

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

Date of Hearing	Thursday 8 <sup>th</sup> September 2005
Members of Panel	P. Burt, G.Grindal and A. Kingman.
Applicant(s) Name	Mr John McKenna
Premises Address	Hitchin Rugby Football Club, King George V Recreation Ground, Old Hale Way, Hitchin, Hertfordshire, SG5 1XL
Date of Application	Sunday 24 <sup>th</sup> July 2005
<b>APPLICATION FOR VARIATION</b>	<p>This is an application for variation of a Club Premises Certificate during the transitional period under Schedule 8 paragraph 19(1) of the Licensing Act 2003.</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>The application is <b>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• PART A – Plays</li> <li>• PART C – Indoor Sporting Events</li> <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 to 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 to parts I or J</li> <li>• PART L - Supply of Alcohol</li> </ul> <p>The hours during which the licensable activities may take place are:</p> <p><b>PART A - Plays</b> <b>PART C – Indoor Sporting Events</b></p> <p>Monday to Sunday 1400hrs to 2300hrs</p>

**PART E – Live Music**  
**PART F – Recorded Music**  
**PART G – Performance of Dance**

Monday to Sunday 1400hrs to 2400hrs

These hours are to apply each day of the year with the exception of:

1. Days on which organised club events will be held. On all these days the hours will be from 1400hrs to 0100hrs the following morning.
2. On New Year's Eve the permitted hours will be from 1400hrs to 0200hrs the following morning.

**PART H – Anything of a similar description to that falling within E, F or G**

**PART I – Provision of facilities for making music**

**PART J – Provision of facilities for dancing**

**PART K – Provision of facilities for entertainment of a similar description to that falling within I or J**

Monday to Sunday 1200hrs to 2400hrs

These hours are to apply each day of the year with the exception of:

1. Days on which organised club events will be held. On all these days the hours will be from 1200hrs to 0100hrs the following morning.
2. On New Year's Eve the permitted hours will be from 1200hrs to 0200hrs the following morning.

**PART L – Supply of alcohol**

Monday to Sunday 1100hrs to 2400hrs

These hours are to apply each day of the year with the exception of:

1. Days on which organised club events will be held. On all these days the hours will be from 1100hrs to 0100hrs the following morning.
2. On New Year's Eve the permitted hours will be from 1100hrs to 0200hrs the following morning.
3. On occasions when international rugby matches are televised outside the permitted hours the premises will open at the earlier time of 0800hrs and will be permitted to serve alcohol from this time.

**NON-STANDARD TIMINGS**

1. There will be no more than six occasions on which organised club events with extended hours are held in any calendar year.
2. There will be no more than 10 occasions on which international rugby matches are televised outside the standard hours in any

	<p>calendar year.</p> <p>On all days that non-standard timings apply a written log is to be kept at the premises of the event held and the hours the premises were open. This log shall be made available to the Licensing Authority at their request.</p>
<p><b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></p>	<p>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 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 following condition is considered necessary by the Sub-Committee to promote the licensing objective of prevention of public nuisance.</p> <p>1. All licensable activities will only be permitted to take place in the area hatched red on the plan attached to the application.</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in part O of their application.</p> <p><u>Plus:</u></p> <p>1. On occasions when strip shows are performed at the premises all persons under the age of 18 will be removed or excluded from the premises.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></p>	<p>The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.</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</i></p>

	<p><i>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>
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the second appointed day, namely the 24 <sup>th</sup> of November 2005.
<b>RIGHTS OF REVIEW</b>	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.