

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

Date of Hearing	Tuesday 16 April 2019
Members of Panel	Councillors G Grindall, B Lewis and L Nash

Applicant(s) Name	David Adeniregun
Premises Address	Red Hart, 28-29 Bucklersbury, Hitchin, Herts SG5 1BG
Date of Application	4 April 2019
<b>APPLICATION FOR TEMPORARY EVENT NOTICES</b>	This is an application for a standard Temporary Event Notice under Section 100 of the Licensing Act 2003.
<b>DETAILS OF APPLICATION</b>	<p>Date of Event: 4, 5 and 6 May 2019</p> <p>Timings: Provision of regulated entertainment (outdoors) from 16:00hrs to 01:00hrs the following morning on each day</p> <p>Provision of late night refreshment from 23:00hrs to 01:00hrs the following morning each day</p> <p>The sale by retail of alcohol (for consumption on the premises) from 16:00 to 01:00hrs the following morning each day</p> <p>Duration of Event: 3 days</p> <p><u>Licensable Activities:</u> The sale by retail of alcohol (for consumption on the premises only) The provision of regulated entertainment (outdoors) The provision of late night refreshment</p> <p><u>Details of Event:</u> The Kite at the Red Hart will be celebrating its birthday with music, food and drinks; hosting live bands and DJs. The TEN requests an extension of outdoor drinking and regulated entertainment until 01:00hrs the following morning each day (the top of the garden would still close at the licensed time of 22:00hrs each day).</p>
<b>DECISION</b>	The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the Licensing Act 2003, the National Guidance, their Statement of Licensing Policy and has decided:

	<p><b>Not to issue a counter notice but to attach the following existing premises licence conditions to the TEN</b></p> <p><b>Annex 1; Mandatory Conditions in its entirety</b></p> <p><b>Annex 2; Conditions consistent with the operating schedule in its entirety apart from the following conditions:</b></p> <p><b>The designated premises supervisor (DPS) and the premises licence holder will ensure that there shall be no late night refreshment activity in the rear garden area, which starts at the end of the main building of the premises, after 23:00hrs.</b></p> <p><b>No drinks shall be permitted in the external areas of the premises after 23:00hrs on Thursday or after midnight on Fridays and Saturdays.</b></p> <p><b>Live music constituting regulated entertainment shall only take place in the function room and pizza barn until 23:00hrs</b></p> <p><b>Recorded music constituting regulated entertainment shall only take place in the function room until midnight and in the pizza barn until 23:00hrs</b></p>
<p><b>REASONS FOR DECISION</b></p>	<p>In making this decision the Sub-Committee has taken into account the following evidence relating to the prevention of public nuisance licence objective:</p> <ol style="list-style-type: none"> <li>1. The Sub-Committee considered the objection from the Responsible Authority but were not satisfied that it represented a sufficient public nuisance that would justify a Counter Notice being issued. The Sub-Committee therefore feel that it is consistent with the licensing objective of Prevention of Public Nuisance to allow the event to take place.</li> <li>2. Whilst the TEN is applied for between Saturday 4<sup>th</sup> into Monday 6<sup>th</sup> May, and the Sub-Committee are aware that the events can take place over this period, it was reassured by the Applicant's statement that it would only take place Saturday 4<sup>th</sup> into Sunday 5<sup>th</sup> May.</li> </ol>
<p><b>RIGHTS OF APPEAL</b></p>	<p>There is a right of appeal to the local Magistrates Court which must be lodged, accompanied by grounds of appeal and the prescribed fee, with the Clerk of the Court no later than twenty-one (21) days after being notified of the decision.</p> <p>However, no appeal may be brought later than five (5) working days before the day on which the event period specified in the TEN begins.</p>
<p><b>POLICE CLOSURE POWERS</b></p>	<p>The Sub-Committee notes that the Police have powers to close premises for up to 24 hours. They may exercise these powers when a temporary event notice is in effect and they are satisfied the event is disorderly, likely to become disorderly or causing nuisance as a result of noise from the premises. Such orders may only be made where it</p>

	is appropriate in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.
--	--

