

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

Date of Hearing	Friday, 19 September 2014
Members of Panel	Councillors Jean Green, Gerald Morris and Michael Muir
Applicant(s) Name	Lee Taggart
Premises Address	The George Public House, 33 Bucklersbury, Hitchin, Herts. SG5 1BG
Date of Application	29 July 2014
<b>APPLICATION FOR VARIATION</b>	<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>The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p><b><u>Ground Floor Bar</u></b></p> <p>Monday to Wednesday 1000hrs to 0030hrs the following morning  Thursday to Saturday 1000hrs to 0130hrs the following morning  Sunday 1100hrs 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"> <li>• Xmas Eve;</li> <li>• New Years Eve; and</li> <li>• The Sunday of a Bank Holiday weekend.</li> </ul> <p>On the above days the hours will be from 1000hrs to 0230hrs the following morning.</p> <p><b><u>First Floor Bar</u></b></p> <p>Monday to Wednesday 1000hrs to 0030hrs the following morning  Thursday to Saturday 1000hrs to 0330hrs the following morning  Sunday 1100hrs to 0030hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p>

- Xmas Eve;
- New Years Eve; and
- The Sunday of a Bank Holiday weekend.

On the above days the hours will be from 1000hrs to 0330hrs the following morning.

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART J - Supply of alcohol

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

### **PART E - Live Music**

#### **Ground Floor Bar**

Monday to Saturday 1000hrs to 12 Midnight  
 Sunday 1100hrs to 12 Midnight

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

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- Xmas Eve;
- New Years Eve; and
- The Sunday of a Bank Holiday weekend.

On the above days the hours will be from 1000hrs to 0200hrs the following morning.

#### **First Floor Bar**

Monday to Saturday 1000hrs to 12 Midnight  
 Sunday 1100hrs to 12 Midnight

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

- Xmas Eve;
- New Years Eve; and
- The Sunday of a Bank Holiday weekend.

On the above days the hours will be from 1000hrs to 0300hrs the following morning.

### **PART F – Recorded Music; and PART J – Supply of alcohol**

#### **Ground Floor Bar**

Monday to Wednesday 1000hrs to 12 Midnight

	<p>Thursday to Saturday 1000hrs to 0100hrs the following morning  Sunday 1100hrs 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"> <li>• Xmas Eve;</li> <li>• New Years Eve; and</li> <li>• The Sunday of a Bank Holiday weekend.</li> </ul> <p>On the above days the hours will be from 1000hrs to 0200hrs the following morning.</p> <p><b><u>First Floor Bar</u></b></p> <p>Monday to Wednesday 1000hrs to 12 Midnight  Thursday to Saturday 1000hrs to 0300hrs the following morning  Sunday 1100hrs 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"> <li>• Xmas Eve;</li> <li>• New Years Eve; and</li> <li>• The Sunday of a Bank Holiday weekend.</li> </ul> <p>On the above days the hours will be from 1000hrs to 0300hrs the following morning.</p>
<p><b>CONDITIONS  DEEMED  APPROPRIATE  FOR THE  PROMOTION OF  THE LICENSING  OBJECTIVES</b></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 the prevention of public nuisance as proposed by the Environmental Protection Team.</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> <li>1. As per the amended application contained in solicitor's letter of 16 September 2014 and as amended as agreed with the Hertfordshire Police in the solicitor's letter of 18 September 2014 save for the following:</li> <li>2. Condition 4 to read, There shall be no consumption of alcoholic or other drinks in the external area after 23.00 hours on any day of the week.</li> <li>3. Condition 7 to read, No glass bottles shall be emptied into waste bins between 21.00 and 08.00 hours on any day of the week.</li> </ol>

**CONDITIONS  
PROPOSED BY  
THE  
RESPONSIBLE  
AUTHORITIES**

The following conditions have been agreed following consultation between the applicant and **Hertfordshire Constabulary** and are considered appropriate for the promotion of the four licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm:

