

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

Date of Hearing	Monday, 27 June 2016
Members of Panel	Councillors J. Green, M. Muir and M. Rice
Applicant(s) Name	Kerry Summerfield
Premises Address	The Bricklayers Arms, 29 Queen Street, Hitchin, Herts. SG4 9TP
Date of Application	29 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 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>Monday to Thursday 1100hrs to 0030hrs the following morning Friday and Saturday 1100hrs 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"> • Xmas Eve, Boxing Day, 27 December and New Year's Day – the hours will be 1100hrs to 0130hrs (if those days do not fall on a Friday or Saturday); • Bank Holiday Friday, Saturday and Sunday – the hours will be 1100hrs to 0130hrs; • New Years Eve - the standard terminal hour above will be extended until the beginning of the permitted hours for New Year's Day. <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART E – Live Music (indoors); • PART F – Recorded Music (indoors); • PART H – Anything of a similar description to that falling within Parts E and F (indoors); and • PART J - Supply of alcohol (for consumption on or off the premises)

	<p>The hours during which the licensable activities may take place are:</p> <p>PART E - Live Music (indoors); PART F – Recorded Music (indoors); and PART H – Anything of a similar description to that falling within Parts E and F (indoors)</p> <p>Monday to Thursday 1100hrs to 2300 Friday and Saturday 1100hrs to 0100hrs the following morning Sunday 1100hrs to 2300</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, 27 December and New Year’s Day – the hours will be 1100hrs to 0100hrs (if those days do not fall on a Friday or Saturday); • Bank Holiday Friday, Saturday and Sunday – the hours will be 1100hrs to 0100hrs; • New Years Eve - the standard terminal hour above will be extended until the beginning of the permitted hours for New Year’s Day. <p>PART J – Supply of alcohol (for consumption on and off the premises)</p> <p>Monday to Thursday 1100hrs to 0000 Friday and Saturday 1100hrs to 0100hrs the following morning Sunday 1100hrs to 0000</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, 27 December and New Year’s Day – the hours will be 1100hrs to 0100hrs (if those days do not fall on a Friday or Saturday); • Bank Holiday Friday, Saturday and Sunday – the hours will be 1100hrs to 0100hrs; • New Years Eve - the standard terminal hour above will be extended until the beginning of the permitted hours for New Year’s Day.
<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 public nuisance</p> <p>The condition(s) are:</p> <p>1. On days when live or recorded music is being provided at the premises, regular noise patrols must be carried out by the</p>

	<p>Designated Premises Supervisor (DPS) or some other responsible person, extending to the premises car park, the car park at the front of Saxon Court and toward the flats situated above the Exchange Building. As a result of those patrols, where it is found that noise emanating from the premises is, in the opinion of the Designated Premises Supervisor, causing a potential public nuisance, then suitable steps to abate that nuisance must be taken. Details of all patrols, including what action is taken, if any, must be recorded in a logbook kept at the premises, which can be made available for inspection upon reasonable request.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by NHDC Environmental Protection and are considered appropriate, as amended, for the promotion of one of the four licensing objectives, namely the prevention of public nuisance:</p> <ol style="list-style-type: none"> 1. The Designated Premises Supervisor (DPS) or some other responsible person shall manage, where necessary, external areas of the premises and 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. 2. Clear and legible notices shall be displayed at all entrance and exit points and external areas of the premises requesting patrons to respect the needs of local residents and to keep the noise to a minimum. 3. All windows at the premises shall be closed after 23:00 when live and recorded music constituting regulated entertainment is taking place. 4. All external doors to the premises and the internal door providing access to the toilet corridor shall be closed after 23:00 when live and recorded music constituting regulated entertainment is taking place except for ingress, egress and in the case of an emergency with the exception of the main rear door which provides direct access to the drinking area which shall be closed during this time except in the case of an emergency. 5. No drinks shall be permitted in the external areas of the premises after 23:00 Monday to Sunday. 6. The rear garden at the premises, not to include the rear patio, shall be closed to patrons after 23:00 Monday to Sunday. 7. A maximum of 15 people are permitted to smoke in the rear patio area of the premises at any one time after 23:00 Monday to Sunday. 8. No glass bottles shall be emptied into waste bins at the premises between 23:00 and 09:00 Monday to Sunday.
<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>The following existing Licence condition shall be removed:</p> <ol style="list-style-type: none"> 1. The Premises Licence Holder shall ensure that the number of performers of live music is restricted to a maximum of two (2) at any one time.
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 an unlimited fine 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 (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, 2.16, 2.17, 2.18, 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 B6, B7, B8, B9, D2.1, D2.9, D6.2, D6.3, D8.1, D8.2, D8.3, E3.1.1, E3.1.3, E3.2.1, E3.2.2, E3.2.3, E3.9.1, E3.9.2, E3.9.3, F8.1 and F8.2</p>
RATIONALE FOR DECISION	<ol style="list-style-type: none"> 1. Upon listening to the submissions from both the applicant and the responsible authority, as well as considering the relevant representations from other persons, the sub-committee felt that the licensing objective of Prevention of Public Nuisance was capable of being promoted adequately, particularly given the applicant's acceptance of the licence conditions. 2. The sub-committee was content that the addition of a condition surrounding noise patrols was proportionate to address the concerns expressed in the representations made by the responsible authority and the other persons, namely the residents of Saxon Court.
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, 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>