal importance and they are of paramount importance at all times. The objectives are:

- (i) the prevention of crime and disorder;*
- (ii) public safety;*
- (iii) the prevention of public nuisance; and*
- (iv) the protection of children from harm.*

D1.6

Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.

D1.8

Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.

D2.1

Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.

D2.5

The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.

D2.6

Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.

D2.7

Where a consultation period has closed and relevant representations have been received, the Council encourages dialogue between the applicant and those making representations to attempt to resolve any issues to all parties' satisfaction. Where a resolution is reached by way of amendments to the application and/or operating schedule conditions and all parties, including the Council acting as a responsible authority, agree a hearing is not necessary the Council will accept the applicant's amendments and grant the application as amended.

D6.2

The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

D6.3

Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities

D6.7

The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this Policy and the Guidance, is less likely to result in the imposition of conditions by a Licensing Sub-Committee following representations.

D6.8

It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.

D6.9

*Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. **The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence.** Where a Licensing Sub-Committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application*

D8.1

The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.

D8.2

Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.

D8.3

The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

E2.1

The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

E2.3

The Council takes its responsibility for public safety seriously and is aware of a growing trend nationally to encourage alcohol consumption by adding substances to alcohol to make them more attractive to customers either in appearance or by increasing the speed of alcohol ingestion, for example liquid nitrogen in cocktails. This practice is strongly discouraged due to the inherent risks to public safety and the Council will actively use its regulatory powers where premises licence/club premises certificate holders ignore this advice.

E2.4.1

“Safe capacities” should only be imposed on licences where necessary for the promotion of public safety or the prevention of disorder. If a capacity has been imposed through other legislation it would be unnecessary to reproduce it as a licence condition. It would also be wrong to impose conditions that conflict with other legislation. If no safe capacity has been imposed by other legislation, however, a responsible authority may consider it necessary for a new capacity to be attached. For example, a capacity limit may be necessary to prevent disorder as overcrowded premises can increase the risk of crowds becoming frustrated and hostile.

E2.7.1

The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency*
- policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues*
- policies in relation to admission and readmission particularly control of capacity and queuing*
- policies in relation to the safe dispersal of patrons from the premises and locality*
- sufficient basic first aid provision and responsibilities for contacting the emergency services.*

E2.7.2

In order to assist applicants with promoting the public safety licensing objective, NHDC's Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size of the premises and the requested activities.

<p><u>Planning and Management</u> The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence. The maximum capacity of the premises, including individual room capacities, based on available space excluding fixtures, fittings and furniture, number of available exits and exit widths and stairs and other hazards. The applicant should have a means of accurately counting the total number of customers and staff on the premises. The applicant should have arrangements for supervising contractors on the premises, including the ability to act on poor performance.</p>
<p><u>Venue Design</u> The premises should be designed so any change in level is clearly indicated by contrasting colour nosings (or similar) to reduce the risk of tripping.</p>
<p><u>People Management</u> Where a premises employs door supervisors there needs to be an effective means of communication between staff.</p>
<p><u>Transport Access</u> Pedestrian and vehicle access routes need to be clearly separated wherever possible</p>
<p><u>Barriers</u> Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.</p>
<p><u>Temporary Demountable Structures</u> Any temporary structure (for example marquees, stages, etc.) should be installed and signed-off as 'fit for purpose' by a competent person. The structure should be monitored throughout its use by a competent person to ensure the safety of staff, performers and customers at the premises.</p>
<p><u>Electrical Installations and Lighting</u> Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use and checked in accordance with national standards.</p>
<p><u>Water Supply</u> If extending the water supply network outside of fixed premises, please seek advice from Environmental Health.</p>
<p><u>Special Effects</u> Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.</p>
<p><u>LPG</u> Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.</p>

F1.3

It is the Council's clear intention that this Policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. **The Council strongly recommends that applicants read the entire policy as part of any application process.**

F4.1

In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.2

Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed

F6.1.2

If the area used for the provision of tables and chairs is not part of the curtilage of the premises and falls within the definition of the 'highway', permission must be sought from Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F8.1

The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2

That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

G1.1

This section of the Policy deals with events with an intended capacity of five hundred and above. Capacities below that figure can be dealt with ordinarily by way of a temporary event notice which applies a 'light touch' approach to licensing, however, this does not preclude an application for a premises licence/club premises certificate.

G1.2

This section is to be read in conjunction with and supplementary to all others sections of the Policy.

