

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

Date of Hearing	Wednesday 9 <sup>th</sup> August 2005
Members of Panel	P. Clark, J. Kirby and L. McNamara
Applicant(s) Name	Punch Taverns PLC
Premises Address	Victoria, 11 Sun Street, Baldock, Herts, SG8 9AW
Date of Application	Thursday 8 <sup>th</sup> June 2005
<b>APPLICATION FOR VARIATION</b>	<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 set out below.</p> <p><b><u>1. OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Monday to Thursday 1100hrs to 2400hrs Friday and Saturday 1100hrs to 0130hrs the following morning Sunday 1200hrs to 2400hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <p>Christmas Eve Boxing Day</p> <p>On all these days the opening hours will extend for one additional terminal hour.</p> <p>And:</p> <p>The licence will reflect the existing New Year's Eve and New Year's Day hours with regard to permitted hours of opening.</p>

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

**PART E – Live Music**

**PART F – Recorded Music**

**PART K – Karaoke (Provision of Facilities for entertainment of a similar description to that falling within I or J)**

**PART M – Supply of Alcohol**

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

**PART E – Live Music**

The permitted hours are:

Monday to Thursday	1100hrs to 2330hrs
Friday and Saturday	1100hrs to 2400hrs
Sunday	1200hrs to 2330hrs

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

Christmas Eve  
Boxing Day

On all these days the permitted hours for live music will extend for one additional terminal hour.

And:

The licence will reflect the existing New Year's Eve and New Year's Day hours.

**PART F – Recorded Music**

The permitted hours are:

Monday to Thursday	1100hrs – 2330hrs
Friday and Saturday	1100hrs – 2400hrs
Sunday	1200hrs – 2330hrs

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

Christmas Eve  
Boxing Day

On all these days the permitted hours for recorded music will extend for one additional terminal hour.

And:

The licence will reflect the existing New Year's Eve and New Year's Day hours.

**PART K – Karaoke**

(Provision of Facilities for entertainment of a similar description to that falling within I or J)

Permitted hours are:

Monday to Thursday            1100hrs – 2330hrs  
Friday and Saturday         1100hrs – 2400hrs  
Sunday                                1200hrs – 2330hrs

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

Christmas Eve  
Boxing Day

On all these days the permitted hours for karaoke will extend for one additional terminal hour.

And:

The licence will reflect the existing New Year’s Eve and New Year’s Day hours.

**PART M - Supply of Alcohol**

Permitted hours for the supply of alcohol are:

Monday to Thursday   1100hrs – 2330hrs  
Friday and Saturday   1100hrs – 0100hrs the following morning  
Sunday                        12 noon – 2330hrs

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

Christmas Eve  
Boxing Day

On all these days the permitted hours for the supply of alcohol will extend for one additional terminal hour.

And:

The licence will reflect the existing New Year’s Eve and New Year’s Day hours.

**CONDITIONS  
DEEMED  
NECESSARY FOR  
THE PROMOTION  
OF THE  
LICENSING  
OBJECTIVES**

The Sub-Committee recognises that conditions will only 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.

The following conditions, which have been proposed by the applicant

	<p>in the course of the hearing are considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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.</p> <p>Plus the following conditions as confirmed during the course of the hearing by the applicant:</p> <ol style="list-style-type: none"> <li>1. The outside area shown on the plan of the premises, attached to the application, will not be used at any time for the playing or performance of regulated entertainment.</li> <li>2. Amplified and/or unamplified music is to be performed by no more than 2 entertainers.</li> <li>3. Amplified Recorded Music is to be played ancillary to the sale of alcohol.</li> </ol> <p>All doors and windows shall be kept closed when regulated entertainment is being provided except to allow egress and ingress to the premises and in the event of an emergency.</p> <p>Any outside area shown on the plan of the premises, attached to the application, shall cease to be used at 11pm on all nights.</p> <p>All speakers that broadcast sound to the outside area of the premises shall be removed and none shall be erected in the future.</p>
<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 <u>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.</u></p> <p>4.3 <u>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.</u></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>
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the second appointed day, namely the 24 <sup>th</sup> of November 2005.
<b>RIGHTS OF REVIEW</b>	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.