

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

Date of Hearing	Tuesday, 8 April 2014
Members of Panel	Councillors David Barnard, Julian Cunningham and Mike Rice
Applicant(s) Name	JD Wetherspoons PLC
Premises Address	Wetherspoons (former Hitchin Conservative Club), 5 Sun Street, Hitchin SG5 1AE
Date of Application	12 February 2014
APPLICATION FOR GRANT	<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 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> <p>Sunday to Saturday 0700hrs to 0030hrs 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"> • Xmas Eve, • Boxing Day, • New Years Eve, • Maundy Thursday, • Sundays preceding Bank Holiday Mondays, and • The morning British Summer Time (BST) commences. <p>On all these days the closing times will be one hour later than the above time.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART I – Late Night Refreshment • PART J - Supply of Alcohol

	<p>The hours during which the licensable activities may take place are:</p> <p>PART I - Late Night Refreshment</p> <p>Sunday to Saturday 2300hrs to 12 Midnight</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, • Boxing Day, • New Years Eve, • Maundy Thursday, • Sundays preceding Bank Holiday Mondays, and • The morning British Summer Time (BST) commences. <p>On all these days the finishing time for Late Night Refreshment will be one hour later than the above time.</p> <p>PART J - Supply of Alcohol</p> <p>Sunday to Saturday 1000hrs to 12 Midnight</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, • Boxing Day, • New Years Eve, • Maundy Thursday, • Sundays preceding Bank Holiday Mondays, and • The morning British Summer Time (BST) commences. <p>On all these days the finishing time for the Supply of Alcohol will be one hour later than the above time.</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 condition is considered appropriate by the Sub-Committee to promote the licensing objective of the protection of children from harm.</p> <p>The condition is:</p> <ol style="list-style-type: none"> 1. Children aged 16 or under are not allowed on the premises after 21.30 hours.

<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>No conditions were proposed by the Responsible Authorities during the course of the Hearing.</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, and will include the following conditions agreed with the NHDC Environmental Protection Team during the consultation period:</p> <ol style="list-style-type: none"> 1. There shall be no use by customers of the outside area referred to as "Area 2" on approved premises licence drawing number 13017/L01 Revision B after 2100 hours and before 0900 the following day and outside these hours the premises licence holder will ensure that customers are unable to access this area except when necessary in the case of emergency. 2. There shall be no use for the consumption of food or drink of the outside area referred to as "Area 1" on approved premises licence drawing number 13017/L01 Revision B after 2300 until close. 3. The Premises Licence Holder will ensure that all doors at the premises will be closed after 2300 except for the purpose of access and egress. 4. The Designated Premises Supervisor or some other responsible person shall manage the dispersal of patrons from the premises so as to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised. 5. Clear and legible notices 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. 6. No glass bottles shall be emptied into the waste bins at the rear of the premises between 2200 and 0800 hours, Monday to Sunday. 7. Deliveries and waste collections relating to premises shall only take place between 0800 and 2000, Monday to Sunday. <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, and will include the following conditions agreed with the Hertfordshire Constabulary prior to the Hearing:</p> <ol style="list-style-type: none"> 1. The DPS and/or the premises licence holder will ensure that a minimum of three (3) SIA registered door staff are on duty from 2100 hours until closing on a Friday and Saturday.

	<p>2. The DPS and/or premises licence holder will ensure that:</p> <ul style="list-style-type: none"> • The premises are equipped with a digital closed circuit television (CCTV) system. The digital closed circuit television system shall be compatible with the requirements of Hertfordshire Constabulary. • The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. • A sufficient number of staff are fully trained in the operation of the CCTV system and specifically know how to download copies of any footage upon request by Police Licensing Officers, Police Officers and Police Community Support Officers or an authorised officer of the Licensing Authority so that viewable and un-edited copies of recordings from the CCTV will be provided no later than 24 hours after request. • All CCTV recordings will be kept for a minimum of 30 days with date and time stamping. • CCTV cameras cover key and vulnerable parts of the premises, including the entry and exit points at the front and in the garden area to the rear of the premises. • The Police Licensing Department at Hitchin Police Station are notified in writing (via email 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. <p>3. The DPS and/or the premises licence holder will ensure that an incident recording system is maintained and kept at the premises and records from it are made available for inspection upon request by a Police Licensing Officer, Police Officer, Police Community Support Officer or an authorised officer of the Licensing Authority.</p> <p>4. The DPS and/or premises licence holder will ensure there are no tables or chairs placed at the front of the premises.</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>

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 1.3, 1.4, 1.5, 1.7, 1.16, 1.17, 2.1, 2.3, 2.4, 2.5, 2.6, 2.11, 2.18, 2.19, 2.22, 2.24, 2.28, 2.29, 2.30, 2.32, 8.13, 8.33, 8.34, 8.35, 8.36, 8.38, 8.39, 8.40, 8.41, 9.4, 9.5, 9.12, 9.38, 9.41, 10.4, 10.5, 10.8, 10.9, 10.10, 10.11, 10.12, 10.46, 10.47, 10.48, 10.49, 12.10, 13.19, 13.20, 13.21, 13.22, 13.39, 13.42, 13.43, 13.44, 13.45, 13.46, 13.47 and 13.51</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, 5.10, 6.1, 6.2, 6.3, 6.4, 6.7, 7.1.2, 9.1, 9.2, 10.1, 11.1, 11.2, 11.3, 11.4, 11.5, 12.1, 12.2, 12.7, 16.6, 24.2, 24.3, 24.4 and 24.6</p>
RATIONALE FOR DECISION	<p>The sub committee have listened to all the submissions of the parties and believe that the conditions attached to the licence satisfy the four licensing objectives.</p>
COMMENCEMENT DATE	<p>This licence will come into effect from the date of this decision.</p>
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person that is affected by the application 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>