

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

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| Date of Hearing | Wednesday, 15 June 2016 |
| Members of Panel | Councillors D. Barnard, G. Morris and M. Muir |
| Applicant(s) Name | The Pub Door Ltd |
| Premises Address | The Radcliffe, 31 Walsworth Road, Hitchin, Herts. SG4 9ST |
| Date of Application | 25 April 2016 |
| 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 Statutory 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, as per Appendix D:</p> <p>Monday to Saturday 0600hrs to 12 Midnight Sunday 0600hrs to 2300hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The current premises licence (Appendix A to the report) as amended (as per Appendix D revised application incorporating amendments), with the wording "first floor function room" used instead of "upstairs function room":</p> <p>Note that the operating schedule conditions 1-3 under Appendix D have been removed.</p> |
| CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES | <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 have been applied in relation to the amended application and are each considered appropriate and proportionate by the Sub-Committee to promote the licensing objective of prevention of public nuisance.</p> <p>They are those set in Appendix D (note these amend the current</p> |

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| | licence accordingly). |
| CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES | As outlined above as agreed conditions in Appendix C & as approved in Appendix D. |
| 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 M of their application, including the following conditions agreed with NHDC Environmental Protection:</p> <ol style="list-style-type: none"> 1. Live music constituting regulated entertainment shall not be permitted in the first floor function room after 2300hrs. 2. Live music constituting regulated entertainment shall only take place on three (3) days per calendar month after 2300hrs. <p>The following existing Licence conditions shall be removed:</p> <ol style="list-style-type: none"> 1. Live music can only be performed in the bar area located on the ground floor. 2. Live music can only be performed at the premises on a maximum of two occasions per calendar month. 3. All live music will be restricted to being performed by no more than two entertainers. |
| EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO 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. |
| STATUTORY GUIDANCE CONSIDERATIONS | <p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (March 2015 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, 1.16, 1.17, 2.14, 2.15, 2.20, 9.41, 9.42, 9.43, 10.8, 10.9 and 10.10.</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 B8, B9, D6.2, D6.3, D8.1, D8.2, D8.3, E3.1.1, E3.1.3, E3.2.1, E3.9.1, F8.1.</p> |
| RATIONALE FOR | The Sub-Committee has taken on board the concerns set out in the relevant representation. It is however conscious of the limitation of its |

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| DECISION | <p>legal powers to impose restrictions on live or recorded music between the hours of 8-2300 and any modification/ rejection of the application/ or conditions must be appropriate and proportionate to the issue raised.</p> <p>The Sub-Committee considered that the conditions agreed with Environmental Protection address (in so far as the Licensing Authority) is able and that it is reasonable to remove the three Operating Schedule licensing conditions as set out in Appendix D.</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. |
| RIGHT OF APPEAL SCHEDULE 5 APPEALS Section 181 PART 1 1 (b), 4, 9. | RIGHT OF APPEAL An appeal may be made against this decision by the applicant, or those making a relevant representation. This must be made within 21 days, beginning with the day on which the parties were notified by the Licensing Authority of the decision appealed against. |