

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

Date of Hearing	Friday, 30 November 2007								
Members of Panel	Councillors D. Barnard, J. Cunningham & M. Kirkland								
Applicant(s) Name	Remix UK Ltd.								
Premises Address	Remix Nightclub, 20/21 Hermitage Road, Hitchin, Herts. SG5 1BT								
Date of Application	9 th July 2007								
APPLICATION FOR GRANT OF PREMISES LICENCE	<p>This is an application for the grant of a Premises Licence under Section 17 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 <u>approved</u> 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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Monday to Wednesday</td> <td>1200hrs to 0000hrs (12 midnight)</td> </tr> <tr> <td>Thursday</td> <td>1200hrs to 0100 (following morning)</td> </tr> <tr> <td>Friday and Saturday</td> <td>1200hrs to 0200 (following morning)</td> </tr> <tr> <td>Sunday</td> <td>1200hrs to 0000hrs (12 Midnight)</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of the premises being open from New Year's Eve through to the close of business on 2 January.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> PART C – Indoor Sporting Events • <input type="checkbox"/> PART D – Boxing or Wrestling Entertainment • <input type="checkbox"/> PART E – Live Music • <input type="checkbox"/> PART F – Recorded Music • <input type="checkbox"/> PART G – Performance of a Dance • <input type="checkbox"/> PART H – Anything of a Similar Nature – Parts E, F or G – Multi-cultural singing and dancing • <input type="checkbox"/> PART I – Provision of Facilities for Making Music • <input type="checkbox"/> PART J – Provision of Facilities for Dancing 	Monday to Wednesday	1200hrs to 0000hrs (12 midnight)	Thursday	1200hrs to 0100 (following morning)	Friday and Saturday	1200hrs to 0200 (following morning)	Sunday	1200hrs to 0000hrs (12 Midnight)
Monday to Wednesday	1200hrs to 0000hrs (12 midnight)								
Thursday	1200hrs to 0100 (following morning)								
Friday and Saturday	1200hrs to 0200 (following morning)								
Sunday	1200hrs to 0000hrs (12 Midnight)								

- PART L – Late Night Refreshment
- PART M - Supply of alcohol

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

PART C – Indoor Sporting Events

PART E – Live Music

PART F – Recorded Music

PART G – Performance of a Dance

PART H - Anything of a Similar Nature – Parts E, F or G – Multi-cultural singing and dancing

PART I – Provision of Facilities for Music Making

PART J – Provision of Facilities for Dancing

Monday to Wednesday	1200hrs to 0000hrs (12 Midnight)
Thursday	1200hrs to 0100hrs (following morning)
Friday & Saturday	1200hrs to 0200hrs (following morning)
Sunday	1200hrs to 0000hrs (12 Midnight)

PART D – Boxing or Wrestling Entertainment

Monday to Wednesday	1800hrs to 0000hrs (12 Midnight)
Thursday	1800hrs to 0100hrs (following morning)
Friday & Saturday	1800hrs to 0200hrs (following morning)
Sunday	1800hrs to 0000hrs (12 Midnight)

PART L – Late Night Refreshment

Monday to Wednesday	2300hrs to 0000hrs (12 Midnight)
Thursday	2300hrs to 0100hrs (following morning)
Friday & Saturday	2300hrs to 0200hrs (following morning)
Sunday	2300hrs to 0000hrs (12 Midnight)

PART M - Supply of alcohol

Monday to Wednesday	1200hrs to 2340hrs
Thursday	1200hrs to 0040hrs (following morning)
Friday & Saturday	1200hrs to 0140hrs (following morning)
Sunday	1200hrs to 2340hrs

These hours are to apply each day of the year with the exception of the premises being open from New Year’s Eve through to the close of business on 2 January.

CONDITIONS

The Sub-Committee recognises that conditions will only be imposed

**DEEMED
NECESSARY FOR
THE PROMOTION
OF THE
LICENSING
OBJECTIVES**

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.

The following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance and crime and disorder

The conditions are:

1. The applicant shall within 21 days of this decision install and, following installation, maintain noise limiting equipment at the premises. The specification of the equipment shall be agreed with the District's Environmental Health Officer.
2. The noise limiting equipment shall be in use on all occasions when regulated entertainment is provided.
3. Where any event providing regulated entertainment is held on any Sunday, Monday, Tuesday or Wednesday the applicant shall consult the Police as to whether any SIA door staff should be employed to prevent any potential crime and disorder
4. All doors and windows shall be kept closed at all times when regulated entertainment is provided except to allow for egress or ingress to the premises or in the event of an emergency
5. The applicant shall ensure that signs are displayed close to the exits of the premises where they can be easily read requesting patrons to leave the premises quietly
6. All doors marked as fire exits shall be kept closed at all times except to allow for emergency exit

**CONDITIONS
PROPOSED BY
THE
RESPONSIBLE
AUTHORITIES**

The following condition has been recommended by Hertfordshire Trading Standards and agreed by the applicant prior to the hearing. The Sub-Committee has made minor modification to the condition as follows:

1. No sale or supply of alcohol shall be allowed to any person appearing to be under the age of 18 unless they have provided evidence of their age and they are over 18 years. Only photographic evidence is acceptable shall be either a passport, driving licence or proof of age card complying with the PASS approved identification scheme and bearing the PASS hologram.
2. Training shall be given to all members of staff employed by the Licensee to ensure that there is compliance with the Challenge / Think 21 policy or similar scheme.

