

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

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| Date of Hearing | Thursday 1 st March 2007 |
| Members of Panel | T. Brindley, J. Cunningham and L. Kercher |
| Premises Licence Holder | DTK Enterprises Ltd, 113-115 Codicote Road, Welwyn, Hertfordshire. AL6 9TY |
| Premises Address | Baldock Snooker Club, 31A Hitchin Street, Hertfordshire. SG7 6AQ |
| Date of Review Application | Thursday 4 th January 2007 |
| REVIEW | <p>This is a review of a Premises Licence under section 51 of the Licensing Act 2003.</p> <p>The Sub-Committee have read the material presented to us and have 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 Premises Licence is modified subject to the additional conditions and amended hours as are set out below.</p> <p>1. <u>LICENSABLE ACTIVITIES</u></p> <p>Hours of licensable activities granted are:</p> <p>PART C – Indoor Sporting Events</p> <p>All days – 1000hrs to 2400hrs</p> <p>PART E – Live Music (Indoors)</p> <p>Friday to Sunday – 1900hrs to 2300hrs</p> <p>PART F – Recorded Music (Indoors)</p> <p>All days – 1200hrs to 2300hrs</p> <p>PART J – Provision of Facilities for Dancing (Indoors)</p> <p>All days – 1200hrs to 2300hrs</p> <p>PART M – Supply of Alcohol</p> <p>Monday to Saturday: 1100hrs to 2300hrs</p> |

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| | <p>Sunday: 1200hrs to 2230hrs</p> <p>An additional terminal hour on Xmas Eve Bank Holiday Weekends – Fri, Sat, Sun and Mon</p> |
| <p>CONDITIONS DEEMED NECESSARY 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 necessary 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 they consider that it is necessary to impose conditions as a result of these representations.</p> <p>The following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of crime and disorder</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. All entrances and exits should at all times remain closed and locked with the exception of the fire exit doors, which should remain closed but not locked. The fire doors shall be alarmed at all times and the alarm must be audible to the staff in the bar area at all times. <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of public nuisance</p> <ol style="list-style-type: none"> 2. All door staff employed at the entrance/exit to the premises will ensure that persons in the car park adjacent to the premises shall not cause a nuisance <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of public nuisance</p> |
| <p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p> | <p>The following conditions have been recommended by Hertfordshire Constabulary:</p> <ol style="list-style-type: none"> 1. On every Friday and Saturday and all other dates where non-standard timings apply, a minimum of two SIA approved Door Staff to be on duty at the premises between the hours of 7pm and time of closing to the public. <p>This condition is considered <u>necessary</u> for the promotion of two of the four licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance</p> <ol style="list-style-type: none"> 2. On every occasion when a private party is held in the Function Room, a minimum of two SIA approved Door Staff to be on duty at the premises between the hours of 7pm and time of closing to the public. <p>This condition as amended by the Sub-Committee is considered <u>necessary</u> to ensure the promotion of one of the four licensing</p> |

objectives, namely the prevention of crime and disorder

3. All door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.

This condition is considered **necessary** for the promotion of two of the four licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance

4. All door staff whilst on duty at the premises will wear high visibility clothing (reflective jackets/tabards)

This condition is considered **necessary** for the promotion of two of the four licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance

5. All door staff employed at the entrance/exit of the premises will ensure that persons do not frequently exit and re-enter the club, and that groups of more than two people are not permitted to congregate or loiter in the car park and entrance area.

This condition is considered **unnecessary** to ensure the promotion of one of the four licensing objectives, namely the prevention of public nuisance.

6. Persons are not allowed to enter or exit the building with glasses or bottles or alcohol in any sealed or unsealed container. There will be an exception to this rule in the case of reasonable deliveries.

This condition is considered **necessary** for the promotion of three of the four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and public safety.

7. The Designated Premises Supervisor will ensure that the gates on the boundary with Park Street are shut and locked at the latest by 9pm every night, and not re-opened before 6am the following day. There will be an exception to this rule in the case of a genuine emergency.

This condition is considered **necessary** for the promotion of three of the four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and public safety.

8. The Designated Premises Supervisor shall ensure that the premises are equipped with a closed circuit television system, the recordings of which are of a standard that is to the satisfaction of Hertfordshire Constabulary.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

9. The Designated Premises Supervisor will ensure that viewable

copies of recordings from the CCTV system can immediately be provided to Police upon request.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

10. The Designated Premises Supervisor will ensure that the CCTV system adequately covers key and vulnerable parts of the premises, including the main entrance and exit (being the door from the foyer leading to the car park) and the outside car park area adjacent to Park Street. All other specific key and vulnerable areas to be agreed with Police during an on site meeting, to be held within 28 days of any Review Hearing.

This condition as amended by the Sub-Committee is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

11. The Designated Premises Supervisor will ensure that the premises are equipped with a CCTV system, which is maintained to the satisfaction of the Hertfordshire Constabulary.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

12. The Designated Premises Supervisor or Personal Licence Holder shall notify the Police Licensing Unit at Hitchin Police Station and Local Authority Licensing Officer, on any occasion when the CCTV system is to be inoperative for a period in excess of one working day. The notice will include the measures being taken to ensure the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

13. The Designated Premises Supervisor shall nominate another person who will deputise for them when absent. It will be a requirement that the Deputy is a Personal Licence Holder. The DPS will ensure that the identity of the Deputy is known by all other staff at such times.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

14. The Designated Premises Supervisor will notify the Police Licensing Department at Hitchin Police Station when they are to be absent from the Premises between 7pm and time of closing to the public on any Friday or Saturday and all other dates where non-standard timing apply. They will give a minimum of two full working days notice, which on every

occasion be in writing (to include email) and include the name, age and position held by the Deputy (who will be a Personal License Holder).

