

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

Date of Hearing	Friday, 22nd June 2007				
Members of Panel	Councillors D.J. Barnard, Lorna Kercher & Alan Bardett				
Applicant(s) Name	Talvinder Parmar				
Premises Address	Triangle Festival at Ransomes Rec., Hitchin, Hertfordshire				
Date of Application	Friday, 20 <sup>th</sup> April 2007				
<b>APPLICATION FOR PREMISES LICENCE</b>	<p>This is an application for of a time-specific Premises Licence under Section 17 of the Licensing Act 2003, for the dates of Saturday, 30 June 2007 and Sunday, 1<sup>st</sup> July 2007 only.</p> <p>The Sub-Committee have read the material presented to us and have listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>1. The application is <i>rejected</i>. The Sub-Committee has found that the licensing objective(s) of public safety has not been met by the application and is not satisfied that any conditions attached to the licence could ensure the licence meets these objectives.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The opening hours applied for were:</p> <table style="margin-left: 40px;"> <tr> <td>Saturday (30 June 2007)</td> <td>1200hrs to 2200hrs</td> </tr> <tr> <td>Sunday (1 July 2007)</td> <td>1200hrs to 1800hrs</td> </tr> </table> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for were:</p> <ul style="list-style-type: none"> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART G – Performance of a Dance</li> <li>• PART H – Anything of a Similar Nature – Parts E, F or G</li> <li>• PART I – Provision of Facilities for Making Music</li> <li>• PART J – Provision of Facilities for Dancing</li> <li>• PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J</li> <li>• PART M - Supply of alcohol</li> </ul>	Saturday (30 June 2007)	1200hrs to 2200hrs	Sunday (1 July 2007)	1200hrs to 1800hrs
Saturday (30 June 2007)	1200hrs to 2200hrs				
Sunday (1 July 2007)	1200hrs to 1800hrs				
<b>CONDITIONS DEEMED NECESSARY FOR</b>	The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are necessary for the promotion of one of the four licensing objectives. The Sub-Committee will only impose				

<p><b>THE PROMOTION OF THE LICENSING OBJECTIVES</b></p>	<p>conditions on a licence where relevant representations have been made and they consider that it is necessary to impose conditions as a result of these representations.</p> <p>The sub committee is not satisfied that any conditions attached to the licence could ensure the licence meets the licensing objectives.</p>
<p><b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b></p>	<p>Conditions have been recommended by Hertfordshire Constabulary, Building Control and Environmental Health. However the sub committee is not satisfied that any conditions attached to the licence could ensure the licence meets the licensing objectives.</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>The sub committee is not satisfied that any conditions attached to the licence could ensure the licence meets these objectives.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></p>	<p>This is not applicable because the application has been refused.</p>
<p><b>STATEMENT OF LICENSING POLICY</b></p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching their decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p><b>4. Regulating Licensing</b></p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council may attach conditions to licences issued under the Act and these must be focussed on matters, which are within the control of the individual licence holders and others in possession of relevant authorisations.</i></p> <p>4.2 <i>Licensing law is not a mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises or event and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in North Hertfordshire.</i></p> <p>4.3 <i>In addressing these matters the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or otherwise engaged in activities in the vicinity.</i></p>

## **5. Licence Conditions**

5.1 *The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will seek to avoid attaching disproportionate and over burdensome conditions on licences.*

5.2 *Conditions will only be imposed when they are necessary 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. Conditions are likely to be focused towards the direct impact of those activities on persons living, working or otherwise engaged in activities in the vicinity.*

## **7. Licensing Hours**

7.1 *The Council recognises that fixed and overly restrictive opening times can lead to peaks of disorder and disturbance on the streets due to large numbers of people leaving licensed premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. Longer licensing hours with regard to the sale of alcohol are an important factor in reducing these concentrations and the resulting crime and disorder.*

7.2 *The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the Licensing Objectives.*

## **8. Children and Licensed Premises**

8.1 *The Council recognises the diversity of premises that will be licensed under the Act. The premises will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. Access by children to any premises will not be limited unless it is considered necessary for the prevention of physical, moral or psychological harm to them.*

8.2 *When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.*

## **9. The Prevention of Public Nuisance**

9.1 *Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise*

	<p><i>from their operation. The Council interprets 'Public Nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.</i></p> <p><b>10. Live Music, Dancing and Theatre</b></p> <p>10.1 <i>The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</i></p>
<p><b>RATIONALE FOR DECISION</b></p>	<p>The Sub Committee has considered all four of the Licensing Objectives. It has given particular consideration to the licensing objectives of the prevention of crime and disorder and public safety.</p> <p>The sub-committee recognises the amount of effort that the Applicant has gone to recently regarding this application. However it is noted and regretted that the information and evidence was not supplied by the Applicant in a sufficiently timely manner. The sub-committee has also given careful thought to the potential benefit to the local community of Hitchin. However in making a decision the sub-committee is required to give appropriate weight to the representations, statutory guidance, the Council's Statement of Licensing Policy and the steps necessary to promote the four licensing objectives. It has given particular consideration to the licensing objective of public safety and the need to ensure that this is not compromised in any way.</p> <p>The sub-committee commenced this hearing on 14 June 2007. At that time the sub-committee had grave concerns that the application failed to support the four licensing objectives. It therefore took the highly unusual decision to adjourn the hearing for one week to provide an opportunity for the Applicant to negotiate with the Responsible Authorities.</p> <p>The hearing was concluded today and the sub-committee continues to consider that the Application before it for consideration fails to promote the licensing objective of public safety. The Sub-committee listened carefully to the evidence presented by the Applicant's representative and remains concerned that public safety would not be protected if this event were licensed to proceed.</p> <p>The Sub Committee heard evidence from the Responsible Authorities namely the Police and Building Control during the hearing, that they were not satisfied that the Application addressed</p>

	<p>the entirety of their concerns.</p> <p>The sub committee considers that all conditions must be reasonable, necessary, enforceable and proportionate. At this late stage it is considered that it is not possible to adequately condition the licence in order to ensure public safety is protected. To condition the licence would in the sub-committee's opinion place unreasonable expectations on the Responsible Authorities, given the co-operation that the responsible authorities have shown following the adjournment of this matter. The sub-committee is also concerned that the information that has not been provided, given the amount of time that has been allowed, is unlikely to be provided in time to comply with any conditions.</p>
<b>COMMENCEMENT DATE</b>	This decision has immediate effect.
<b>RIGHTS OF REVIEW</b>	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.</p>