G1.3

This section of the Policy is designed to assist applicants, responsible authorities, the public and Licensing Sub-Committees with applications in relation to large-scale events provided outdoors. Events such as music festivals, community fun days, etc. which take place on land open to the air but with the use of temporary demountable structures are considered to be outdoor events for the purposes of this Policy.

G1.5

The Council acknowledges that unless its discretion is engaged by means of relevant representations, the application must be granted as applied for subject only to mandatory conditions or conditions consistent with the operating schedule supplied as part of the application. This section details the method of determination used by the Council once its discretion has been engaged and a hearing takes place.

G5.1

In addition to encouraging applicants for occasional/annual events to apply for a permanent premises licence, the Council actively encourages applicants to build flexibility into their operating schedules. This allows for the event to evolve and incorporate best practice without undo restrictions on the management of the event and the site layout.

G5.2

The Council recommends an operating schedule that contains basic management control conditions that would apply from event to event but with the majority of event management details to be incorporated into an Event Management Plan (EMP). One of the basic management control conditions can then link the final EMP to the operating schedule making it an enforceable operating schedule condition.

G5.3

The content of the EMP can be defined by an operating schedule condition, ordinarily under generic headings, with any specific requirement of a responsible authority included as subheadings. Varying timescales for each responsible authority and the provision of specified information can be incorporated within the EMP ensuring flexibility for the licence holder to develop the event and react to evolving issues such as ground/weather conditions or the availability of products/service providers

G5.4

The Council encourages an applicant to include an operating schedule condition stating required timescales for the issue of a draft EMP and the final EMP, ideally a specified number of days prior to the commencement of event build-up on site or the opening of the event to the public. This condition should also include any consequence of the failure to meet this requirement, for example, certain licensable activities are not permitted until compliance has been achieved or the event will not be permitted without the express approval of the licensing authority.

G5.5

This type of EMP operating schedule condition (in effect a 'promise to provide' licence) allows the applicant flexibility to amend the details and layout for each event without the need to vary the premises licence whilst maintaining suitable control measures for the responsible authorities and the Council to ensure the promotion of the licensing objectives. As the EMP would be attached as a licence condition, failure to comply with its content would render the licence holder liable for operating otherwise than under an authorisation (section 136 of the Act).

G6.1.3

Given the potential impact on the licensing objectives of a large-scale event, the Council will place significant weight on any representation received from the police and will give serious consideration to refusing the application unless the concerns raised in the representation are fully addressed.

H2.1

Whilst the Council accepts that NH SAG has no statutory role within the licensing regime and the responsibility for organising and managing a safe event lies with the event organiser, it strongly believes that NH SAG can provide invaluable experience and advice to applicants.

H2.2

This Policy encourages early discussions between applicants and the responsible authorities prior to the submission of an application and the NH SAG offers applicants access to a wide range of experience and knowledge. This facility is of particular assistance to applicants where an EMP is required as a licence condition. NH SAG can meet regularly with the applicant to review an EMP throughout its development, offering further advice and support where appropriate.

H2.3

No consent or approval of any proposals concerning event management or infrastructure, implied or otherwise, is to be taken from applicant attendance at NH SAG.

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (April 2018 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document.

1.2

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3

The licensing objectives are:

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.*

1.17

Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. *They should also seek to involve the local Community Safety Partnership (CSP).*

2.5

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8

A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9

*The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), **applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.***

2.22

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23

The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- *adult entertainment is provided;*
- *a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- *it is known that unaccompanied children have been allowed access;*
- *there is a known association with drug taking or dealing; or*
- *in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.*

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.43

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.46

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

9.38

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy*

9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

8. LICENSING OFFICER COMMENTS

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

Pre-application advice

- 8.2 The applicant did engage with the licensing team and Hertfordshire Constabulary prior to submitting this application and was given pre-application advice. However, the applicant chose not to include all aspects of the given advice in their application.

Operating schedule attached to the application

- 8.3 The operating schedule supplied as part of the application is insufficient in its current format. The applicant hasn't adequately demonstrated how they intend to uphold the licensing objectives and has relied heavily on the use of external bodies such as the Safety Advisory Group (SAG) and Hertfordshire Constabulary. The following section of Council Policy makes it clear that a fully detailed operating schedule is expected:

D1.5

The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this Policy. To achieve this, the Council supports the principles set out in sections 8.33 – 8.36 of the Statutory Guidance which state:

8.34

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.35

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

D1.6

Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.

