

LICENSING AND APPEALS SUB-COMMITTEE
26 October 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY CHARLES WELLS LIMITED FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF THE RADCLIFFE, 31 WALSWORTH
ROAD, HITCHIN, HERTFORDSHIRE, SG4 9ST.**

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 A premises licence is currently in place for the premises which was granted by North Hertfordshire District Council on 30 August 2005.
- 1.2 The premises licence was transferred to Charles Wells from the previous owners on 26 September 2017.
- 1.3 This premises licence is attached to this report as Appendix A

2. APPLICATION

- 2.1 The application is for the grant of a premises licence under Section 17 of the Licensing Act 2003.
- 2.2 The licensable activities and hours applied for are as attached as Appendix B.

3. APPLICATION PROCESS

- 3.1 On 1st September 2017, Charles Wells Limited made an application for the grant of a premises licence.
- 3.2 The application was received in hard copy so copies were served by the applicant to Hertfordshire Constabulary and the other responsible authorities.
- 3.3 A public notice was displayed on the premises for a period of not less than twenty-eight (28) days in accordance with the requirements of the Licensing Act 2003.
- 3.4 A newspaper advertisement was placed in The Comet in accordance with the requirements in the Act.

4. REPRESENTATIONS

- 4.1 No representation was received from Hertfordshire Constabulary.
- 4.2 NHDC Environmental Protection had initial concerns with the application and entered into negotiations with the applicant during the consultation period. The applicant subsequently amended the application to include additional operating schedule conditions which resolved the officer's concerns. The

amendments made following negotiations with the environmental protection officer are attached as Appendix C.

- 4.3 It is the original application contained within Appendix B including the amendments contained within Appendix C that the sub-committee are being asked to determine.
- 4.4 No representations were received from any other responsible authority.
- 4.5 Four (4) representations were received from 'other persons' against the application however one (1) was deemed 'not relevant' in its entirety and has been excluded from this report. The three (3) relevant representations are attached as Appendix D.
- 4.6 The Councils Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.7 Where representations include paragraphs that are not relevant to the Act, these paragraphs have been clearly crossed through and marked as '*not relevant*' by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing.**
- 4.8 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.9 The applicant has been served with a copy of the representations as part of this report.
- 4.10 The applicant and the other persons making relevant representations have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the sub-committee hearing procedure.

5. OBSERVATIONS

- 5.1 In determining this application, the sub-committee must have regard to the representations and take such steps, as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the Licensing and Appeals Sub-Committee must act with a view to promoting the licensing objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:
 - i) Grant the Application as made
 - ii) Grant the Application with conditions (conditions should only be added where they are appropriate to promote the licensing objectives).
 - iii) Refuse the Application.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2016 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate:

B6

Our vision is:

"To ensure that North Hertfordshire continues to offer a diverse range of well managed entertainment venues and community and cultural activities within a safe and enjoyable environment."

B7

The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing Policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.

B8

The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.

B9

In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to and impacts on the community as a whole and will take a proportionate view on the weight to apply to representations.

D2.1

Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.

D2.4

In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.

D2.6

Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.

D2.9

The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

D3.1

The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.

D3.4 The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.

D6.2

The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

D6.3

Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.

D6.8

It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.

E3.1.1

Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on

those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.2

The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:

(i) appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and

(ii) adoption of best practice guidance such as, but not limited to:

- the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;
- Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;
- the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and
- the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.

E3.3.1

This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);
- cessation of the use of certain areas of the premises;
- supervision of outdoor areas, entrances and exits;
- suitably worded, clear and prominent signage;
- restriction of seating in outdoor areas of the premises;
- restriction of times that drinks can be taken in specified outdoor areas of the premises;
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).

E3.9.1

The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant night-time economy.

E3.9.2

The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule

E3.9.3

Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

F8.1

The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2

That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (March 2015 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document:

1.3

The licensing objectives are:

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

1.17

The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.15

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter

15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing

objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

8. LICENSING OFFICER COMMENTS

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

Definition of 'appropriate'

- 8.2 The previous Statutory Guidance first issued in July 2004 and subsequently updated up until April 2012, specifically required Licensing Sub-Committees to ensure that their decisions were based on measures that were 'necessary' for the promotion of the licensing objectives. This placed a burden on the licensing authority to demonstrate that no lesser steps would satisfy the promotion of the licensing objectives and any conditions imposed on a licence would only be those necessary for the promotion of the licensing objectives with no opportunity to go any further.
- 8.3 The revised Statutory Guidance issued on 25th April 2012 and subsequently amended in October 2012, June 2013, October 2014, March 2015 and April 2017 has amended the 'necessary' test to one of 'appropriate'. This has

changed the threshold which licensing authorities must consider when determining applications by requiring that they make decisions which are 'appropriate' for the promotion of the licensing objectives.

