

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

Date of Hearing	Tuesday, 15 October 2013
Members of Panel	Councillors D. Barnard, J. Cunningham and G. Morris
Premises Licence Holder(s) Name	Mr Jagit Singh Samra
Premises Address	Bedford Arms, 13-17 Bedford Road, Hitchin, Herts. SG5 2TP
Date of Application	22 August 2013
APPLICATION FOR REVIEW	<p>This is an application for a review of a Premises Licence under Section 51 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>The Sub-Committee has decided to modify the conditions (and licensable hours) of the premises licence as follows.</p> <p>1. <u>OPENING HOURS</u></p> <p>Monday to Thursday 1000hrs to 12 Midnight Friday and Saturday 1000hrs to 0030hrs the following morning Sunday 1200hrs to 2300hrs</p> <p>These hours are to apply each day of the year, with the exception of New Year's Eve, when the terminal hour will be 0200hrs the following morning (New Year's Day).</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>Section E – Performance of Live Music (Indoors)</p> <p>Friday and Saturday 1200hrs to 2300hrs</p> <p>These hours are to apply each day of the year, with the exception of New Year's Eve, when the terminal hour will be 0100hrs the following morning (New Year's Day).</p> <p>Section F – Playing of Recorded Music (Indoors)</p> <p>Friday and Saturday 1200hrs to 2300hrs Sunday 2000hrs to 2230hrs</p> <p>These hours are to apply each day of the year, with the exception of New Year's Eve, when the terminal hour will be 0100hrs the following morning (New Year's Day).</p>

	<p>Section J – Supply of Alcohol (On and Off the Premises)</p> <p>Monday to Thursday 1000hrs to 2330hrs Friday and Saturday 1000hrs to 12 Midnight Sunday 1200hrs to 2230hrs</p> <p>These hours are to apply each day of the year, with the exception of New Year’s Eve, when the terminal hour will be 0100hrs the following morning (New Year’s Day).</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>No such conditions are considered appropriate.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions (as amended) have been recommended by NHDC Environmental Protection and are considered appropriate for the promotion of the licensing objectives of the Prevention of Public Nuisance and the Prevention of Crime and Disorder:</p> <ol style="list-style-type: none"> 1. Live music and recorded music to be brought back to finish no later than 2300hrs on Fridays and Saturdays. 2. A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council. The device must be set at an appropriate time in the presence of an Officer of the Environmental Protection Team at North Hertfordshire District Council. No amplified live or recorded music constituting regulated entertainment shall take place in the premises until this device has been installed and set in accordance with this condition. 3. Once the environmental noise control device has been installed, calibrated and set to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council it must not be removed, adjusted or replaced: <ol style="list-style-type: none"> (a) without twenty-eight (28) days prior notification to an Environmental Health Officer of North Hertfordshire District Council and; (b) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from an Environmental Health Officer of North Hertfordshire District Council. 4. Following the receipt of the documentation stated in condition 3(b), all the requirements of the Environmental Health Officer of North Hertfordshire District Council must be carried out. Such works may include, for example, an acoustic consultant noise survey, sound insulation works, the calibration and setting of the

environmental noise control device in the presence of an Officer of the Environmental Protection Team who will set the levels in line with the licensing objective '*the prevention of public nuisance*'. Use of all noise equipment in the premises for amplified live or recorded music constituting regulated entertainment is not permitted until such a time that the premises licence holder has received confirmation from the Environmental Health Officer of North Hertfordshire District Council that it is permitted.

5. In the event of malfunction of the environmental noise control device, the Environmental Protection Team shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place in the premises until the environmental noise control device is properly functioning and the Environmental Protection Team has received the necessary documentation confirming this.

6. The environmental noise control device will be regularly serviced and maintained to ensure that the noise produced within the premises will not exceed the limit agreed by the Environmental Health Officer of North Hertfordshire District Council.

7. The environmental noise control device must be permanently maintained at the settings/levels agreed by the Environmental Health Officer of North Hertfordshire District Council.

8. The environmental noise control device shall be secured with a robust lockable case or similar to prevent unauthorised access to and tampering with the controls.

9. All noise equipment used for amplified live and recorded music constituting regulated entertainment in the premises must be routed through the environmental noise control device and this device must be used during such licensable activities.

10. There shall be a minimum of two (2) SIA approved door staff present at the premises from 2100hrs until closing on Fridays Saturdays and Sundays to manage patrons using the external areas of the premises.

11. A responsible person shall manage, where necessary, the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised.

12. Clear and legible notices to the satisfaction of the Environmental Health Officer of North Hertfordshire District Council shall be displayed at all exits and in external and other circulatory areas requesting patrons to respect the needs of local residents and to keep noise to a minimum.