- 8.4 If the sub-committee have concerns that the licensing objectives will not be adequately promoted by the application and these concerns haven't been addressed in the operating schedule as required by Council Policy and the Guidance, the sub-committee would be entitled to refuse the application. This would not preclude the applicant from further engagement with the responsible authorities and the submission of a more comprehensive application addressing the concerns raised in the hearing.

Proposed amendment by the applicant

- 8.5 Following the end of the consultation period the applicant informed the licensing authority that they wished to reduce the applied for area limiting the licensable area to the Market Square and the High Street.
- 8.6 This was deemed a significant change to the original application and was refused by the licensing officer as the revised proposal should be subject to full public consultation.

- 8.7 Hertfordshire Constabulary was consulted about the proposed amendment but confirmed they would have the same concerns due to the insufficient operating schedule provided by the applicant.

Event Management Plan (EMP) conditions

- 8.8 Council Policy encourages the use of EMP conditions as part of an operating schedule for large-scale events (i.e. any event with a potential capacity of over 500). It should be remembered that all persons within the event site are included in that capacity irrespective of whether they are attending the event or in town for other purposes such as shopping.
- 8.9 The advantage of an EMP for each event is that specific concerns relating to the proposed event can be addressed in the EMP and subject to consultation with all responsible authorities. This approach is suggested within the representation from Hertfordshire Constabulary.
- 8.10 If such a condition were to be considered appropriate by the sub-committee, in order for it to be proportionate and enforceable it should include:
- (i) details of when an EMP is required (for example, a potential capacity exceeding 500 or events where alcohol will be offered for sale);
 - (ii) wording that requires all responsible authorities to be satisfied the EMP is appropriate for the nature of the event in order for the event to proceed; and
 - (iii) wording that attaches the final EMP to the operating schedule as licence conditions.

Street café licence

- 8.11 In order to place tables and chairs on the highway (either carriageway or footway), a street café licence pursuant to Part VII of the Highways Act 1980 is required from Hertfordshire County Council acting as the Highways Authority. Hitchin Market Place is defined as highway land for the purposes of this legislation therefore a licence would be required for the Hitchin Al Fresco Dining Experience.
- 8.12 Hertfordshire Constabulary has included evidence that tables and chairs are being placed on Hitchin Market Place with the consent of Hitchin Initiative however, at the time of writing this report, Hertfordshire County Council has confirmed that a street café licence had not yet been granted as the application was still being considered.
- 8.13 The sub-committee should listen to any evidence offered by the applicant in this regard however are entitled to consider the evidence from Hertfordshire Constabulary as part of their determination, in particular in regard to the likelihood of the applicant complying with licence conditions.

Other considerations

- 8.14 As the sub-committee will be aware from the plan attached to the application in Appendix A, the proposed licensed area is a significant proportion of Hitchin Town Centre. At any time when the premises licence was being used for licensable activities, this whole area would become a licensed premises even if activities were not taking place throughout the entire area.
- 8.15 It is an offence:
- to allow disorderly conduct on a licensed premises
 - to allow the sale of alcohol to any person who is drunk
 - to allow the sale of alcohol to children
 - to allow the purchase of alcohol on behalf of children

All of these potential offences would be the responsibility of the licence holder for the entire area of the licence as all persons within the area marked on the plan would be considered to be on a licensed premises irrespective of whether they were attending the event.

- 8.16 Additionally, it is an offence to allow a premises to be used for licensable activities without an authorisation. Given the large area of the premises, any licensable activity taking place therein without authorisation would be the responsibility of the licence holder.
- 8.17 In order to address the offences detailed in paragraphs 8.15 and 8.16 above the applicant would need to demonstrate how they would enforce the prevention and/or cessation of these activities. Given that the premises would be an area of public space with no ability to require persons to leave the area or cease any activity, the applicant would need to demonstrate how they could effectively deal with these potential issues.
- 8.18 One of the reasons for recommending the approach of EMPs (paragraphs 8.8 - 8.10 above) is that each EMP could reduce the licensable area for each event to the area specifically being used for licensable activities by the substitution of an event specific layout plan.
- 8.19 Whilst this would restrict the area that the licence holder would be responsible for, many of the same issues detailed in paragraphs 8.15 and 8.16 above would apply as the event specific site would remain as public space with minimal ability to control the behaviour of persons in that space irrespective of whether they were event attendees. These issues in a smaller event space may however be able to be adequately mitigated by the use of event security.