8.4 The Guidance explains 'appropriate' as:

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

8.5 It is anticipated that, in due course, case law will provide clarity on the meaning of 'appropriate' as referred to in paragraphs 9.42 and 9.44 of the Guidance. The sub-committee is therefore advised to give 'appropriate' its ordinary meaning, as expanded upon by paragraph 9.44 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.

8.6 This approach, of allowing the courts to provide clarity, is reflected in the following paragraphs of the Guidance:

1.9

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10

Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

- 8.7 The sub-Committee should also be aware that their decision must be proportionate to the evidence received in respect of the application and representation. Proportionality is a key factor in assisting with the definition of 'appropriate'.

Case law

- 8.8 As paragraph 2.16 of the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.9 The Guidance states at paragraph 2.21 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.10 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.
- 8.11 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.12 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that "beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right" (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the Hope and Glory case.
- 8.13 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

New evidence

- 8.14 Other persons must restrict their oral submissions to the issues raised within their representations, although they can expand on the representations by way of examples, further information, etc.. They cannot raise new issues not mentioned within the written representation, for example if they have only raised issues of crime and disorder, they cannot introduce issues of public safety orally at the hearing.

- 8.15 Any new documentation not circulated in advance to all parties within the hearing paperwork cannot be introduced at the hearing or presented to the sub-committee without all party consent.

9. Appendices

- | | | |
|-----|------------|---|
| 9.1 | Appendix A | Existing premises licence |
| 9.2 | Appendix B | Premises licence application form |
| 9.3 | Appendix C | Amendments agreed with Environmental Protection |
| 9.4 | Appendix D | Relevant representations from other persons against the application |

10. CONTACT OFFICERS

- 10.1 Hannah Sweetman
Licensing Officer
01462 474231.

Appendix

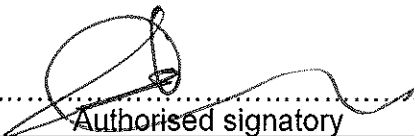
A

Licensing Act 2003

**Part A
Format of premises licence**

North Hertfordshire District Council
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 30 August 2005
Current issue date: 26 September 2017

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Authorised signatory

Premises licence number: 5396

Part 1 – premises details

Postal address of premises, or if none, ordinance survey map reference or description
**The Radcliffe
31 Walsworth Road, Hitchin, Hertfordshire, SG4 9ST**

Where the licence is time limited the dates
This licence is granted in perpetuity

Licensable activities authorised by the licence
**Section C: Indoor Sporting Events:(Indoors)
Section E: Live Music:(Indoors)
Section F: Recorded Music:(Indoors)
Section I: Provision of Late Night Refreshments:(Both Indoor and Outdoor)
Section J: Sale or Supply of Alcohol:(For consumption on and off the premises)**

The times the licence authorises the carrying out of licensable activities

Section C: Indoor Sporting Events:(Indoors)

Day	Start Time	End Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	midnight
Saturday	11:00	midnight
Sunday	12:00	22:30

These hours will apply each day of the year with the exception of:
New Year's Eve/New Year's Day
On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day

Section E: Live Music:(Indoors)

Day	Start Time	End Time
Monday	18:00	23:00
Tuesday	18:00	23:00
Wednesday	18:00	23:00
Thursday	18:00	23:00
Friday	18:00	midnight
Saturday	12:00	midnight
Sunday	12:00	22:30

To include the first floor function room

These hours will apply each day of the year with the exception of:

New Year's Eve/New Year's Day

On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.

Section F: Recorded Music:(Indoors)

Day	Start Time	End Time
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	midnight
Saturday	06:00	midnight
Sunday	06:00	22:30

These hours will apply each day of the year with the exception of:

New Year's Eve/New Year's Day

On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.

Section I: Provision of Late Night Refreshments:(Both Indoor and Outdoor)

Day	Start Time	End Time
Monday	23:00	midnight
Tuesday	23:00	midnight
Wednesday	23:00	midnight
Thursday	23:00	midnight
Friday	23:00	midnight
Saturday	23:00	midnight
Sunday	n/a	n/a

These hours will apply each day of the year with the exception of:

New Year's Eve/New Year's Day

On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.

Section J: Sale or Supply of Alcohol:(For consumption on and off the premises)

Day	Start Time	End Time
Monday	09:00	23:00
Tuesday	09:00	23:00
Wednesday	09:00	23:00
Thursday	09:00	midnight
Friday	09:00	midnight
Saturday	09:00	midnight

Sunday | 09:00 | 22:30 |

These hours will apply each day of the year with the exception of:

New Year's Eve/New Year's Day

On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.

