

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

Date of Hearing	Monday 11 th July 2005						
Members of Panel	A. Bardett, J. Cunningham and J. Kirby						
Applicant(s) Name	McMullen & Sons Limited						
Premises Address	Angels Reply, Bedford Road, Hitchin, Herts, SG13 8PX						
Date of Application	Thursday 12 th May 2005						
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence during the transitional period under Schedule 8 paragraph 7(b) 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>The application is approved 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="margin-left: 20px;"> <tr> <td>Monday to Thursday</td> <td>1000hrs to 2400hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>1000hrs to 0030hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1000hrs to 2400hrs</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"> •☐☐☐ Christmas Eve •☐☐☐ New Years Eve <p>On these days the hours will be from 1000hrs to 0130hrs 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 	Monday to Thursday	1000hrs to 2400hrs	Friday and Saturday	1000hrs to 0030hrs the following morning	Sunday	1000hrs to 2400hrs
Monday to Thursday	1000hrs to 2400hrs						
Friday and Saturday	1000hrs to 0030hrs the following morning						
Sunday	1000hrs to 2400hrs						

- PART H – Anything of a similar description to that falling within E,F and G (Karaoke)
- PART I – Provision of facilities for making music
- PART K – Provision of facilities for entertainment of a similar description to that falling within I and J
- PART L – Late night refreshment
- PART M – Supply of alcohol

The hours during which the licensable activities may take place are:

PART B – Films

PART C – Indoor sporting events

PART F – Recorded Music

Monday to Thursday	1000hrs to 2400hrs
Friday and Saturday	1000hrs to 0030hrs the following morning
Sunday	1000hrs to 2400hrs

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

- Christmas Eve
- New Years Eve

On these days the hours will be from 1000hrs to 0130hrs the following morning

Karaoke will be limited to end one hour before the terminal hour for the supply of alcohol to minimise nuisance

PART E – Live Music

Monday to Thursday	1000hrs to 2230hrs
Friday and Saturday	1000hrs to 2300hrs
Sunday	1000hrs to 2230hrs

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

- Christmas Eve
- New Years Eve

On these days the hours will be from 1000hrs to 0130hrs the following morning

PART H – Anything of a similar description to that falling within E,F and G

PART I – Provision of facilities for making music

Monday to Thursday	1000hrs to 2230hrs
Friday and Saturday	1000hrs to 2300hrs
Sunday	1000hrs to 2230hrs

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

- Christmas Eve
- New Years Eve

On these days the hours will be from 1000hrs to 0130hrs the following morning

PART K – Provision of facilities for entertainment of a similar description to that falling within I and J

Monday to Thursday	1000hrs to 2230hrs
Friday and Saturday	1000hrs to 2300hrs
Sunday	1000hrs to 2230hrs

PART L – Late night refreshment

Monday to Thursday	2300hrs to 2400hrs
Friday and Saturday	2300hrs to 0030hrs the following morning
Sunday	2300hrs to 2400hrs

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

- Christmas Eve
- New Years Eve

On these days the hours will be from 2300hrs to 0130hrs the following morning

PART M – Supply of Alcohol

Monday to Thursday	1000hrs to 2330hrs
Friday and Saturday	1000hrs to 2400hrs
Sunday	1000hrs to 2330hrs

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

- Christmas Eve
- New Years Eve

On these days the hours will be from 1000hrs to 0100hrs the following morning

The premises will remain open to the public for a further 30 minutes after the cessation of the sale of alcohol.

CONDITIONS PROPOSED BY APPLICANT

This licence will be subject to the conditions that are consistent with the following terms offered by the applicant:

1. The occasions that musical performances (including live amplified music, DJ's and Karaoke) take place will be limited to

	<p>12 times in any 12 month period.</p> <p>2. The number of performers at any one time will be limited to a maximum of two.</p> <p>3. Musical performances will be restricted to the sports bar.</p> <p>The above conditions have been deemed necessary to address the concerns of public nuisance caused by live performances at the premises.</p>
CONDITIONS PROPOSED BY RESPONSIBLE AUTHORITIES	<p>The Sub-Committee have found that the condition proposed by <u>Environmental Health</u> to impose a noise limiting device is disproportionate and unreasonable in the circumstances of this application. The Sub-Committee have heard no current evidence of public nuisance being created by noise or music emanating from the premises.</p>
REMOVAL OF EMBEDDED RESTRICTIONS	<p>Due to the imprecise nature of the request to remove all embedded restrictions the Sub-Committee have decided that all embedded restrictions, not inconsistent with this application, will remain.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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>
STATEMENT OF LICENSING POLICY	<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> <p>4.3 <i>In addressing these matters the Council will primarily focus on the direct impact of the activities taking place at the</i></p>

	<p><i>licensed premises on members of the public living, working or otherwise engaged in activities in the vicinity.</i></p> <p>5. Licence Conditions</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 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>7. Licensing Hours</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>
COMMENCEMENT DATE	This licence will come into effect from the second appointed day, namely the 24 th of November 2005.
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.