Definition of 'appropriate'

8.20 The following paragraphs from the Council's Statement of Licensing Policy outline the definition of 'appropriate' that the sub-committee should have regard to:

F2.1

There are many references throughout this Policy to the term 'appropriate'. The Act states at section 18(3)(b) that when relevant representations are received the Licensing Sub-Committee has to consider what steps "it considers appropriate for the promotion of the licensing objectives".

F2.2

There is no current legal definition of the term appropriate, however the Guidance states:

9.39

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.40

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

F2.3

The Council anticipates that, in due course, case law will provide clarity on the meaning of 'appropriate'. Until such time that the courts make a judgement the Council will give 'appropriate' its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4

European case law has defined 'proportionate' as generally requiring a four-step test, namely:

- there must be a legitimate aim for a measure;*
- the measure must be suitable to achieve the aim;*
- the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and*
- the measure must be reasonable, considering competing interests.*

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5

The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

9. APPENDICES

- | | | |
|-----|------------|---|
| 9.1 | Appendix A | Original application |
| 9.2 | Appendix B | Relevant representation from Hertfordshire Constabulary |
| 9.3 | Appendix C | Relevant representation from NHDC Environmental Health |

10. CONTACT OFFICERS

- 10.1 Molly Shiells
Licensing Officer
01462 474233
molly.shiells@north-herts.gov.uk

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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	HithinTC2020	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Tom
* Family name	Hardy
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number	03100655
Business name	HITCHIN INITIATIVE LIMITED
VAT number	- none
Legal status	Private Limited Company

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Description Of The Premises

Hitchin Town Centre,
Market Place, Market Square, Hertfordshire SG5 1DY

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Continued from previous page...

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

2000

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Performance of Dance

Monday – 9:00pm – 8:00pm
Tuesday – 9:00pm – 8:00pm
Wednesday – 9:00pm – 8:00pm
Thursday – 9:00pm – 8:00pm
Friday – 9:00pm - 10:00pm
Saturday – 9:00pm – 10:00pm
Sunday – 9:00pm – 8:00pm

Recorded Music

Monday – 9:00pm – 8:00pm
Tuesday – 9:00pm – 8:00pm
Wednesday – 9:00pm – 8:00pm
Thursday – 9:00pm – 8:00pm
Friday – 9:00pm - 10:00pm
Saturday – 9:00pm – 10:00pm
Sunday – 9:00pm – 8:00pm

Live Music

Monday – 9:00pm – 8:00pm
Tuesday – 9:00pm – 8:00pm
Wednesday – 9:00pm – 8:00pm
Thursday – 9:00pm – 8:00pm
Friday – 9:00pm - 10:00pm
Saturday – 9:00pm – 10:00pm
Sunday – 9:00pm – 8:00pm

Exhibition of Film

Monday – 9:00pm – 8:00pm
Tuesday – 9:00pm – 8:00pm
Wednesday – 9:00pm – 8:00pm
Thursday – 9:00pm – 8:00pm
Friday – 9:00pm - 10:00pm
Saturday – 9:00pm – 10:00pm
Sunday – 9:00pm – 8:00pm

The sale of Alcohol

Continued from previous page...

Monday – 9:00pm – 8:00pm
Tuesday – 9:00pm – 8:00pm
Wednesday – 9:00pm – 8:00pm
Thursday – 9:00pm – 8:00pm
Friday – 9:00pm - 10:00pm
Saturday – 9:00pm – 10:00pm
Sunday – 9:00pm – 8:00pm

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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THURSDAY

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End

FRIDAY

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SATURDAY

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SUNDAY

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End

Continued from previous page...

Will the performance of a play take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

During our community events around the town centre. Plays may be Unamplified and amplified to a suitable DP level

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

All year round

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

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Continued from previous page...

WEDNESDAY

Start End

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start End

Start End

Will the exhibition of films take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

During our community events around the town centre. Open air films will be amplified to a suitable DP level

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

All year round

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

Continued from previous page...

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

Start End

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SUNDAY

Start End

Start End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

During our community events around the town centre. Live Music may be Unamplified and amplified to a suitable DP level

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

All year round

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start End

Start End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

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THURSDAY

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FRIDAY

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Start End

SATURDAY

Start End

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SUNDAY

Start End

Start End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

During our community events around the town centre. Recorded Music will be amplified to a suitable DP level

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

All year round

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Continued from previous page...

