



HERTFORDSHIRE

CONSTABULARY

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.

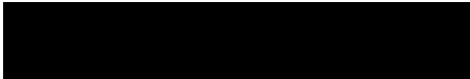
Licensed area to exclude Sainsburys and Sainsburys car park, Bancroft.

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 markets

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