This condition is considered necessary for the promotion of one of the four licensing objectives, namely the protection of children from harm.

**CONDITIONS
PROPOSED BY
APPLICANT**

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.

The applicant has proposed the following additional conditions which have been agreed with the Hertfordshire Police. The conditions have been modified by the Sub-Committee as follows:

1. On every Friday and Saturday a minimum of five SIA approved Door Staff are to be on duty at the premises between the hours of 8pm until 30 minutes following closure of the premises to the public.
2. On every Thursday a minimum of two SIA approved Door Staff are to be on duty at the premises between the hours of 8pm until closure of the premises to the public
3. On any day when non-standard timings apply a minimum of five SIA approved Door Staff are to be on duty at the premises between the hours of 8pm until closure of the premises to the public.
4. 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.
5. All Door Staff employed at the entrance/exit whilst on duty will wear high visibility clothing (reflective jackets/tabards).
6. The Designated Premises Supervisor (DPS) shall ensure that the premises are equipped with a closed circuit television system, the recordings of which are of a standard that is to the satisfaction of Hertfordshire Constabulary. The CCTV system is to be maintained to the satisfaction of the Hertfordshire Constabulary.
7. The Designated Premises Supervisor will ensure that viewable copies of recordings from the CCTV system can immediately be provided to Police upon request. All recordings will be kept for a minimum of 28 days.
8. The Designated Premises Supervisor shall notify the Police Licensing Unit at Hitchin Police Station and the Local Authority Licensing Officer, by telephone and in writing within twenty four 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.
9. The Designated Premises Supervisor shall nominate another person who will deputise for them when absent from the premises in excess of 48 hours. It will be a requirement that the deputy is a Personal Licence Holder. The DPS will ensure that

	<p>the identity of the deputy is known by all other staff at such times. The DPS will notify the Police Licensing Department at Hitchin Police Station on such occasions, giving a minimum of two full working days notice, which on every occasion must be in writing and include the name and position held by the deputy.</p> <p>10. The Designated Premises Supervisor or Deputy will notify the Police Licensing Department at Hitchin Police Station of their intention to hold a private party or entertain friends at their own expense. The notice will be in writing and give a minimum of seven full working days notice. The notice will on every occasion include the date, start time and finish time of the event, the nature of the event and the approximate number of persons attending.</p> <p>11. No entry or re-entry to the premises after 12.00 midnight, other than for persons permitted to leave the premises for the purposes of smoking. On such occasions, no more than 10 persons shall be permitted exit from the premises at any one time and no such person shall be permitted re-entry unless with a valid permit for re-entry</p> <p>12. When any headline acts or high profile events, being those outside of the usual type of events at the premises, are to be held the DPS will notify the Police Licensing Department at Hitchin Police Station of such events giving a minimum of 28 days notice, which on every occasion must be in writing</p> <p>13. The Designated Premises Supervisor will be a member of any active local Pubwatch and will attend Pubwatch meetings in person or send a nominated deputy.</p> <p>14. The Applicant offered the following additional condition during the course of the hearing:</p> <p>To minimise disturbance to nearby properties bottles shall only be disposed of into external receptacles during daylight hours</p>
<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>

4. Regulating Licensing

4.1 *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.*

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*

	<p><i>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.</i></p> <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>
RATIONALE FOR DECISION	<p>The Sub-Committee noted that the Applicant’s representative accepted that public nuisance had been caused to nearby residents from a recent event at the premises. The Sub-Committee noted also the Applicant’s intention to make improvements to the premises and considered that by meeting these conditions the affect of the operation of the business upon the residents would not be disproportionate or unreasonable.</p>
COMMENCEMENT DATE	<p>This licence will come into effect 21 days after the date of the decision or upon the installation of the noise limiting equipment if earlier.</p>
RIGHTS OF REVIEW	<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>

INFORMATIVE

The Sub-Committee noted that the Applicant offered to enter into dialogue with the residents of premises in the vicinity of the premises to discuss issues of concern. The Sub-Committee would urge the Applicant and the residents to set up and maintain a forum for discussion of issues.