

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

Date of Hearing	2 June 2005
Members of Panel	Councillors Alan Bardett, Simon Bloxham and Paul Clark

Applicant(s) Name	McMullen and Sons Ltd																
Premises Address	Coopers Arms, 81 Tilehouse Street, Hitchin, Herts, SG5 2DY																
Date of Application	13 April 2005																
Details of Application	<p>Variation of a Club Premises Certificate during the transitional period under Schedule 8 Paragraph 19 (1) of the Licensing Act 2003.</p> <p>Relevant Licensing Activities:</p> <p>Supply of Alcohol Provision of regulated entertainment:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> Films</li> <li>• <input type="checkbox"/> Indoor Sporting Events</li> <li>• <input type="checkbox"/> Live Music</li> <li>• <input type="checkbox"/> Recorded Music</li> <li>• <input type="checkbox"/> Anything of a Similar Description</li> <li>• <input type="checkbox"/> Provision of Facilities for Making Music</li> <li>• <input type="checkbox"/> Provision of facilities for Entertainment of a Similar Description</li> </ul> <p>Hours of Licensable Activities:</p> <p>Supply of Alcohol</p> <table style="width: 100%;"> <tr> <td>Monday to Thursday</td> <td>1000hrs to 2300hrs</td> </tr> <tr> <td>Friday &amp; Saturday</td> <td>1000hrs to 0000hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1000hrs to 2300hrs</td> </tr> </table> <p>Plus</p> <table style="width: 100%;"> <tr> <td>Christmas Eve</td> <td>1000hrs to 0100hrs the following morning</td> </tr> <tr> <td>New Years Eve</td> <td>1000hrs to 0100hrs the following morning</td> </tr> </table> <p>The premises will remain open to the public for a further 30 minutes after the cessation of the sale of alcohol.</p> <p>Regulated Entertainment – Films <i>Video entertainment on TV screen and amusement machines.</i></p> <table style="width: 100%;"> <tr> <td>Monday to Thursday</td> <td>1000hrs to 2330hrs</td> </tr> <tr> <td>Friday &amp; Saturday</td> <td>1000hrs to 0030hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1000hrs to 2330hrs</td> </tr> </table> <p>Plus</p>	Monday to Thursday	1000hrs to 2300hrs	Friday & Saturday	1000hrs to 0000hrs the following morning	Sunday	1000hrs to 2300hrs	Christmas Eve	1000hrs to 0100hrs the following morning	New Years Eve	1000hrs to 0100hrs the following morning	Monday to Thursday	1000hrs to 2330hrs	Friday & Saturday	1000hrs to 0030hrs the following morning	Sunday	1000hrs to 2330hrs
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Christmas Eve 1000hrs to 0130hrs the following morning  
New Years Eve 1000hrs to 0130hrs the following morning

Regulated Entertainment – Indoor Sporting Events  
*Pub games that attract an audience.*

Monday to Thursday 1000hrs to 2330hrs  
Friday & Saturday 1000hrs to 0030hrs the following morning  
Sunday 1000hrs to 2330hrs

Plus  
Christmas Eve 1000hrs to 0130hrs the following morning  
New Years Eve 1000hrs to 0130hrs the following morning

Regulated Entertainment – Live Music  
*Occasional live acoustic and amplified music, and amplified voice.*

Monday to Thursday 1000hrs to 2300hrs  
Friday & Saturday 1000hrs to 2300hrs  
Sunday 1000hrs to 2300hrs

Plus  
Christmas Eve 1000hrs to 0030hrs the following morning  
New Years Eve 1000hrs to 0030hrs the following morning

Regulated Entertainment – Recorded Music  
*Recorded Music, including jukebox and karaoke, with or without a DJ, during normal business or as part of functions.*

Monday to Thursday 1000hrs to 2330hrs  
Friday & Saturday 1000hrs to 0030hrs the following morning  
Sunday 1000hrs to 2330hrs

Plus  
Christmas Eve 1000hrs to 0130hrs the following morning  
New Years Eve 1000hrs to 0130hrs the following morning

Regulated Entertainment – Anything of a Similar Description  
*Comperes for quiz and similar events, comedians and similar performances in any case using voice amplification.*

Monday to Thursday 1000hrs to 2300hrs  
Friday & Saturday 1000hrs to 2300hrs  
Sunday 1000hrs to 2300hrs

Plus  
Christmas Eve 1000hrs to 0130hrs the following morning  
New Years Eve 1000hrs to 0130hrs the following morning

Regulated Entertainment – Provision of Facilities for Making Music

	<p>Monday to Thursday 1000hrs to 2330hrs  Friday &amp; Saturday 1000hrs to 0030hrs the following morning  Sunday 1000hrs to 0030hrs</p> <p>Plus  Christmas Eve 1000hrs to 0130hrs the following morning  New Years Eve 1000hrs to 0130hrs the following morning</p> <p>Regulated Entertainment – Provision for Entertainment of a Similar Description</p> <p>Monday to Thursday 1000hrs to 2300hrs  Friday &amp; Saturday 1000hrs to 2300hrs  Sunday 1000hrs to 2300hrs</p> <p>Late Night Refreshment  <i>Provision of hot drinks and snacks.</i></p> <p>Monday to Thursday 2300hrs to 2330hrs  Friday &amp; Saturday 2300hrs to 0030hrs the following morning  Sunday 2300hrs to 2330hrs</p> <p>Plus  Christmas Eve 2300hrs to 0130hrs the following morning  New Years Eve 2300hrs to 0130hrs the following morning</p> <p>The applicant has also applied to:</p> <p>Remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Acts.</p> <p>The supply of alcohol is for consumption on and off the premises. The regulated entertainment is for indoors only.</p>

The Sub-Committee have read the material presented to us and have listened to all the evidence and submissions.

The Sub-Committee has also heard the oral evidence from the Environmental Health Department on the grounds of public nuisance relating to noise emanating from the premises and the representations from the residents in relation to crime and disorder caused by patrons leaving the premises and public nuisance, including noise, in the vicinity.

The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:

The application is approved subject to conditions and restrictions, including the conditions proposed by the applicant in their operating schedule as amended by the conditions offered by the applicant at 6.2 of the licensing officers report and the embedded conditions which are not inconsistent with the application and the Licensing Act 2003.

The licensable hours for the sale of alcohol are granted.

The hours for all regulated entertainment will be restricted to 2300hrs 7 days a week, with the exception of the hours on Christmas Eve and New Years Eve which are granted.

The hours for late night refreshment are restricted to the terminal hour for the sale of alcohol.

A condition on the licence is to be imposed as follows:

“Measures will be taken to ensure that music/noise cannot be heard beyond the immediate vicinity of the premises.”

In addition the Sub-Committee wish to remove the statement at 4.6.2 that “any live music will end at one hour before the terminal hour” as this is no longer relevant.

The Sub-Committee would also like to amend the condition at 6.2 of the licensing officer’s report to read:

“The occasions that performances, including live music, karaoke and DJ music, will be limited to a maximum of 12 times in any one 12 month period and will cease at 2300hrs, with the exception of Christmas Eve and New Years Eve which are granted”.

The restrictions and limitations have been deemed necessary to prevent public nuisance in the vicinity of the premises.