13. The rear external area of the premises shall be closed to patrons from 2200hrs.

14. The front external area of the premises shall have no more than fifteen (15) patrons using it at any time after 2200hrs.

15. No drinks shall be permitted in the front external area of the premises after 2200hrs.

The following conditions (as amended) have been recommended by **Hertfordshire Constabulary** and are considered appropriate for the promotion of the licensing objectives of the Prevention of Public Nuisance and the Prevention of Crime and Disorder:

1. The Premises Licence Holder/Designated Premises Supervisor (DPS)/Owner will ensure that the premises are equipped with a digital closed circuit television (CCTV) system. The digital closed circuit television shall be compatible with the requirements of Hertfordshire Constabulary and installed to the satisfaction of the Police and Environmental Health Officer of North Hertfordshire District Council.

2. The Premises Licence Holder/DPS/Owner will ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.

3. The Premises Licence Holder/DPS/Owner will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to the Police and North Hertfordshire District Council no later than twenty-four (24) hours after request.

4. The Premises Licence Holder/DPS/Owner will ensure that all CCTV recordings will be kept for a minimum of thirty one (31) days with date and time stamping.

5. The Premises Licence Holder/DPS/Owner will ensure the CCTV system will be able to record during night mode.

6. The Premises Licence Holder/DPS/Owner will ensure that a minimum of two (2) persons, one of which is to include the owner, are fully trained and has the knowledge of operating the CCTV system, access to the CCTV system, as well as know how to download copies of any footage, upon request by Police Licensing Officers, Police Officers, Police Community Support Officers and/or authorised Officers of North Hertfordshire District Council.

7. The Premises Licence Holder/DPS/Owner will ensure that the Police Licensing Department at Hitchin Police Station are notified in writing (via e-mail to licensingeasternarea@herts.pnn.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 measure being taken to ensure that the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.

8. The Premises Licence Holder/DPS/Owner will ensure that an incident book is maintained and kept at the premises at all times.

	<p>9. The Premises Licence Holder/DPS/Owner will ensure that the incident book is used to record any incidents that take place inside and outside the premises.</p> <p>10. The Premises Licence Holder/DPS/Owner will ensure that the incident book will be made available for inspection upon request by Police Licensing Officers, Police Officers, Police Community Support Officers and/or authorised Officers of North Hertfordshire District Council.</p> <p>11. The Premises Licence Holder/DPS/Owner will ensure that every member of staff has knowledge that the incident book exists and knows how to complete the book when an incident takes place. Details to include date, time, details of the incident, any names and/or description of those involved.</p> <p>12. The Premises Licence Holder/DPS/Owner will ensure that the incident book is checked and signed by the Premises Licence Holder/DPS/Owner, to ensure that they are fully aware that an incident has occurred in or outside the premises.</p> <p>13. The Premises Licence Holder/DPS/Owner will ensure that the Police are informed of anyone who is found in possession of controlled substances. This information should also be recorded in the incident book.</p> <p>14. The Premises Licence Holder/DPS/Owner will ensure that hourly toilet checks take place, to ensure compliance with the licensing objectives.</p> <p>The following condition has been recommended by Hertfordshire Fire and Rescue Service and is considered appropriate for the promotion of the licensing objective of Public Safety:</p> <p>1. The maximum permitted capacity of the areas used for licensable activities must not exceed 120 persons, including staff and guests.</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 M of their application.</p> <p>None.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<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>
<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (June 2013 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p>

	Paragraphs 1.17, 2.1, 2.3, 2.6, 2.7, 2.13, 2.18, 2.19, 2.20, 2.21, 2.22, 2.24, 9.12, 9.38, 10.10, 11.10, 11.17, 11.18, 11.19, 11.20, 11.21, 11.22, 11.23 and 11.25
LICENSING POLICY CONSIDERATIONS	The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. They have found the following sections to be of particular relevance in reaching this decision. Paragraphs 5.1, 7.1.2, 8.2.1, 9.1, 9.2, 9.5, 12.2, 20.5, 20.6 and 21.5
RATIONALE FOR DECISION	Taking into account the representations made by all parties, it is considered that the Sub-Committee's decision is in accordance with the Guidance issued by the Secretary of State, relevant legislation, the licensing objectives and North Hertfordshire District Council's Licensing Policy.
COMMENCEMENT DATE	This decision will come into effect from the end of the period for appealing the decision or, if the decision is appealed, the point at which the appeal has been dealt with by the Magistrates' Court.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person, such as a resident, 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. This application for review considered by this Sub-Committee does not preclude parties from applying for a further review.

INFORMATIVE: Consideration should be given by the Premises Licence Holder to the installation of secondary or double glazing to the windows in the premises to prevent noise egress.