The opening hours of the premises

Day	Start Time	End Time
Monday	06:00	midnight
Tuesday	06:00	midnight
Wednesday	06:00	midnight
Thursday	06:00	midnight
Friday	06:00	midnight
Saturday	06:00	midnight
Sunday	06:00	23:00

These hours will apply each day of the year with the exception of:

New Year's Eve/New Year's Day

On these days, the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

Charles Wells Limited
Eagle Brewery, Havelock Street, Bedford, MK40 4LU

Registered number of holder, for example company number, charity number (where applicable)

00106884

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Samuel Adams

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: PA1197
Issuing authority: South Cambridshire District Council

Annex 1 – Mandatory conditions

No supply of alcohol may be made under this licence:

(a) at a time when there is no designated premises supervisor in respect of the premises

licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

"Responsible person" means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen (18) years who has been authorised to sell alcohol at the licensed premises.

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

(i) a holographic mark; or

(ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

- (i) beer or cider: half pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. In this condition:

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where:

- (i) "P" is the permitted price;
- (ii) "D" is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
- (iii) "V" is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enable the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

The premises licence holder will ensure that closed circuit television (CCTV) will be installed and maintained on the premises to the satisfaction of Hertfordshire Constabulary. Recordings will be retained for twenty-eight (28) days and made available to Hertfordshire Constabulary or the licensing authority upon request.

The premises licence holder will ensure that an accident and incident booklet is kept on the premises and utilised where appropriate.

The premises licence holder will ensure that premises management have control of all music systems.

The premises licence holder will ensure that no children under the age of sixteen (16) years will be permitted on the premises after 19:00hrs

Annex 3 – Conditions attached after a hearing by the licensing authority

The premises licence holder, or his/her representative, shall conduct regular assessments of the noise coming from the premises after 23:00hrs on every occasion the premises are used for regulated entertainment and shall take steps to reduce the noise where it is likely to cause a disturbance to local residents.

The premises licence holder will ensure that all ground floor windows will be closed at all times that regulated entertainment is being provided at the premises.

The premises licence holder will ensure that the outside area shown on the plan of the premises will not be used at any time for the playing, relaying or amplification of regulated entertainment.

The premises licence holder will ensure that there shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring the customers to leave the premises and the area quickly and quietly.

The premises licence holder will ensure that the external areas, namely the smoking area and roof terrace, must not be used by patrons between the hours of 23:00hrs and 07:30hrs.

The premises licence holder will ensure that a self-closing device must be fitted to each of the lobby doors located at the front entrance to the premises. These devices must be maintained on a regular basis to ensure they work effectively.

The premises licence holder will ensure that live music constituting regulated entertainment shall not be permitted in the first floor function room after 23:00hrs

The premises licence holder will ensure that live music constituting regulated entertainment shall only take place on three (3) days per calendar month after 23:00hrs.

Annex 4 – Plans

See attached

1/3 PLAN

W.H.D.C.

29 APR 2016

WALSORTH ROAD

ALL WORKS SHOWN ARE TO BE COMPLETED WITHIN THE PERIOD OF 12 MONTHS FROM THE DATE OF COMMENCEMENT OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES.

CHANGE FROM 100MM TO 150MM FOR ALL EXISTING SERVICES TO ACCOMMODATE THE PROPOSED CHANGES TO THE BUILDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES.

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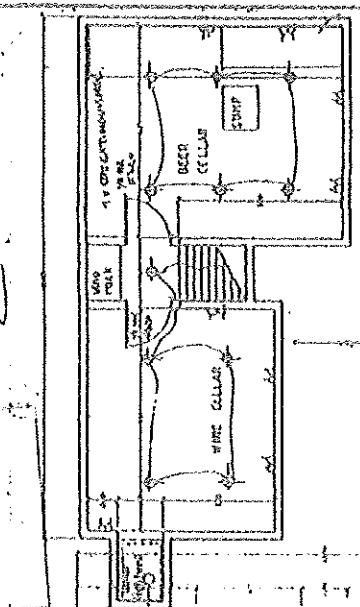
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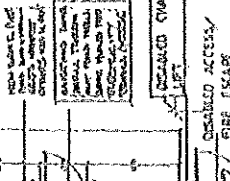
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CELLAR AS PROPOSED



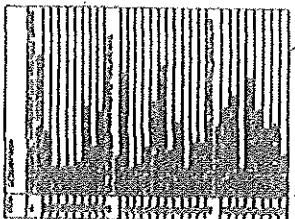
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VERULAM ROAD