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

During our community events around the town centre. Performance of Dance may be Unamplified and amplified to a suitable DP level

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

All year round

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start

End

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

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WEDNESDAY

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THURSDAY

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End

FRIDAY

Start

End

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End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Current conditions to be removed and replaced with the following conditions -

- DPS/Premises will ensure that if sale or supply of alcohol is taking place in the location of either Bancroft Recreation Ground, or Hitchin Market, this licence shall not be used to facilitate the sale or supply of alcohol in any other location.
- DPS/Premises licence holder will ensure that this licence is not used to facilitate the public viewing of international football matches in open-air, or on or within a temporary structure.
- DPS/Premises Licence Holder will ensure that any stall holder carrying out licensable activities for the sale of alcohol, for the purpose of consumption, they must ensure that only plastic vessels are used during the event.
- No more than 12 (Twelve) events requiring the sale of alcohol shall take place in any one calendar year.
- No more than 10 (Ten) alcohol vendors are permitted to sell alcohol during an event. If a location is restricted to one road area no more than three vendors are permitted in that location
- The conditions in this licence do not restrict small events of less than 500 people

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

Working closely with the Police and Town Centre Rangers. Extra security hired for some events is necessary.
All our event descriptions, dates and times will be sent to the Safety Advisory group for comment

c) Public safety

Extra security hired for some events if necessary. First aid trained staff to attend all events and extra First Aiders if necessary
All our event descriptions, dates and times will be sent to the Safety Advisory group for comment

d) The prevention of public nuisance

Working closely with the Police and Town Centre Rangers. Extra security hired for some events is necessary.
All our event descriptions, dates and times will be sent to the Safety Advisory group for comment

e) The protection of children from harm

Working closely with the Police and Town Centre Rangers. First aid and lost children tent for some events is necessary.
All our event descriptions, dates and times will be sent to the Safety Advisory group for comment

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises. If the licence only covers a part of a bigger premises, the rateable value for the whole of the premises will apply unless the licence area has been issued with its own rateable value.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number of persons in attendance at any one time. This attendance number includes all staff and performers.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in
* connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount..

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

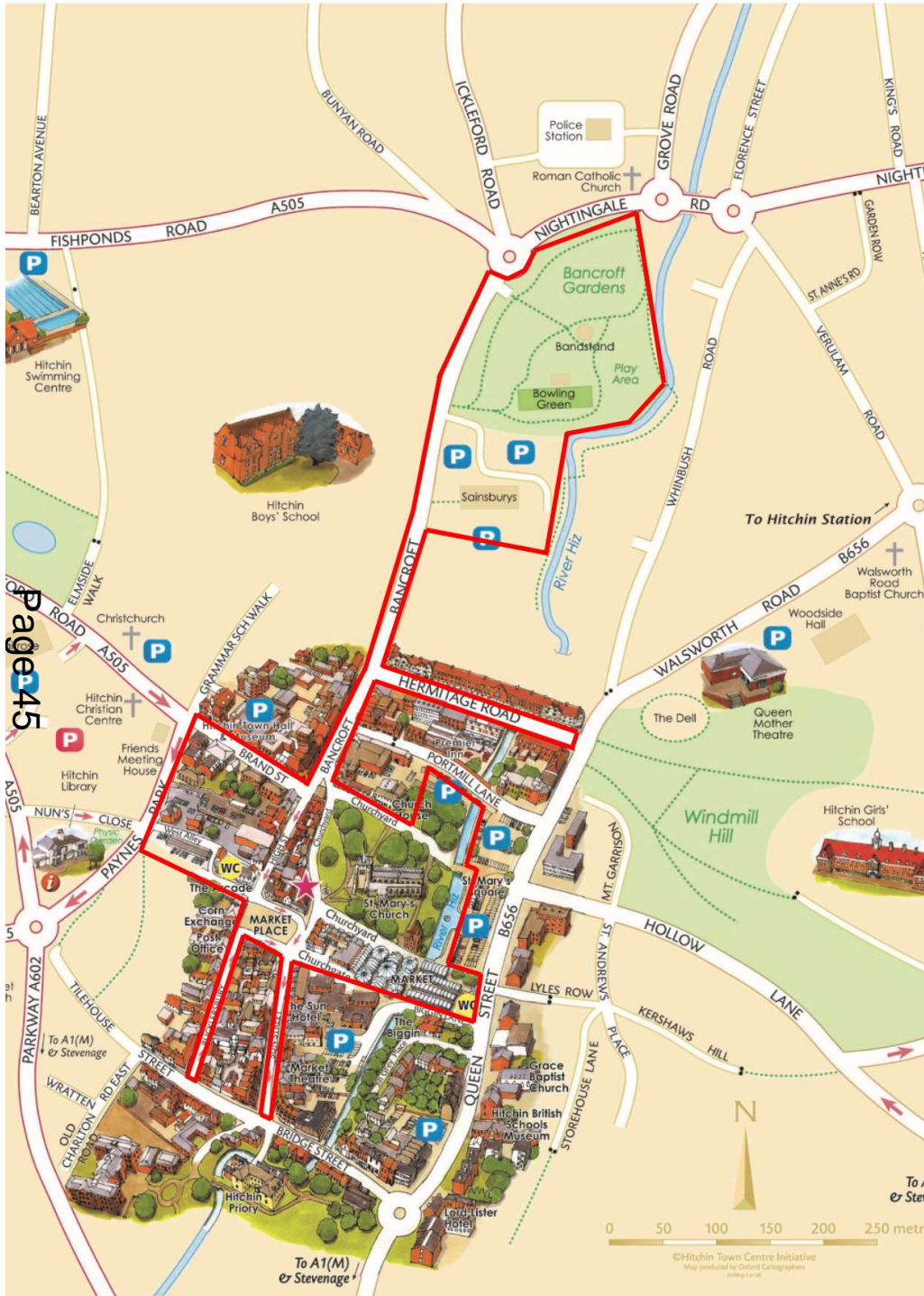
* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-hertfordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.



