

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

Date of Hearing	Thursday 11 th August 2005
Members of Panel	P. Clark, A. Kingman and M. Weeks
Applicant(s) Name	Ms Wendy D Mower and Howard William Phillips
Premises Address	The Half Moon PH, 57 Queen Street, Hitchin, Herts, SG4 9TZ
Date of Application	Saturday 11 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 permitted opening hours are:</p> <p>Monday to Thursday 1000hrs – 0030hrs the following morning Friday and Saturday 1000hrs – 0130hrs the following morning Sunday 1200hrs – 2330hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The permitted licensable activities are:</p> <ul style="list-style-type: none"> • PART E – Live Music • PART F – Recorded Music • PART J – Provision of facilities for dancing • PART M – Supply of Alcohol <p>The applicant has withdrawn his application, in the course of this hearing, for the licensable activity stated at PART I of the application, namely the provision of facilities for making music (karaoke).</p> <p>The hours during which the licensable activities may take place are:</p>

	<p>PART E – Live Music</p> <p>Monday to Thursday 1000hrs – 2400hrs Friday and Saturday 1000hrs – 0100hrs the following morning Sunday 1200hrs – 2300hrs</p> <p>PART F – Recorded Music</p> <p>Monday to Thursday 1000hrs – 2400hrs Friday and Saturday 1000hrs – 0100hrs the following morning Sunday 1200hrs – 2300hrs</p> <p>PART J – Provision of facilities for dancing standard days and timings</p> <p>Monday to Thursday 1000hrs – 2400hrs Friday and Saturday 1000hrs – 0100hrs the following morning Sunday 1200hrs – 2300hrs</p> <p>PART M - Supply of alcohol</p> <p>Monday to Thursday 1000hrs – 2400hrs Friday and Saturday 1000hrs – 0100hrs the following morning Sunday 1200hrs – 2300hrs</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>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.</p> <p>Plus:</p> <ol style="list-style-type: none"> 1. During events where regulated entertainment is provided all doors and windows will be kept closed after 1100hrs every evening, except to allow for egress and ingress and in the event of an emergency. 2. Any outside area of the premises that is used for the provision of licensable activities shall cease to be used at 1100hrs. 3. Regulated entertainment shall not be provided in any outside area of the licensed premises at any time.

	<p>4. That no children, as defined by the Licensing Act 2003, will be allowed inside premises but will be allowed access to Patio and Garden area of the premises.</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>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>
<p>COMMENCEMENT</p>	<p>This licence will come into effect from the second appointed day, namely the 24th of November 2005.</p>

DATE	
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.