

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

Date of Hearing	Monday 21 st November 2005
Members of Panel	P. Clark, A. Kingman and J. Kirby.
Applicant(s) Name	Allan Robert Barnett
Premises Address	The Radcliffe Arms, 31 Walsworth Road, Hitchin, Hertfordshire, SG4 9ST
Date of Application	Wednesday 21 st September 2005
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 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 approved subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <p>Monday to Thursday 1100hrs – 2330hrs Friday to Saturday 1100hrs – 0030hrs the following morning Sunday 1200hrs – 2300hrs</p> <p><u>AND</u></p> <p>The premises will retain the existing New Year's Eve/New Year's Day hours.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none">• PART C – Indoor Sporting Events• PART E – Live Music• PART F – Recorded Music• PART M - Supply of Alcohol <p>The hours during which the following licensable activities may take place are:</p>

	<p>PART C Indoor Sporting Events PART E Live Music PART F Recorded Music</p> <p>Monday to Thursday 1100hrs to 2300hrs Friday and Saturday 1100hrs to 2400hrs Sunday 1200hrs to 2230hrs</p> <p><u>AND</u></p> <p>These licensable activities will be permitted to match the hours the premises is permitted to supply alcohol on New Year's Eve/New Year's Day.</p> <p>PART M Supply of Alcohol</p> <p>Monday to Thursday 1100hrs to 2300hrs Friday and Saturday 1100hrs to 2400hrs Sunday 1200hrs to 2230hrs</p> <p><u>AND</u></p> <p>The premises will retain the existing New Year's Eve/New Year's Day hours.</p>
<p>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</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>The condition is:</p> <p>The licence holder or his/her representative shall conduct regular assessments of the noise coming from the premises after 2300hrs on every occasion the premises are used for regulated entertainment and shall take steps to reduce the noise where it is likely to cause a disturbance to local residents.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>Hertfordshire Fire and Rescue have recommended that conditions be attached to the licence to promote the licensing objective of the prevention of public safety. The conditions they have recommended are:</p> <ol style="list-style-type: none"> 1. That the licence holder has the ability to immediately interrupt the power supply to any sound system installed at the premises. 2. That illuminated internal exit signs be placed in the areas between the public bar and the front entrance lobby, the public

	<p>bar and the rear yard, the lounge bar and the front entrance lobby and the lounge bar and the side door.</p> <ol style="list-style-type: none"> 3. That fire fighting equipment is installed at appropriate sites in the premises. This equipment must conform with the requirements of the Hertfordshire Fire and Rescue. 4. Upholstered furniture is properly maintained and free from damage and curtains and drapes are flame retardant. <p>In the course of the hearing the applicant confirmed that he was in the process of taking steps to meet all four conditions. Given his indication the Sub-Committee does not consider that it is necessary to impose these conditions on the licence.</p> <p>The applicant indicated to the Sub-Committee that the four stated conditions will be met to the satisfaction of Hertfordshire Fire and Rescue prior to 31 December 2005. Failure to do so will provide grounds for Hertfordshire Fire and Rescue to apply to the Licensing Authority for a review of this licence.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</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 P of their application.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. All live music will be restricted to being performed by no more than 2 entertainers. 2. The windows will be closed at all time that regulated entertainment is being provided at the premises. 3. The outside area shown on the plan of the premises, attached to the application, will not be used at any time for the playing or performance of regulated entertainment. 4. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring the customers to leave the premises and the area quietly.
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</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>STATEMENT OF LICENSING POLICY</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>4. <i>Regulating Licensing</i></p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at</i></p>

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.

4.2 *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.*

4.3 *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.*

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.*

	<p>9. The Prevention of Public Nuisance</p> <p>9.1 <i>Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise 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>COMMENCEMENT DATE</p>	<p>This licence will come into effect from the second appointed day, namely the 24th of November 2005.</p>
<p>RIGHTS OF REVIEW</p>	<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>