1. Designated Premises Supervisor (DPS)/Premises Licence Holder will ensure that a minimum of one (1) SIA registered door staff is on duty from 21:00 hours until closing on Friday and Saturday.
2. A risk assessment will be carried out and frequently revisited and updated as necessary in relation to any additional provision of door supervisors required to promote the licensing objectives for any day of the week. This assessment is to be based on expected customer numbers, hours of operation, external events in Hitchin or surrounds or other factors deemed relevant by the DPS. This risk assessment is to be made available to the police on request.
3. An additional risk assessment is to be carried out prior to any "event" at the premises (event to be defined as any organised occasion at the premises or in part of the premises that is outside of the normal operation of the premises). Such risk assessment is to be provided to the police in writing via email to [licensingeasternarea@herts.pnn.police.uk](mailto:licensingeasternarea@herts.pnn.police.uk), a minimum of 14 days in advance of the event. The risk assessment will state the nature of the event, expected attendance and the number of door supervisors to be employed and their start times.
4. DPS Holder/Premises Licence Holder will ensure that a minimum of two (2) SIA registered door staff are on duty from 21:00 hours until closing on Christmas Eve and New Years Eve. A minimum of one (1) door supervisor will be on duty from 21:00 hours until closing time on any Sunday preceding a Bank Holiday Monday, with additional door staff to be provided on the basis of a risk assessment.
5. DPS/Premises Licence Holder will ensure that all door staff comply with SIA requirements relating to wearing of SIA registration badges and availability of registration documents and/or identification for inspection.
6. DPS/Premises Licence Holder will ensure that 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.
7. CCTV cameras will be installed in the upstairs bar, with a minimum of two (2) cameras.
8. DPS/Premises Licence Holder will ensure that the CCTV system shall continually record whilst the premises is open for licensable

	<p>activities and during times when customers remain on the premises.</p> <ol style="list-style-type: none"> <li>9. DPS/Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system will be provided to Police no later than twenty-four (24) hours after request.</li> <li>10. DPS/Premises Licence Holder will ensure that all CCTV recordings will be kept for a minimum of thirty (30) days with date and time stamping.</li> <li>11. DPS/Premises Licence Holder will ensure that the 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.</li> <li>12. DPS/Premises Licence Holder will ensure that a minimum of two (2) persons, namely DPS and duty manager, 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. One of these persons will be at the premises at all times when the premises are open to the public.</li> <li>13. Premises Licence Holder/DPS will ensure that the Police Licensing Department at Hitchin Police Station are notified in writing (via email to <a href="mailto:licensingeasternarea@herts.pnn.police.uk">licensingeasternarea@herts.pnn.police.uk</a>) on any occasion when 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.</li> <li>14. DPS/Premises Licence Holder will ensure that an incident book is maintained and kept at the premises.</li> <li>15. DPS/Premises Licence Holder will ensure that the incident book is made available for inspection upon request by Police Licensing Officer, Police Officer and Police Community Support Officer.</li> </ol> <p>The following conditions have been applied following consideration of the recommendations of <b>NHDC Environmental Protection</b> and are considered appropriate for the promotion of the one of the four licensing objectives, namely the prevention of public nuisance:</p> <ol style="list-style-type: none"> <li>1. An environmental noise control device shall be installed in the first floor function room, calibrated and set to the satisfaction of an Environmental Protection Officer, North Herts District Council. This device must be set at an appropriate time in the presence of an officer of the Environmental Protection Officer. No regulated entertainment, with the exception of unamplified live music can take place until this device has been installed as</li> </ol>
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	<p>set. The environmental noise control device shall be secured with robust lockable security boxes or similar to prevent unauthorised access to and tampering with the controls All noise equipment must be routed through the environmental noise control device and this device must be used during licensable activities with the exception of unamplified live music. The environmental noise control equipment must be maintained at the settings/levels agreed by the Environmental Protection Officer, NHDC</p> <p>This condition has been applied by the Committee following the recommendation of the Environmental Protection and Housing Team NHDC to promote the licensing objective of the prevention of nuisance</p> <ol style="list-style-type: none"> <li>2. The first floor function room (“Bogarts”) rear fire door shall be kept closed at all times when recorded or live music is being played, except in an emergency situation. The Premises Licence Holder shall install and maintain an audible alarm on the first floor function room fire door to notify the management when the door has been opened.</li> <li>3. No recorded or live music is permitted on the ground floor after 01:00hrs on Fridays and Saturdays and from Midnight on other days of the week.</li> <li>4. There shall be no consumption of alcoholic or other drinks in the external area after 23.00 hours on any day of the week. From 21:00 hours on Friday and Saturday nights, the garden will be monitored regularly to ensure that customers do not cause a public nuisance to residents in the immediate vicinity.</li> <li>5. 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.</li> <li>6. Clear and legible notices shall be displayed at all exits and in external requesting patrons to respect the needs of local residents and to keep noise to a minimum.</li> <li>7. No glass bottles shall be emptied into waste bins between 21:00 and 08:00 hours on any day of the week.</li> <li>8. Deliveries and waste collections relating to premises shall only take place between 08:00 and 20:00 hours on any day of the week.</li> </ol>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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 including the following:</p>