This condition has been amended by the Sub-Committee and is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

15. The Designated Premises Supervisor will notify the Police Licensing Department at Hitchin Police Station when they are to be absent from the Premises between 7pm and time of closing to the public on every occasion when a private party is held in the Function Room. They will give a minimum of two full working days notice, which on every occasion be in writing and include the name, age and position held by the Deputy (who will be a Personal License Holder).

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

16. The Designated Premises Supervisor or Personal License Holder will notify the Police Licensing Department at Hitchin Police Station of their intention to hold a private party or entertain friends at their own expense. The notice will be in writing and give a minimum of 7 full working days notice. The notice will on every occasion include the date and start time and finish time of the event, the nature of the event and the number of persons attending.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder

17. The Designated Premises Supervisor and Personal License Holder will be an active member of any local Pub Watch and attend Pub Watch meetings on a regular basis.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

18. In respect of the hours the premises are open to the public the closing time on Friday and Saturday will be 2400hrs and on Sunday 2330hrs

This condition as amended by the Sub-Committee is considered **necessary** for the promotion of two of the four licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance

19. No change in respect of the hours open to the public on New Years Eve and New Years Day.

This condition is considered **unnecessary** to ensure the promotion of

one of the four licensing objectives, namely the prevention of public nuisance.

- 20.** Each member will be issued with a membership card that will include the full name of the member and a unique membership reference number.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

- 21.** Upon becoming a member a Driving Licence, Passport or equivalent form of identity will be produced for inspection by the Designated Premises Supervisor or his nominated Deputy (Personal Licence Holder). An identifiable reference for the Driving Licence, Passport or equivalent form of identity shall be recorded

This condition as amended by the Sub-Committee is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

- 22.** The Designated Premises Supervisor will ensure that an up to date and indexed 'record of members book' is maintained and kept on the premises. The book will include the full name and postal address of the member, membership number, the date membership commenced and the form of identity produced at time of becoming member.

This condition as amended by the Sub-Committee is considered **necessary** for the promotion of one of the four licensing objectives, namely the crime and disorder.

- 23.** The Designated Premises Supervisor will ensure that an up to date bone fide 'members guest book' is maintained and kept on the premises. The book will include the full name of the member and the full name and full postal address of the guest.

This condition as amended by the Sub-Committee is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

- 24.** The members book and guest book will be maintained separately, and both will be made available without delay for inspection and copying when requested by a Police Officer or the Local Authority Licensing Officer.

This condition is considered **necessary** for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.

- 25.** The 48 hour membership rule under the provisions of Section 41(1) (a) and 41(1) (b) Licensing Act 1964 will be strictly

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| | <p>applied without exception.</p> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>26. Club Patrons and their bone-fide guests will only be admitted to the premises if they are members. In this context bone-fide will mean there is some form of legitimate association between the member and their guest(s).</p> <p>This condition is considered <u>unnecessary</u> to ensure the promotion of one of the four licensing objectives, namely the prevention of crime and disorder.</p> <p>The following conditions have been recommended by Environmental Health Division:</p> <p>1. The noise levels emanating from the playing of amplified music/sound at any time shall be inaudible at 1 metre of the façade of the nearest noise sensitive location.</p> <p>This condition as amended by the Sub-Committee is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of public nuisance.</p> |
| <p>CONDITIONS PROPOSED BY APPLICANT</p> | <p>This licence will be subject to the following conditions proposed by the Applicant in order to promote the four licensing objectives.</p> <p>1. None</p> |
| <p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p> | <p>The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.</p> |
| <p>STATEMENT OF LICENSING POLICY</p> | <p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching their decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p>4. <i>Regulating Licensing</i></p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council may attach conditions to licences issued under the Act and these must be focussed on matters, which are within the control of the individual licence holders and others in possession of relevant authorisations.</i></p> <p>4.2 <i>Licensing law is not a mechanism for the general control of</i></p> |

nuisance and antisocial behaviour by individuals once they are away from the licensed premises or event and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in North Hertfordshire.

4.3 *In addressing these matters the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or otherwise engaged in activities in the vicinity.*

5. Licence Conditions

5.1 *The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will seek to avoid attaching disproportionate and over burdensome conditions on licences.*

5.2 *Conditions will only be imposed when they are necessary 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. Conditions are likely to be focused towards the direct impact of those activities on persons living, working or otherwise engaged in activities in the vicinity.*

7. Licensing Hours

7.1 *The Council recognises that fixed and overly restrictive opening times can lead to peaks of disorder and disturbance on the streets due to large numbers of people leaving licensed 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. Longer licensing hours with regard to the sale of alcohol are an important factor in reducing these concentrations and the resulting crime and disorder.*

7.2 *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.*

9. The Prevention of Public Nuisance

9.1 *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 these*

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| | <i>matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.</i> |
| RATIONALE FOR DECISION | As a result of the evidence heard at the hearing the Sub-Committee has concluded that this decision is necessary to support the licensing objectives defined under the Licensing Act 2003. In considering the licensing objectives the sub-committee decided there was clear evidence of poor supervision of the premises, public nuisance and anti-social behaviour. |
| COMMENCEMENT DATE | This decision will come into effect 21 days from the date this decision is notified. |
| RIGHTS OF REVIEW | A responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may make a further request for 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. |