

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

Date of Hearing	Monday 1 st August 2005
Members of Panel	A. Bardett, P. Clark and G. Grindal
Applicant(s) Name	Mrs Shirley Ann Smeeton, Mr Grant Smeeton & Mr Adam Smeeton
Premises Address	The White Bear, 49 Kneesworth Street, Royston, Herts SG8 5AQ
Date of Application	Thursday 8 th June 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 opening hours are:</p> <p>Monday to Thursday 1100hrs to 2400hrs Friday and Saturday 1100hrs to 0130hrs the following morning Sunday 1100hrs to 2400hrs</p> <p>Plus on the following notable dates :</p> <ul style="list-style-type: none"> • The Sunday of every Easter, May, Spring and August Bank Holiday weekends the terminal hour is to be 0030hrs the following morning. <p>Plus on the following notable dates:</p> <ul style="list-style-type: none"> • Halloween • St. Patrick's Day • St. George's Day <p>When the terminal hour is to be 0030hrs the following morning, unless the notable date falls on a Friday or Saturday when the terminal hour will be 0130hrs the following morning.</p> <p>On 7 additional dates which are to be determined at the licensee's discretion, the terminal hour will be 0030hrs the following morning, unless the additional date falls on a Friday or Saturday when the terminal hour will be 0130hrs the following morning.</p>

2. LICENSABLE ACTIVITIES

The licensable activities are:

- PART C – Indoor Sporting Events
- PART E – Live Music
- PART F – Recorded Music
- PART H – Anything of a Similar Nature – Parts E, F or G – Karaoke
- PART J – Provision of Facilities for Dancing
- PART M – Supply of alcohol

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

PART C – Indoor Sporting Events

Tuesday 2030hrs to 11:30 pm

PART E – Live Music

Every Friday and Saturday 1800hrs to 2330hrs

And the same hours on any other day of the week that the following notable dates occur:

- The Sunday of every Easter, May, Spring and August Bank Holiday weekends
- St. Patrick's Day
- St. George's Day
- Halloween

Live Music may occur, in addition to the weekend hours and the notable dates stated above, on 7 additional dates in every calendar year. On these additional dates a written log is to be kept by the licensee of the event held and made available to the Licensing Authority at their request.

PART F – Recorded Music

Every Friday and Saturday 1800hrs to 2330hrs

And the same hours on any other day of the week that the following notable dates occur:

- The Sunday of every Easter, May, Spring and August Bank Holiday weekends
- St. Patrick's Day
- St. George's Day
- Halloween

Recorded Music may occur, in addition to the weekend hours and the notable dates stated above, on 7 additional dates in every calendar year. On these additional dates a written log is to be kept by the licensee of the event held and made available to the Licensing Authority at their request.

PART H – Karaoke

Every Friday and Saturday 1800hrs to 2330hrs

And the same hours on any other day of the week that the following notable dates occur:

- The Sunday of every Easter, May, Spring and August Bank Holiday weekends
- St. Patrick's Day
- St. George's Day
- Halloween

Karaoke may occur, in addition to the weekend hours and the notable dates stated above, on 7 additional dates in every calendar year. On these additional dates a written log is to be kept by the licensee of the event held and made available to the Licensing Authority at their request.

PART J – Provision of Facilities for Dancing

Every Friday and Saturday 1800hrs to 2330hrs

And the same hours on any other day of the week that the following 'notable dates' occur:

- The Sunday of every Easter, May, Spring and August Bank Holiday weekends
- St. Patrick's Day
- St. George's Day
- Halloween

Provision of Facilities for Dancing may occur, in addition to the weekend hours and the notable dates stated above, on 7 additional dates in every calendar year. On these additional dates a written log is to be kept by the licensee of the event held and made available to the Licensing Authority at their request.

PART M - Supply of alcohol

Monday to Thursday 1100hrs to 2330hrs

Friday and Saturday 1100hrs to 0100hrs the following morning

Sunday 1200hrs to 2330hrs

Plus on the following notable dates :

	<ul style="list-style-type: none"> • The Sunday of every Easter, May, Spring and August Bank Holiday weekends the terminal hour is to be 2400hrs. <p>Plus on the following notable dates:</p> <ul style="list-style-type: none"> • Halloween • St. Patrick's Day • St. George's Day <p>When the terminal hour is to be 2400hrs, unless the notable date falls on a Friday or Saturday when the terminal hour will be 0100hrs the following morning.</p> <p>On 7 additional dates which are to be determined at the licensee's discretion, the terminal hour will be 2400hrs, unless the additional date falls on a Friday or Saturday when the terminal hour will be 0100hrs the following morning.</p>
<p>RESTRICTIONS/ CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions offered by the applicant in order to promote the four licensing objectives set out in part Q of their application, with the exception of the section that refers to 'Door Supervisors' which has now been withdrawn by the applicant.</p> <p>The applicant has confirmed, during the course of the hearing, that in relation to New Year's Eve they wish to retain all permitted hours & associated benefits that are currently provided under their conversion application, not the hours they have stated in their application for variation.</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 condition(s) are:</p> <ol style="list-style-type: none"> 1. During events with 'regulated entertainment' all doors and windows will be kept closed & in any event all doors and windows will be kept closed after 2330hrs every evening. <p><u>Furthermore:</u></p> <p>In relation to the notable dates and the 7 additional dates, the licence will be subject to the following conditions proposed by the applicant.</p>

	<p>a) The premises will close to the public at 0030hrs the following morning; unless it is a Friday or Saturday when the closing hour will be 0130hrs the following morning.</p> <p>b) The terminal hour for the sale of alcohol will be 2400hrs, unless it is a Friday or Saturday when the terminal hour will be 0100hrs the following morning.</p> <p>c) The number of notable dates and additional 7 dates in any calendar year will not exceed a total of 15.</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> <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>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</i></p>

	<p><i>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>COMMENCEMENT DATE</p>	<p>This licence will come into effect from the second appointed day, namely the 24th of November 2005.</p>
<p>RIGHTS OF REVIEW</p>	<p>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.</p>