	<p><b><u>Conditions relating to the first floor function room (“Bogarts”) only</u></b></p> <ol style="list-style-type: none"> <li>1. Any hours of trading outside of the hours on the premises licence for the ground floor will be solely for the use of members of “Bogarts” and their bona fida guests and will be restricted to the first floor only.</li> <li>2. A code of conduct will be drawn up and provided to all members prior to acceptance of their membership. A further copy will be displayed at the entrance for guests of members and potential members to read prior to entry. This code of conduct will stipulate the manner in which members and guests are expected to conduct themselves at the premises and on leaving. It will also stipulate that members who fail to comply with the code of conduct will be given a single warning and if still found unable to comply will have their membership rescinded.</li> <li>3. A signing in book for members and guests will be kept at the entrance to the first floor and members and guests will be required to sign in on any given evening they attend.</li> <li>4. No more than 50 persons will be allowed into the first floor function room (“Bogarts”) at any time.</li> </ol> <p><b><u>Conditions following consideration of the representations from interested parties</u></b></p> <ol style="list-style-type: none"> <li>1. A telephone number for the manager of the premises will be given to any residents expressing an interest in order that they can directly contact the premises in the event of nuisance or any other concerns relating to the premises.</li> <li>2. A local taxi company will be provided and customers waiting for taxis shall be invited to wait inside until their taxi arrives. The taxi company will be instructed to text either the person booking the taxi or the manager of the premises on arrival and not to sound their horns to announce arrival.</li> </ol>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><b>STATUTORY GUIDANCE CONSIDERATIONS</b></p>	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (June 2014 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p><b>Sections 1.3, 1.4, 1.5, 1.16, 1.17, 1.19, 2.1, 2.3, 2.4, 2.13, 2.14, 2.18, 2.19, 2.20, 2.21, 2.22, 8.33, 8.34, 8.35, 8.36, 9.12, 9.28, 9.29, 9.34, 9.35, 9.36, 9.38, 9.39, 9.40, 10.8, 10.9 and 10.10</b></p>

<b>LICENSING POLICY CONSIDERATIONS</b>	<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><b>Sections 4.4, 4.5, 5.1, 6.1, 6.2, 6.3, 6.4, 7.1.2, 8.3.1, 9.1, 9.2, 9.4, 9.5, 11.2, 12.1, 14.1, 14.2, 14.3, 16.6 and 24.4</b></p>
<b>RATIONALE FOR DECISION</b>	<p>All the conditions applied are for the promotion of the licensing objectives and more specifically, the prevention of nuisance.</p>
<b>COMMENCEMENT DATE</b>	<p>This licence will come into effect from the date of this decision.</p>
<b>RIGHTS OF REVIEW</b>	<p>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.</p>