

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

Date of Hearing	Monday 26 th March 2007						
Members of Panel	D. J. Barnard, J. Kirby and M.E. Weeks						
Applicant(s) Name	Barracuda Pub Company Ltd						
Premises Address	Barracuda Bar, 2 Baldock Street, Royston, Hertfordshire. SG8 5AY						
Date of Application	Friday 2 nd February 2007						
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee 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 application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Sunday to Wednesday</td> <td>1000hrs to 0030hrs the following morning</td> </tr> <tr> <td>Thursday</td> <td>1000hrs to 0130hrs the following morning</td> </tr> <tr> <td>Friday and Saturday</td> <td>1000hrs to 0230hrs the following morning</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Xmas Eve, • Boxing Day, • All Bank Holidays and the Friday, Saturday and Sunday preceding the Bank Holiday <p>On all these days the hours will be from 1000hrs to 0230hrs the following morning</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART B – Films • PART C – Indoor Sporting Events • PART E – Live Music • PART F – Recorded Music • PART G – Performance of a Dance • PART H – Anything of a Similar Nature – Parts E, F or G 	Sunday to Wednesday	1000hrs to 0030hrs the following morning	Thursday	1000hrs to 0130hrs the following morning	Friday and Saturday	1000hrs to 0230hrs the following morning
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	<ul style="list-style-type: none"> • PART I – Provision of Facilities for Making Music • PART J – Provision of Facilities for Dancing • PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J • PART L – Late Night Refreshment • PART M – Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART B – Films PART C – Indoor Sporting Events PART E – Live Music PART F – Recorded Music PART G – Performance of a Dance PART H – Anything of a Similar Nature – Parts E, F or G PART I – Provision of Facilities for Making Music PART J – Provision of Facilities for Dancing PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J PART L – Late Night Refreshment PART M – Supply of alcohol</p> <p>Sunday to Wednesday 1000hrs to 2400hrs Thursday 1000hrs to 0100hrs the following morning Friday and Saturday 1000hrs to 0200hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Xmas Eve, • Boxing Day, • All Bank Holidays and the Friday, Saturday and Sunday preceding the Bank Holiday <p>On all these days the hours will be from 1000hrs to 0200hrs the following morning.</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 considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. The doors shown to the right of the DJ Booth on the plan which are marked red for clarity to be kept closed except for use in emergencies.

	<ol style="list-style-type: none"> 2. The number of persons using the designated smoking area at any one time shall be restricted to a figure agreed with the Environmental Health Officer in writing. The agreed figure is to be displayed on a notice in a form agreed with the Environmental Health Officer and in a prominent position within the premises adjacent to the exit to the designated smoking area. The designated smoking area is not be to used in the absence of such an agreed figure. 3. Prior to the 1st July 2007 the proposed security gates to the flank of the premises shall be installed and thereafter kept closed after 18:00 and remain closed except for use in emergencies until the end of permitted licensing hours.
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>No conditions have been recommended by any responsible authority</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions, that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Part P of their application.</p> <p>Accordingly, the following conditions are considered necessary to promote the licensing objectives:</p> <ol style="list-style-type: none"> 1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority (SIA). 2. On every Thursday, Friday and Saturday a minimum of three SIA approved Door Staff to be on duty at the premises between the hours of 9pm and time of closing to the public. 3. On any Christmas Eve and New Years Eve, that does not fall on a Thursday, Friday or Saturday, a minimum of three SIA approved Door Staff to be on duty at the premises between the hours of 9pm and time of closing to the public. 4. 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. 5. All door staff employed at the entrance/exit whilst on duty will wear high visibility clothing (reflective jackets/tabards). 6. 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.

	<ol style="list-style-type: none">7. The Designated Premises Supervisor will ensure that viewable copies of recordings from the CCTV system can immediately be provided to Police upon request.8. 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.9. The Designated Premises Supervisor shall notify the Police Licensing Unit at Hitchin Police Station and Local Authority Licensing Officer, by telephone and in writing within 24 hours of the telephone notification, 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.10. The Designated Premises Supervisor shall nominate another person who will deputise for them when absent or when on the premises but off duty. 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. The DPS will notify the Police Licensing Department at Hitchin Police Station on such occasions, giving 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.11. The Designated Premises Supervisor or Deputy 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.12. No entry or re-entry to the premises after midnight on Friday and Saturday by members of the Public, with the exception of customers leaving the premises other than by the front door, to use a Designated Smoking Area situated at the rear of the premises.13. No entry or re-entry to the premises after 11pm on Sunday, Monday, Tuesday, Wednesday and Thursday by members of the Public, with the exception of customers leaving the premises other than by the front door, to use a Designated Smoking Area situated at the rear of the premises. When Christmas Eve and New Years Eve fall on the given days the relevant time will be midnight.14. Toughened glasses shall be used for draft beer and lager at all times the premises are open to the public.15. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
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	<p>16. DPS will be a member of any active local Pub Watch and will attend Pub Watch meetings in person or send a nominated deputy.</p> <p>17. The maximum occupancy of the building (including staff and performers will be restricted to 350 persons.</p> <p>18. There is to be a designated smoking area at the premises (“The Smoking Area”) from the 1st July 2007. This is identified on the plan filed with the Licensing Authority edged in blue.</p> <p>19. The use of the external area shall cease at 23:00 save for the designated smoking area which will be used no later than Thursday 00:30 the following morning and on Friday and Saturday 02.00 the following morning.</p> <p>20. The use of the smoking area shall not commence until the installation of a suitable acoustic door lobby to the rear exit of the building, the design of which to be agreed with the Environmental Health Officer.</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. Regulating Licensing</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 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.</i></p>

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 matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.*

COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.