

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

Date of Hearing	Thursday 15 th February 2007
Members of Panel	G. Grindal, J. Kirby and M. Kirkland
Applicant(s) Name	Tarsem S Lidder and Jasbinder S Lidder
Premises Address	Club 85, 74 Whinbush Road, Hitchin, Hertfordshire SG5 1PZ
Date of Application	Thursday 21 st December 2006
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>1. 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 1000hrs to 2400hrs Friday to Saturday 1000hrs to 0130hrs the following morning Sunday 1200hrs to 2400hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> •□□□ Xmas Eve, <p>On this day the hours will be from the permitted opening hour to 0130hrs the following morning</p> <ul style="list-style-type: none"> •□□□ Good Friday <p>On this day the hours will be from 1200hrs to 0130hrs the following morning</p> <ul style="list-style-type: none"> •□□□ All Sundays preceding Bank Holidays <p>On this day the hours will be from the permitted opening hour to 0100hrs the following morning</p>

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART G – Performance of Dance
- 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
- PART L – Late night refreshment
- PART M – Supply of Alcohol

The hours during which the licensable activities may take place are:

PART E – Live Music

PART F – Recorded Music

PART G – Performance of Dance

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 Thursday 1200hrs to 2330hrs

Friday to Saturday 1200hrs to 0100hrs the following morning

Sunday 1200hrs to 2330hrs

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

- Xmas Eve,

On this day the hours will be from the permitted opening hour to 0100hrs the following morning

- Good Friday

On this day the hours will be from 1200hrs to 0100hrs the following morning

- All Sundays preceding Bank Holidays

On this day the hours will be from the permitted opening hour

to 1230hrs the following morning

PART L – Late night refreshment

Monday to Thursday 2300hrs to 2400hrs
Friday to Saturday 2300hrs to 0130hrs the following morning
Sunday 2300hrs to 2400hrs

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

- Xmas Eve,

On this day the hours will be from the permitted opening hour to 0130hrs the following morning

- Good Friday

On this day the hours will be from the permitted opening hour to 0130hrs the following morning

- All Sundays preceding Bank Holidays

On this day the hours will be from the permitted opening hour to 0100hrs the following morning

PART M - Supply of Alcohol (On and Off the Premises)

Monday to Thursday 1000hrs to 2330hrs
Friday to Saturday 1000hrs to 0100hrs the following morning
Sunday 1200hrs to 2330hrs

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

- Xmas Eve,

On this day the hours will be from the permitted opening hour to 0100hrs the following morning

- Good Friday

On this day the hours will be from 1200hrs to 0100hrs the following morning

- All Sundays preceding Bank Holidays

On this day the hours will be from the permitted opening hour

	to 1230hrs the following morning
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	The are no additional conditions considered necessary by the Sub-Committee to promote the licensing objectives.
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	<p>The following conditions have been recommended by Hertfordshire Constabulary:</p> <p>1. On Friday and Saturday and all other dates where non-standard timings apply, a minimum of two SIA approved door staff (excluding DPS) to be on duty at the premises between the hours of 2100hrs and time of closing to the public.</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>2. All door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>3. All door staff employed at the entrance/exit of the premises whilst on duty will wear high visibility clothing (reflective jackets/tabards).</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>4.The DPS or a Personal licence holder shall be present on the premises on Fridays and Saturdays from 2100hrs until closing time.</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>5. The DPS shall ensure that the premises are equipped with a CCTV system which is maintained to the satisfaction of the Hertfordshire Constabulary.</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p>

6. The DPS or Personal License Holder shall notify the Police Licensing Unit at Hitchin Police Station, by telephone and in writing within 24 hours of the telephone notification on any occasion when the CCTV system is to be inoperative for a period in excess of one working day. The notice will include the measures being taken to ensure the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

7. The DPS or Personal License Holder will notify the Police Licensing Department at Hitchin Police Station of their intention to hold any "all age" events during the evenings. During the course of such events no alcohol will be sold on the first floor of the premises although soft drinks will be available. The notice will be in writing and give a minimum of 7 full working days notice. The notice will on every occasion include the date, start and finishing time of the event, the nature of the event and the number of persons attending.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

8. The DPS or Personal License Holder will be a member of any active local pub watch and regularly attend meetings.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

9. 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 quickly and quietly.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of public nuisance.

10. Signage will be placed behind the bar and at the entry point to the club which will be in clear visible viewing, stating that no persons under the age of 18 years old will be served alcohol. The only form of ID accepted will be original passport or original photo ID driving licence.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

	<p>11. To have in place a refusals book on the premises, to record any refusal of alcohol to persons under the age of 18, which will include date, time, and a description of the person that was refused alcohol. This refusal book will be made available for inspection by the Police upon request.</p> <p>This condition is considered <i>necessary</i> for the promotion of one the four licensing objectives, namely the prevention of crime and disorder.</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>Plus the following condition offered by the Applicant during the hearing:</p> <ol style="list-style-type: none"> 1. There shall be placed on an external wall at the premises in a place where it can be seen and easily read by the public a notice displaying a phone number for the premises. The licence holder and his/her staff or agents will use all reasonable endeavours to answer the phone during hours that the premises are open to the public. The licence holder and his/her staff or agents shall take steps to address the matters raised in so far as they relate to the operation of the premises.
<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. Regulating Licensing</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>

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>8. Children and Licensed Premises</p> <p>8.1 <i>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.</i></p> <p>8.2 <i>When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.</i></p> <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>
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	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.