Scale 1:50

PROPOSED GROUND FLOOR

Project Name	Date
Project Manager/Author	10/04/2016
Client Name	W.H.D.C.
Project Address	THE RADCLIFFE ARMS 31 WALSORTH ROAD MERTON
Revision	Z360:5: REV: 5E
Date	03.09.2008
AS NOTED	



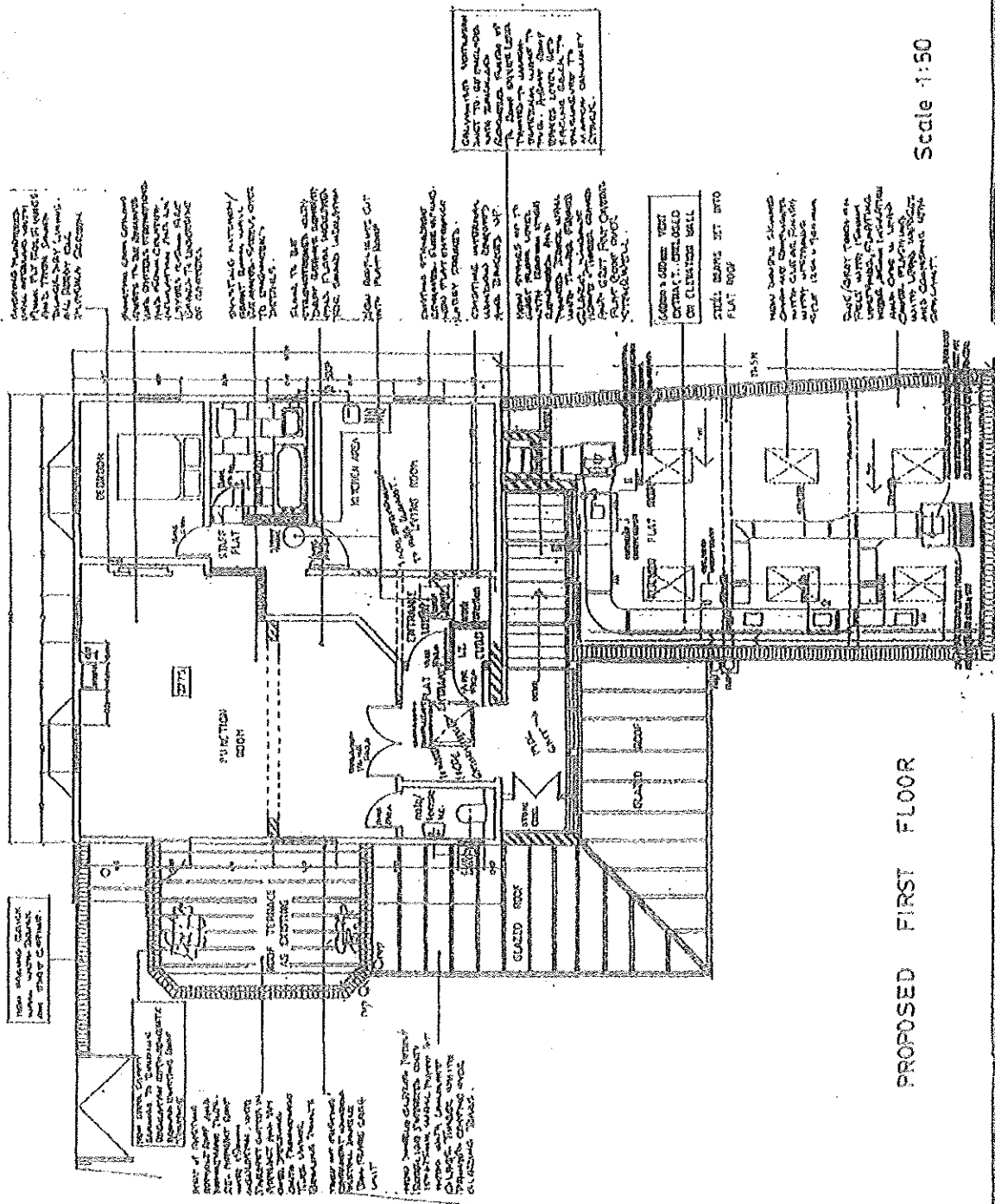


No.	Revision/Date	Date

APPROVED BY ARCHITECT
 DRAWING NO. 2008/0008
 IN ACCORDANCE WITH
 RIBA REGULATIONS

THE RADCLIFFE ARMS
 21 WALSWORTH ROAD
 HITCHIN
 HERTS

2008/0008
 03/09/2008
 REV. E
 As Noted



RECEPTION AREA TO BE RELOCATED FROM THE EXISTING POSITION TO THE NEW POSITION AS SHOWN.

