

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

Date of Hearing	Thursday 26 <sup>th</sup> October 2006
Members of Panel	P. Clark, J. Cunningham and M. Kirkland
Premises Licence Holder	Rushland Limited c/o Blanche and Co, Thames House, Wellington Street, Woolwich, SE18 6NZ
Premises Address	Nu, Roysia House, Market Hill, Royston, Hertfordshire. SG8 9JJ
Date of Closure Order	Friday 6 <sup>th</sup> October 2006
<b>REVIEW</b>	<p>This is a review of a Premises Licence under section 167 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> <ol style="list-style-type: none"> <li>1. The Premises Licence is modified subject to the additional conditions and amended hours as are set out below and the Sub-Committee refuses to specify the following person Johnathon Philip Ginsberg as the premises supervisor due to the evidence heard at the hearing.</li> <li>2. The Premises Licence is suspended for 14 days or such lesser period as is agreed by Hertfordshire Constabulary in order to allow the checks on the new Designated Premises Supervisor to be concluded.</li> </ol> <p><b>1. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART G – Performance of a Dance</li> <li>• PART H – Anything of a Similar Nature – Parts E, F or G</li> <li>• PART I – Provision of Facilities for Making Music</li> <li>• PART J – Provision of Facilities for Dancing</li> <li>• PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J</li> <li>• PART L – Late Night Refreshment</li> <li>• PART M - Supply of alcohol</li> </ul> <p>The hours during which the licensable activities may take place are:</p>

**PART E – Live Music (Indoors)**

**PART F – Recorded Music (Indoors)**

**PART G – Performance of a Dance (Indoors)**

**PART H – Anything of a Similar Nature – Parts E, F or G (Indoors)**

**PART I – Provision of Facilities for Making Music (Indoors)**

**PART J – Provision of Facilities for Dancing (Indoors)**

**PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J (Indoors)**

Monday to Wednesday	1200hrs to 2400hrs
Thursday to Saturday	1200hrs to 0100hrs the following morning
Sunday	1600hrs to 2200hrs

These hours are to apply each day of the year with the exception of:

- New Years Eve,

On this day the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard start time on New Year's Day.

**PART L – Provision of Late Night Refreshment (Indoors)**

Monday to Wednesday	2300hrs – 0030hrs the following morning
Thursday to Saturday	2300hrs – 0100hrs the following morning

These hours are to apply each day of the year with the exception of:

- New Year's Eve

On this day the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard start time on New Year's Day.

And

When Christmas Eve falls upon a Sunday Monday, Tuesday or Wednesday, the permitted terminal hour will be 0100hrs the following morning.

**PART M – Sale or Supply of Alcohol (on and off the Premises)**

Sunday	1200hrs to 2230hrs
Monday to Wednesday	1000hrs to 2400hrs
Thursday to Saturday	1000hrs to 0100hrs the following morning

These hours are to apply each day of the year with the exception of:

	<ul style="list-style-type: none"> <li>• Christmas Day</li> </ul> <p>On this day, the permitted hours will be 1200hrs to 1500hrs and 1900hrs to 2230hrs</p> <ul style="list-style-type: none"> <li>• New Year's Eve</li> </ul> <p>On this day the permitted hours will extend from the standard terminal hour on New Year's Eve until the standard start time on New Year's Day.</p> <p>And</p> <p>When Christmas Eve falls upon a Sunday Monday, Tuesday or Wednesday, the permitted terminal hour will be 0100hrs the following morning.</p> <p>These hours for the supply of alcohol relate to premises offering the sale of alcohol as ancillary to the provision of substantial refreshment and music and dancing, except that:</p> <ol style="list-style-type: none"> <li>I. The permitted hours shall end at midnight on any day which music and dancing is not provided after midnight ; and</li> <li>II. On any day that music and dancing ends between 2400hrs and 0100hrs the following morning the permitted hours shall end when the music and dancing ends; and</li> <li>III. The permitted hours shall not extend beyond these hours.</li> </ol>
<p><b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></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 Sub-Committee did not consider that any additional conditions are necessary.</p>
<p><b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b></p>	<p>The following conditions have been recommended by Hertfordshire Constabulary:</p> <ol style="list-style-type: none"> <li>1. Standard timings for all licensable activities, including the sale of alcohol, to cease at 0100hrs on Thursday, Friday and Saturday evenings, and to close to the Public at 0130hrs on these days.</li> </ol> <p>This condition is considered <u>necessary</u> for the promotion of three of the four licensing objectives, namely prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <ol style="list-style-type: none"> <li>2. Standard timings for all licensable activities, including the sale of alcohol on Sunday, Monday, Tuesday and Wednesday, to remain unchanged.</li> </ol>

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

3. Non-standard timings for all licensable activities, including the sale of alcohol, to cease at 0100hrs on Christmas Eve and to close to the Public at 0130hrs. This will only apply if Christmas Eve falls on a Sunday, Monday, Tuesday or Wednesday.

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

4. Non-standard timings for New Years Eve to remain unchanged.

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

5. On every Thursday, Friday and Saturday, and all other dates where non-standard timings apply, a minimum of four SIA Door Staff approved to be on duty at the premises between the hours of 1900hrs and time of closing to the public.

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

6. 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 three of the four licensing objectives, namely prevention of crime and disorder, public safety and the prevention of public nuisance.

7. All door staff employed at the entrance/exit of the premises whilst on duty will wear high visibility clothing (reflective jackets/tabards)

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

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

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

**9.** DPS or Personal Licence Holder 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.

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

**10.** DPS 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. The notice will on every occasion be in writing and include the name, age and position held by the Deputy.

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

**11.** DPS or nominated Deputy when on the premises in that capacity will not consume alcohol

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

**12.** DPS 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 of the event, the nature of the event and the number of persons attending.

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

**13.** DPS and Personal License Holder will be a member of any active local Pub Watch and attend Pub Watch meetings

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

<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the following conditions proposed by the Applicant in order to promote the four licensing objectives.</p> <ol style="list-style-type: none"> <li>1. No entry or re-entry to the premises after 2400hrs by members of the public</li> <li>2. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or member and their guests) notices requiring the customers to leave the premises and the area quickly and quietly and failure to do so will result in being banned from the premises</li> </ol>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><b>STATEMENT OF LICENSING POLICY</b></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><b>4. Regulating Licensing</b></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> <p>4.3 <i>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.</i></p> <p><b>5. Licence Conditions</b></p> <p>5.1 <i>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.</i></p> <p>5.2 <i>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</i></p>

	<p><i>likely to be focused towards the direct impact of those activities on persons living, working or otherwise engaged in activities in the vicinity.</i></p> <p><b>7. Licensing Hours</b></p> <p>7.1 <i>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.</i></p> <p>7.2 <i>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.</i></p> <p><b>9. The Prevention of Public Nuisance</b></p> <p>9.1 <i>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.</i></p>
<b>RATIONALE FOR DECISION</b>	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.
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the date of this decision.
<b>RIGHTS OF REVIEW</b>	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.