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Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

North Herts LICENSING AUTHORITY

Responsible Authority: Police

Your Name	Simon Mullan
Job Title	Community Safety Unit Sergeant / Hertfordshire Police
Postal address	Hitchin Police Station College Road Hitchin Herts SG5 1JX
Email Address	[REDACTED]
Contact telephone number	[REDACTED]
Facsimile Number	

Name of the premises you are making a representation about	Hitchin Town Centre	
Address of the premises you are making a representation about		
Details of the individual you are making representations about	Name Tom Hardy	<u>Address</u> 1a Churchyard Hitchin Herts SG5 1HR
	Date & Place of Birth	
Is this the first objection in respect of this individual or these premises	Yes	<u>Brief details / cross reference</u>

Licensing Objections

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Evidence supporting representation or reason for representation. Please use continuation sheet as required
All four licensing objectives	Y	<p>Within the application, the applicant has offered some brief information about how he intends to uphold the licensing objectives.</p> <p>The applicant has included in his application that he will “work closely with the police and the town centre rangers” as a condition underpinning all of the licensing objectives. This is not an enforceable condition, and a licence expectation should not be placed on a responsible authority or a third party to uphold an objective.</p> <p>It also states that all events will be sent to the SAG for comment. It is for the eventual premises licence holder to plan his events with safety in mind and not expect the Safety Advisory Group to rubber stamp his plans. Mention of the SAG, requirements to liaise, or follow the recommendations of, should not be included in the licence.</p> <p>This application has been made for on-sales only. The applicant has not demonstrated how he will prevent the use of the licence to facilitate off-sales and therefore a breach of the licence, as this is a public place the applicant cannot rely on management of access or egress points.</p> <p>Within the list of suggested additional conditions, I have included limitations regarding the sale and supply of alcohol to Market Place and the Churchyard Market in line with current known events.</p>
To prevent crime and disorder	Y	<p>The licence application seeks to permit sales of alcohol in the public spaces of the majority of Hitchin Town Centre between the hours of 0900-2200 hrs at weekends. Hitchin Town has a strong night time economy within this licensable area, which commences within this period. A crossover of time with the night time economy increases the risk of intoxicated people becoming attracted to and involved in the applicant's free-to-attend events in public spaces, increasing the risk of crime and disorder being associated with these events.</p> <p>Although the applicant has stated his intentions for this licence with the police prior to application, since then and since applying the applicant has displayed different plans for the use of the licence and as such the police have concerns that the conditions in their current format are too broad and have the potential to be used for events which are not within the applicant's power to control. In addition, there is no restriction to the use of the licence, allowing the sale and supply of alcohol every day. Effectively creating the potential for the town centre to be a big outdoor pub.</p> <p>Police are not completely opposed to the granting of sale and supply of alcohol; however the licence needs to include in its operating schedule under what circumstances the sale and supply of alcohol will happen.</p>

