

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

Date of Hearing	Monday 15 th August 2005
Members of Panel	J. Kirby, M.R.M. Muir and S. Wren
Applicant(s) Name	Punch Taverns PLC
Premises Address	Sir John Barleycorn, Oughton Head Way, Hitchin, Herts, SG5 2JZ
Date of Application	Thursday 16 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 1100hrs to 2400hrs Friday & Saturday 1100hrs to 0030hrs the following morning Sunday 1200hrs to 2400hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> PART E – Live Music • <input type="checkbox"/> PART F – Recorded Music • <input type="checkbox"/> PART J – Provision of facilities for dancing • <input type="checkbox"/> PART K – Karaoke (Provision of facilities for entertainment of a similar description to that falling within I or J) • <input type="checkbox"/> PART M – Supply of Alcohol <p>The Sub-Committee has determined that the hours during which the licensable activities may take place are:</p>

PART E – Live Music

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday & Saturday 1100hrs to 2400hrs
Sunday 1230hrs to 2330hrs

PART F – Recorded Music

The permitted hours are:

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

PART J – Provision of facilities for dancing

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday & Saturday 1100hrs to 2400hrs
Sunday 1230hrs to 2330hrs

PART K – Karaoke

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

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday & Saturday 1100hrs to 2400hrs
Sunday 1230hrs to 2330hrs

PART M – Supply of Alcohol

The permitted hours are:

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

NON-STANDARD TIMINGS

The permitted hours set out above are to apply each day of the year with the exception of:

- Christmas Eve
- Boxing Day

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

	<p><u>And:</u></p> <p>The licence will reflect the existing New Year's Eve and New Year's Day hours.</p> <p>The Sub-Committee has refused to grant the non-standard timings sought by the applicant in relation to:</p> <ul style="list-style-type: none"> • The Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend. • Every Friday, Saturday and Sunday of the May, Spring and August Bank Holiday weekends. <p>The Sub-Committee has refused this request on the basis of the representation regarding the impact that later opening hours will have on Bank Holiday weekends. In reaching this decision the Sub-Committee takes into account that the nature of the area and the proximity of residential properties to the premises. The Sub-Committee feels that by refusing this application for non-standard timings this will promote the licensing objective of the prevention of public nuisance.</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 conditions the Sub-Committee considers necessary to promote the licensing objective of the prevention of public nuisance are:</p> <ol style="list-style-type: none"> 1. Any outside area shown on the plan of the premises, attached to the application, shall cease to be used at 2300hrs every evening. 2. All doors and windows shall be kept closed after 2300hrs every evening except to allow egress and ingress to the premises and in the event of an emergency.
<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 the following conditions:</p> <ol style="list-style-type: none"> 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. 2. Amplified Recorded Music is to be played ancillary to the sale of alcohol.

	<p>3. 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>REMOVAL OF EXISTING 'PEL' CONDITIONS</p>	<p>The applicant has sought to have the conditions set out at part P of his application removed.</p> <p>The Sub-Committee allows the request in respect of the removal of existing terminal hours. This clause reads:</p> <p><i>'Entertainment under the PEL must cease at midnight Monday to Saturday and at 10pm on Sunday'</i></p> <p>The Sub-Committee refuses this request in respect of the number of occasions on which regulated entertainment may be provided in one calendar week. This clause reads:</p> <p><i>'Entertainment may only be used in any one week on Fridays and Saturdays and on one occasion between Sunday and Thursday'</i></p> <p>The Sub-Committee has refused this request on the basis of the representations that they have heard regarding the impact of regulated entertainment on the interested parties. The Sub-Committee feels that refusing this application will promote the licensing objective of the prevention of public nuisance.</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>9. The Prevention of Public Nuisance</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>
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.