EXISTING STAIRS TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

EXISTING KITCHEN AREA TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

EXISTING RESTROOM TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

EXISTING STAIRS TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

EXISTING STAIRS TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

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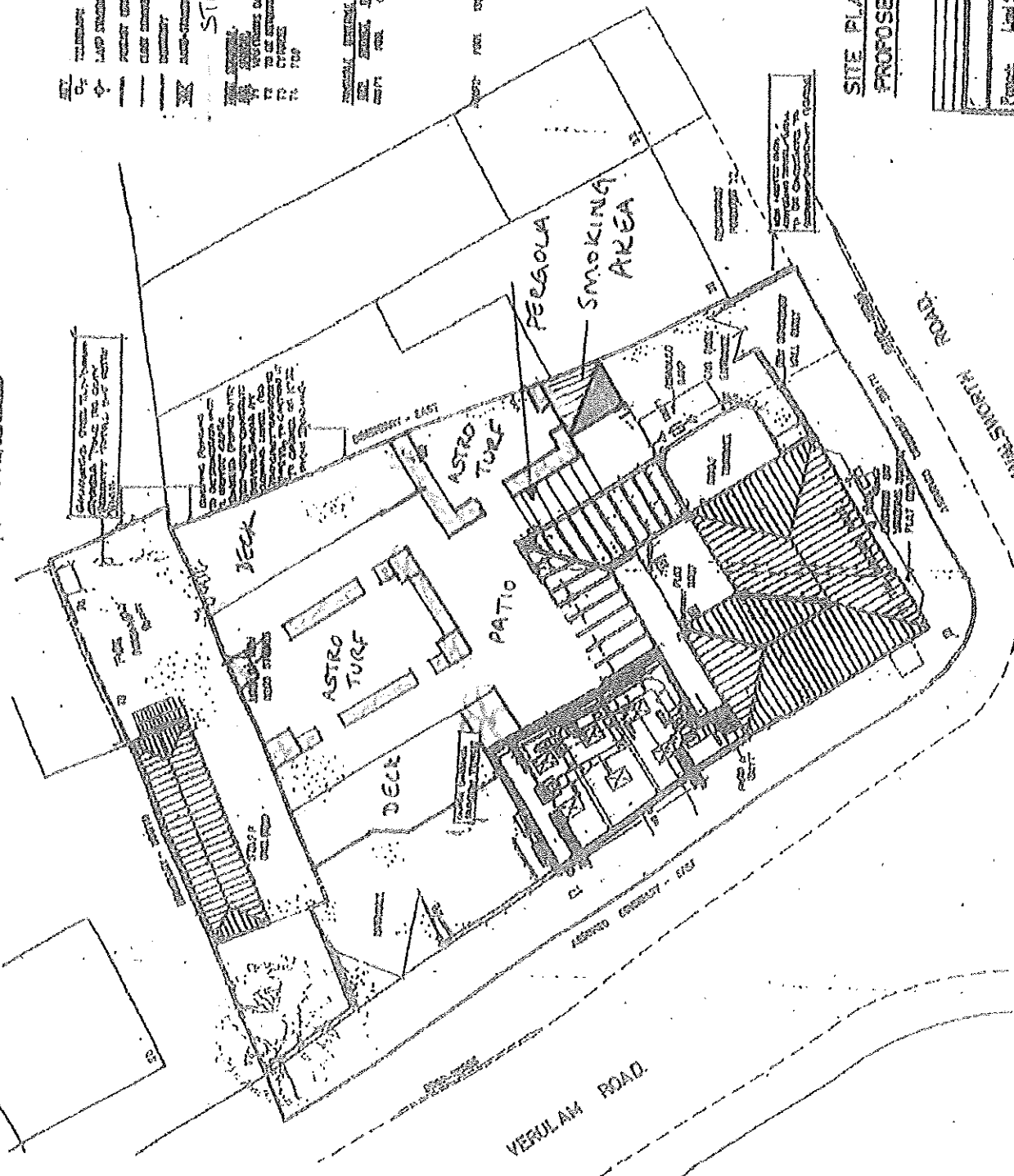
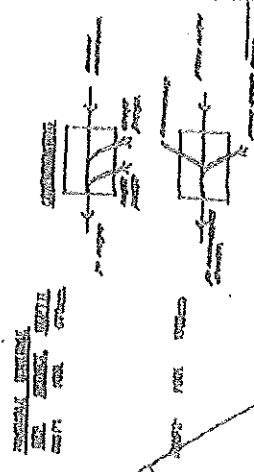
EXISTING STAIRS TO BE RELOCATED TO THE NEW POSITION AS SHOWN.