Public safety	Y	<p>The applicant has previously displayed his intention to use the licence to facilitate other local businesses to use the licence for the sale and supply of alcohol, as well as regulated entertainment. Insufficient information has been included to ascertain how the applicant or the eventual DPS will quality control the use of the licence or how they intend to oversee the separate entities using the license and how they will be promoting the licensing objectives, as well as insuring they are competent enough to operate in accordance with the Licensing Act and other health and safety requirements.</p> <p>Some of the licensable area includes public roads used by motor vehicles. As well as pathways which are big enough to facilitate the safe passing of people in opposite directions only. The applicant needs to address how he expects to facilitate the use of the licence without unsafely blocking the highway or forcing passing pedestrian traffic into the road. However in order to do this, the applicant needs to record at part of his operating schedule how he intends to use this licence.</p>
To prevent public nuisance	Y	<p>One of the conditions offered by the applicant is that the number of events which are attended by over 500 people would be limited to twelve per calendar year. The capacities of the open spaces in this licensable area do not lend themselves to large crowds, as such even crowds of 499 people would be a significant event, and would need to be limited to prevent outdoor music and drinking to be allowed to occur throughout the year. Further, the applicant does not explain how he intends to limit the attendance of persons in a public space to prevent the numbers of people within that licensable area from being over the amount for a “small” event.</p>
To protect children from harm	Y	<p>The premises is a public space in its entirety and includes a children’s play area in Bancroft Park. In order to demonstrate that the applicant will uphold this licensing objective, the applicant needs to set out in his operating schedule what he intends to use this licence for, and how he intends to promote the protection of children from harm with that use in mind. Without the licence being specific on how the licence is going to be used, the police cannot suggest suitable conditions which will uphold this licensing objective.</p>

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.

Change to times of licensable on Fridays and Saturdays:

Live Music: 0900-2100

Recorded Music: 0900-2100

Sale of Alcohol: 0900-2100

Opening hours: 0900-2100

Plays, Films and performances of Dance: 0900-2100

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol will have a refusals book, which will be maintained and kept at the stall, at all times during licensable activities.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol will have a refusals book which will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol will have an incident book, which will be maintained and kept at the stall, at all times during licensable activities.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will have the incident book available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will have a Challenge 25 policy implemented, whereby all customers seeking to purchase alcohol, who appear to be under the age of 25 will be asked for proof of their age. The stall holder will ensure that the only proof of age ID accepted will be photo driving licence, passport or proof of age scheme (PASS).

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will prominently display notices advising customers of the Challenge 25 policy. These notices will be displayed on the individual stalls.

DPS/Premises Licence Holder and stall holder / third party will ensure that written authorisation is in place when any stall holder or third party carries out licensable activities for the sale of alcohol. One copy will remain with the DPS/Premises Licence Holder and one with the stall holder / third party.

DPS/Premises Licence Holder and stall holder / third party will ensure that the written authorisation will be made available for inspection upon request by Police Licensing Officer, Police Officers and Police Community Support Officers.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will display a copy of the premises licence summary, which will be prominently displayed on the stall or area of sale / supply

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol must not sell alcohol to anyone who is intoxicated.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, the alcohol merchandise is removed from the stall within 30 minutes preceding the terminal time specified on the licence for the sale of alcohol.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will have alcohol merchandise and the advertising on display no more than 30 minutes prior to the start time specified on the licence for the sale of alcohol.

DPS/Premises Licence Holder will ensure that they, any stall holder or third party carrying out licensable activities facilitated by this license for the sale of alcohol, will ensure that the operation and set up of the stall will not cause any obstruction to pedestrians or traffic, cause entrances and exits serving adjacent/nearby premises to be obstructed or cause public safety issues.

DPS/Premises Licence Holder will ensure that a written record will be kept of all stall holders and third parties carrying out licensable activities for the sale of alcohol. The record will contain the full name, date of birth, home address, contact number, email address and personal licence number (including issuing authority) of each person. The DPS/Premises Licence Holder will ensure that the records will be made available for inspection by the Police Licensing Officer, Police Officer and Police Community Support Officer.

DPS/Premises Licence Holder will ensure that each stall holder or third party carrying out licensable activities for the sale of alcohol, is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

DPS/Premises Licence Holder will ensure that each stall holder or third party carrying out licensable activities for the sale of alcohol, will not operate or be open unless the DPS or a premises licence holder is present within the zone of the licensed area, overseeing licensable activities.

