

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

Date of Hearing	Wednesday, 28 November 2012								
Members of Panel	Councillors D. Barnard, M. Muir and M. Rice								
Applicant(s) Name	Ilhami Gurbuz								
Premises Address	Ali Baba, 110 Bancroft, Hitchin, Herts. SG5 1NB								
Date of Application	5 October 2012								
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 has read the material presented to it and has 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 <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> <tr> <td>Monday to Wednesday</td> <td>1600hrs to 0100hrs the following morning</td> </tr> <tr> <td>Thursday</td> <td>1600hrs to 0230hrs the following morning</td> </tr> <tr> <td>Friday and Saturday</td> <td>1600hrs to 0400hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1600hrs to 0200hrs the following morning</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Christmas Eve • New Years Eve • All Bank Holidays <p>On all these days the hours will be from 1600hrs to 0400hrs the following morning.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activity applied for is:</p> <ul style="list-style-type: none"> • PART L – Late Night Refreshment <p>The hours during which the licensable activity may take place are:</p>	Monday to Wednesday	1600hrs to 0100hrs the following morning	Thursday	1600hrs to 0230hrs the following morning	Friday and Saturday	1600hrs to 0400hrs the following morning	Sunday	1600hrs to 0200hrs the following morning
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	<p>PART L - Late Night Refreshment</p> <p>Monday to Wednesday 2300hrs to 1245hrs the following morning Thursday 2300hrs to 0215hrs the following morning Friday and Saturday 2300hrs to 0345hrs the following morning Sunday 2300hrs to 0145hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Christmas Eve • New Years Eve • All Bank Holidays <p>On all these days the hours will be from 2300hrs to 0345hrs the following morning.</p>
<p>CONDITIONS DEEMED APPROPRIATE 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 appropriate 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 it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The following conditions are each considered appropriate by the Sub-Committee to promote the licensing objective of prevention of crime and disorder and public nuisance.</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. The hours of opening and serving food must be displayed in a prominent position visible to customers. 2. A notice must be displayed reminding customers to leave quietly and respectfully of the neighbours.
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by Hertfordshire Constabulary (as amended) and are considered appropriate for the promotion of one of the four licensing objectives, namely the Prevention of Crime and Disorder:</p> <ol style="list-style-type: none"> 1. To permit Late Night Refreshment (sales) until 03:45 hours on Friday and Saturday. 2. To close the premises by 04:00 hours on Friday and Saturday. 3. The Premises Licence Holder will ensure that on Friday and Saturday there will be at least one (1) SIA door staff on duty from 02:00 hours until closing. 4. To permit Late Night Refreshment (sales) until 02:15 hours on Thursday. 5. To close the premises by 02:30 hours on Thursday.

6. The Premises Licence Holder will ensure that on Thursday there will be one (1) SIA door staff on duty from 01:30 hours until closing.
7. No change to Sunday hours.
8. To permit Late Night Refreshment until 03:45 hours on Bank Holidays.
9. To close the premises by 04:00 hours on Bank Holidays.
10. The Premises Licence Holder will ensure that on Bank Holidays there will be at least one (1) SIA door staff on duty from 02:00 hours until closing.
11. To permit Late Night Refreshment (sales) until 03:45 hours on Christmas Eve and New Years Eve.
12. To close the premises by 04:00 hours on Christmas Eve and New Years Eve.
13. The Premises Licence Holder will ensure that on Christmas Eve and New Years Eve there will be at least one (1) SIA door staff on duty from 02:00 hours until closing.
14. The Premises Licence Holder will ensure that the premises are equipped with a digital Closed Circuit Television (CCTV) system, the recordings of which are of a standard that is to the satisfaction of Hertfordshire Constabulary.
15. The Premise Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system can be provided to Police no later than twenty-four (24) hours after request. All recording will be kept for a minimum of thirty-one (31) days.
16. The Premises Licence Holder will ensure that the Police Licensing Department at Stevenage Police Station are notified in writing (via e-mail to licensingeasternarea@herts.ppn.police.uk) 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 that the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.
17. The Premises Licence Holder will ensure that they are fully trained to access and operate the CCTV system, as well as download copies of any footage, upon request by Police Licensing Officers, Police Officers, Police Community Support Officers and Local Authority Licensing Officers.
18. The Premises Licence Holder will ensure that an incident book is maintained and kept at the premises at all times.
19. The Premises Licence Holder will ensure that the incident book will be made available for inspection upon request by Police

	<p>Licensing Officers, Police Officers, Police Community Support Officers and Local Authority Licensing Officers.</p> <p>The following conditions have been recommended by Hertfordshire Constabulary and are <i>not</i> considered appropriate to ensure the promotion of one of the four licensing objectives, namely the Prevention of Crime and Disorder:</p> <ol style="list-style-type: none"> 1. Saturday not required during Rhythms of the World (ROTW) event. 2. To permit Late Night Refreshment (sales) until 01:45 hours during the Rhythms of the World (ROTW) event on the Sunday. 3. To close the premises by 02:00 hours during the Rhythms of the World (ROTW) event on the Sunday. 4. The Premises Licence Holder will ensure that during the Rhythms of the World (ROTW) event on the Sunday there will be two (2) SIA door staff on duty from 01:00 hours until closing.
CONDITIONS PROPOSED BY APPLICANT	<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:</p> <ol style="list-style-type: none"> 1. None
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<p>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>
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (October 2012 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Paragraphs 1,17, 2.1, 2.2, 2.3, 2.22, 9.12, 9.38, 10.11, 10.12 and 13.32</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Paragraphs 5.1, 5.9 and 12.7</p>
RATIONALE FOR	<p>The Sub-Committee made the decision to grant the application subject to conditions proposed by Hertfordshire Constabulary and</p>

DECISION	<p>agreed by the applicant. The conditions are considered to be appropriate for the promotion of the licensing objectives, primarily the prevention of crime and disorder.</p> <p>The Sub-Committee were satisfied that the representations from Hertfordshire Constabulary demonstrated that there were concerns with crime and disorder in and around the premises. The Sub-Committee have therefore imposed conditions suggested by Hertfordshire Constabulary to deal with these concerns, requiring CCTV at the premises and at least one SIA door staff to be used at the appropriate times.</p> <p>The Sub-Committee accepted the applicant's submission that not all of the incidents referred to by Hertfordshire Constabulary necessarily started at the applicant's premises. Further, the applicant was clear that he would take greater responsibility for the premises and ensure compliance with the licence conditions.</p> <p>The Sub-Committee added two new conditions for the promotion of the prevention of crime and disorder. Representations from Hertfordshire Constabulary demonstrated that there were issues with sticking to licensed opening hours and with customers leaving the premises, the imposition of notices should assist with this.</p> <p>Although not a key reason for the decision, the Sub-Committee considered that it will not set a precedent for the town in extending the hours, as the extension in hours does not exceed that of at least one other similar premises in Hitchin town centre.</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 any other person, likely to be affected by 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.