Scale 1:50

PROPOSED FIRST FLOOR

The Most Suitable Off-Site Parking - Contains the Architectural Elevation For Any Configuration

- STEP (HEIGHT CHANGE)**
- 1. 1/4" = 1'-0" (VERTICAL) FOR 1/4" = 1'-0" (VERTICAL) CHANGES OTHER THAN 1/4" = 1'-0"
 - 2. 1/4" = 1'-0" (VERTICAL) FOR 1/4" = 1'-0" (VERTICAL) CHANGES OTHER THAN 1/4" = 1'-0"
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SITE PLAN AS PROPOSED

Project	Local Services at Rochester Area Public House, Planning, Performance
Drawn by	[Signature]
Checked by	[Signature]
Date	[Date]
Draw No.	[Number]

Appendix

B

N.H.D.C.
04 SEP 2017

no dup received

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Charles Wells Limited**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Radcliffe 31 Walsworth Road			
Post town	Hitchin	Postcode	SG4 9ST

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£63,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
-----------------------------	------------------------------	-------------------------------	-----------------------------	--------------------------------	--

Surname		First names	
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Charles Wells Limited
Address The Brewery, Havelock Street Bedford MK40 4LU
Registered number (where applicable) 00106884
Description of applicant (for example, partnership, company, unincorporated association etc.) Pub Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

- As soon as granted.

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Public House

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur	11:00	23:00			
Fri	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6) New Years Eve / New Years Day – the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day.		
Sat	11:00	00:00			
Sun	12:00	22:30			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	23:00	
Tue	11:00	23:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	11:00	23:00	
Thur	11:00	23:00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	11:00	00:00	New Years Eve / New Years Day -- the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day
Sat	11:00	00:00	
Sun	12:00	22:30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>		Indoors	<input type="checkbox"/>	
					Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both				<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 4)</u>				
Tue							
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>				
Thur							
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>				
Sat							
Sun							

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	18:00	23:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	18:00	23:00			
Wed	18:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	18:00	23:00			
Fri	18:00	23:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) New Years Eve / New Years Day – the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day		
Sat	12:00	00:00			
Sun	12:00	22:30			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	06:00	23:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	06:00	23:00			
Wed	06:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	06:00	00:00			
Fri	06:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	06:00	00:00	New Years Eve / New Years Day – the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day		
Sun	06:00	22:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6).</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) New Years Eve / New Years Day – the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day		
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	22:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) New Years Eve / New Years Day – the standard terminal hour on New Year's Eve will be extended until the standard opening hour on New Year's Day		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name To be confirmed at a later date by way of an application to vary	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	06:00	00:00	
Tue	06:00	00:00	
Wed	06:00	00:00	
Thur	06:00	00:00	
Fri	06:00	00:00	
Sat	06:00	00:00	
Sun	06:00	23:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

New Years Eve / New Years Day – the standard terminal hour on New Year’s Eve will be extended until the standard opening hour on New Year’s Day

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Good management during extended hours and licensable activities ensuring compliance with the Licensing Act as at present.

b) The prevention of crime and disorder

The premises licence holder will ensure that closed circuit television (CCTV) will be installed and maintained on the premises to the satisfaction of Hertfordshire Constabulary. Recordings will be retained for twenty-eight (28) days and made available to Hertfordshire Constabulary or the licensing authority upon request.

c) Public safety

Promotion of public safety by effective management, provision of sufficient first aid boxes and accident reporting procedures.

The premises licence holder will ensure that an accident and incident booklet is kept on the premises and utilised where appropriate.

d) The prevention of public nuisance

The premises licence holder, or his/her representative, shall conduct regular assessments of the noise coming from the premises after 23:00hrs on every occasion the premises are used for regulated entertainment and shall take steps to reduce the noise where it is likely to cause a disturbance to local residents.

The premises licence holder will ensure that all ground floor windows will be closed after 22:00hrs at times that regulated entertainment after is being provided at the premises.

The premises licence holder will ensure that the outside area shown on the plan of the premises will not be used after 22:00hrs for the playing, relaying or amplification of regulated entertainment.

The premises licence holder will ensure that the external areas must not be used by patrons between the hours of 23:00hrs and 07:30hrs.

The premises licence holder will ensure that a self-closing device must be fitted to each of the lobby doors located at the front entrance to the premises. These devices must be maintained on a regular basis to ensure they work effectively.