DPS/Premises Licence Holder will ensure that each stall holder or third party carrying out licensable activities for the sale of alcohol, is a personal licence holder.

DPS/Premises Licence Holder will ensure that all of the above conditions will be incorporated into the terms and conditions of any agreement between Hitchin BID and each stall holder or third party carrying out licensable activities for the sale of alcohol.

For events where an event management plan (EMP) is needed or requested, if the EMP does not fully satisfy reasonable requirements of any responsible authority, the event will not proceed until such time as the reasonable requirements are met and approval of the final EMP is confirmed in writing by the licencing authority.

The Sale and supply of alcohol will be limited to Market Place and Churchgate Market.

Licensed area to exclude Sainsburys and Sainsburys car park, Bancroft.

The sale and supply of alcohol in the Churchgate Market will only occur during the market date and times (Tuesdays 0830-1530, Fridays 0830-1500, and Saturdays 0800-1630) and only if the market is operation.

Sale and supply of alcohol in the Market Place, Hitchin will only occur during the following events:

Xmas lights switch on , Food

Signed on behalf of Hertfordshire Constabulary:



Date: 15th July 2020

This form must be returned within the Statutory Period.

From: SANGHA, Kuljit 8250
Sent: 30 July 2020 07:04
To: MULLAN, Simon 2881; CLARKE, Alan 1261; WALLACE, Clare 177; COMBE, Cynthia 6732 & 4401; ALLAM, Anna 6111
Cc: PASSARELLA, June 7494
Subject: Alfresco - Market Place, Hitchin - Wed 29/07/20


Hi All,

The first 3 images from Fb page - Our Hitchin. The next 3 images from Osinskys fb page. Clearly operating without a café pavement licence.





< Osinsky's's post

 Osinsky's
27 m · 🌐



Popping down the town?
Haven't eaten yet? 🍴

Treat yourself to some Al Fresco dining with Osinsky's!

Simply sit down at a table, scan the QR code with your camera and it will send you to our online menu to order from



We're in the Market Square the rest of this week and all next week (with good weather planned for the weekend!)

We look forward to seeing you 🍷

👍 3

👍 Like 💬 Comment ➦ Share





Regards

Kuljit Sangha
Police Licensing Officer for North Herts
Hitchin Police Station, College Road, Hitchin, SG5 1JX

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Committee report to North Hertfordshire District Council's Licensing Authority

Re: Hitchin Town Centre License variation

Subject: Application for a variation to a premises licence by Mr Tom Hardy on behalf of Hitchin Initiative Limited (ref: LIC/5105)
Name: Ms Liz Devere
Job Title: Commercial Team Manager, Environmental Health

Introduction

I am making an objection in respect of this variation to a premises license application under the licensing objective of "public safety".

The application is to vary a premises license to include alcohol sales from Hitchin Market, Market Place, Bancroft and Bancroft Gardens. I have concerns that under the public safety objective the applicant has stated he will send details of events to the Safety Advisory Group for comment. It is not the role of the SAG to decide if the events that a licence holder plans are safe. It is the license holder's responsibility to ensure that they promote public safety. This is totally inadequate as he is proposing to be reliant on SAG to offer guidance on public safety. I have the following concerns

Public Safety

1. The applicant has failed to show how crowd safety will be managed. They will be unable to limit the number of people attending as the premises proposed is a public space and the area included has multiple entrances and exits.
2. Bancroft and Market Square are both busy shopping areas throughout the week and at weekends. The applicant has failed to show members of the public who do not wish to attend an event will be provided with safe access to their destination be that a shop or other service such as the doctor or dentist.
3. The applicant has failed to show how members of the public will be protected from those attending the licensed event
4. The applicant has failed to demonstrate how they will safely separate vehicles driving through the Market Place, along the High Street and Bancroft from pedestrian customers particularly when these areas are usually busy with shoppers. There is a concern that pedestrians could be forced onto highways.
5. The applicant has failed to demonstrate how they will control what people bring with them to an event, and so folding chairs and similar could reduce the available circulation space and cause obstruction
6. The applicant has failed to demonstrate how they will prevent people bringing alcohol into the licensed area.
7. The applicant has failed to identify how he will provide food (including alcohol) safely as there is no running water to the market pitches.

Recommendation

That the variation is refused on the grounds that the applicant has failed to promote public safety.

Ms Liz Devere

Commercial Team Manager

North Hertfordshire District Council

15th July 2020

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