The premises licence holder will ensure that live music constituting regulated entertainment shall only take place on three (3) days per calendar month after 23:00hrs.

e) The protection of children from harm

Children under 16 to be accompanied by an adult. No sale of alcohol made to a person under 18 years of age.

Staff to request photographic ID from any customers if in doubt of age (to prevent under age sales).

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)



Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

* to be sent once DPS has been found for site.
Site will not trade until DPS Application submitted.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	29/08/17
Capacity	Commercial Team Leader for and on behalf of Charles Wells Limited

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Debbie Sherman			
Charles Wells Limited			
The Brewery			
Havelock Street			
Post town	Bedford	Postcode	MK40 4LU
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

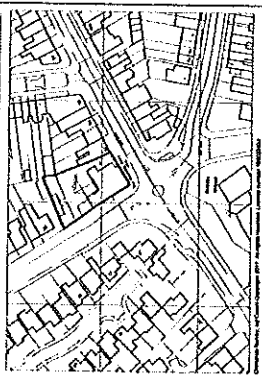
Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

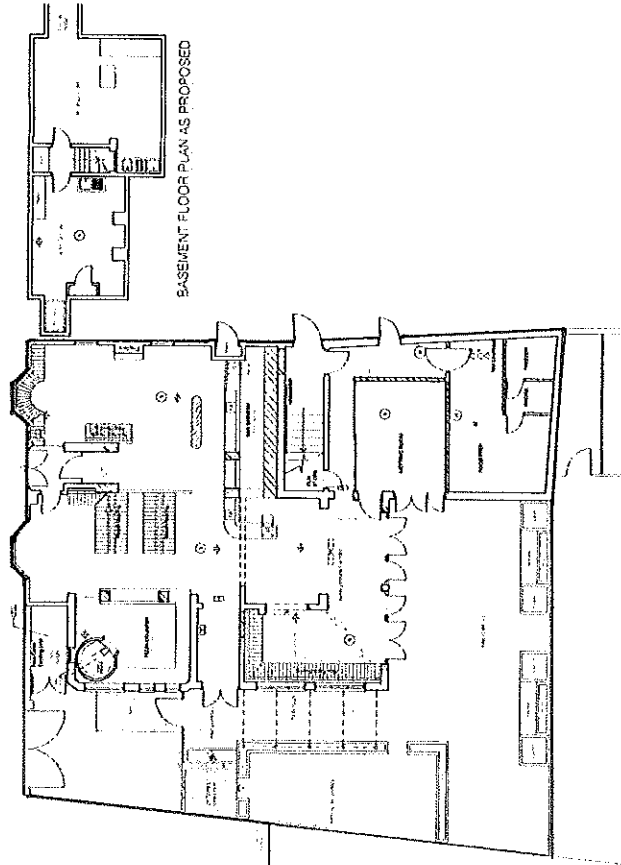
NOTES:

- 1. All dimensions to be checked on site prior to work commencing by the contractor.
- 2. All dimensions to be checked by the contractor against the drawings.
- 3. All work to be carried out in accordance with the Building Regulations.
- 4. The contractor is responsible for obtaining all necessary planning and building control approvals.
- 5. The contractor is responsible for the safety of the site and the public.
- 6. The contractor is responsible for the protection of existing services.
- 7. The contractor is responsible for the disposal of waste.
- 8. The contractor is responsible for the completion of the drawings.
- 9. The contractor is responsible for the completion of the work.
- 10. The contractor is responsible for the completion of the work.

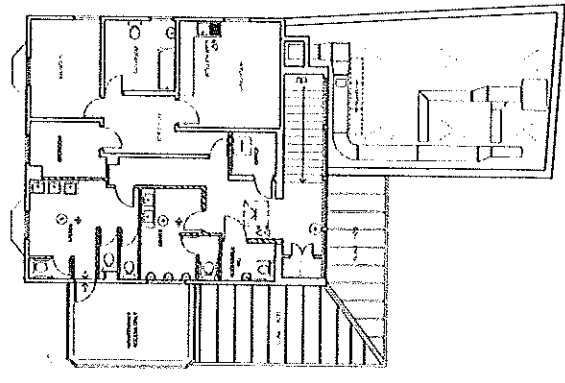
N.H.D.C.
 04 SEP 2017



SITE LOCATION PLAN
1:1250



GROUND FLOOR PLAN AS PROPOSED



BASEMENT FLOOR PLAN AS PROPOSED

FIRST FLOOR PLAN AS PROPOSED

MR+P
ARCHITECTS

MELLING HOODSWAY + PARTNERS LTD
 CHARTER HOUSE MOORE STREET
 WIMBORNE DT9 7JX

PROJECT:
 CHARLES WELLS PUB COMPANY
 THE RADCLIFFE ARMS
 31 WALSORTH ROAD
 HITCHIN, HERTS, SG4 8ST

PROPOSED FLOOR PLANS

DESIGNED BY:	PRELIMINARY
DRAWN BY:	D.J.L.
CHECKED BY:	AUGUST 2017
DATE:	1:100 @ A1
SCALE:	500/3002

Appendix

C

Conditions agreed between the Environmental protection team and the applicants during the consultation period.

The premises licence holder will ensure that all ground floor windows and doors to conservatory and meeting room will be closed after 22.00hrs at times that regulated entertainment is being provided at the premises.

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.

Deliveries and waste collections relating to premises shall only take place between 09:00 and 20:00hrs.

No glass bottles shall be emptied into waste bins at the premises between 20:00 and 09:00.

Appendix

D

Hannah Sweetman

From: Licensing
Sent: 25 September 2017 11:30
To: Hannah Sweetman
Subject: FW: Radcliffe Arms Walsworth Road Hitchin SG4 9ST

From: Chris Bradburn [REDACTED]
Sent: 24 September 2017 18:12
To: Licensing
Cc: Judi Billing
Subject: Radcliffe Arms Walsworth Road Hitchin SG4 9ST

In the absence of any policing outside the above premises, I wish to object to the late licensing hours.

If drinking is to be permitted until midnight then controls need to be put in place to ensure that all such activity - and those associated with it such as smoking and conversation - all take place within the premises and not in the street.

Since there is no provision for this control, I object to the lateness of the hour, especially when it is school the next day.

I also see that the application includes for live music and note that previously, live music was not allowed, in spite of my attending Hertford County Court in support at that time. The aggressive nature of the music played at similar Charles Wells Pizza establishments will be particularly offensive in this residential location.

With the removal of the outside garden facilities, the likelihood of drinkers, smokers and noise spilling out into the street is very high.

--
Regards
Chris Bradburn
110 Walsworth Road
Hitchin
Hertfordshire
SG4 9ST

Hannah Sweetman

From: Licensing
Sent: 19 September 2017 16:23
To: Hannah Sweetman
Subject: FW: Radcliffe Verulam Road

-----Original Message-----

From: Wendy Bowker [REDACTED]
Sent: 19 September 2017 16:19
To: Licensing
Subject: Radcliffe Verulam Road

Dear Sirs

I believe that the licensing hours requested by the licensees of The Radcliffe public house in Verulam would constitute a public nuisance to the residents in the locality by causing unacceptable levels of noise from clients leaving the pub at 00.00am. This public house is situated on the way from the town centre to Hitchin Station which is used by visitors leaving the many town centre pubs and clubs. This situation is likely to result in many drinkers dropping in for a quick snack and more alcohol en route for the station which would not bode well for the locality.. These facts might result in public disorder and would certainly entail a volume of noise which would be disruptive to households in Verulam Road and Walsworth Road.

I therefore request that the proposals for opening hours as late as 00.00am be refused in order to avoid public nuisance and situations which could deteriorate into a threat to public safety.

Yours faithfully

Wendy Bowker
18 Verulam Road
Hitchin
SG5 1QE

Hannah Sweetman

From: Peggy Sherno [REDACTED]
Sent: 14 September 2017 16:30
To: Hannah Sweetman
Subject: Re: The Radcliffe public house , Walsworth Road Hitchin

-----Original Message-----

From: Peggy Sherno [REDACTED]
Sent: 13 September 2017 16:52
To: Licensing
Subject: The Radcliffe public house , Walsworth Road Hitchin

Re application to keep these premises open until midnight Thursday - Sat:

I oppose this: the new Pies Pasta and Pints place seems set up to attract a late night, on- the- way -to-the- train- station crowd coming back from pubs in the town and therefore likely to be rowdy. The Radcliffe is in a largely residential area and this would not be fair on all the nearby houses.

My main concern is Public Nuisance. The combination of late night opening, fast food, sale of alcohol and being located on a main pedestrian route to the train station sets up the circumstances for rowdy behaviour, fights perhaps, people throwing up in the street and associated carryings on which residents of Walsworth and Nightingale Roads are familiar with, especially on Friday and Sat nights.

The proposed pub would have a very different character from the old one and clearly be targeting a totally different clientele, less an amenity for locals wanting a quiet meal than a convenience for passing trade. I believe the pub currently has the status of neighbourhood amenity and that the proposed change of use would contravene this.

NOT RELEVANT

Yours truly

M A Sherno
18 Verulam Road
Hitchin
Hertfordshire
SG5 1QE