

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

Date of Hearing	Tuesday 16 th August 2005
Members of Panel	L. Kercher, M. Muir, J. Kirby
Applicant(s) Name	The Laurel Pub Company LTD
Premises Address	Hogshead, The Colonnade, Station road, Letchworth Garden City, Herts SG6 3AN
Date of Application	Monday 20 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>Either:</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 applied for are:</p> <p>Monday to Wednesday 0900hrs to 2400hrs Thursday 0900hrs to 0030hrs the following morning Friday and Saturday 0900hrs to 0130hrs the following morning Sunday 1100hrs to 2400hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> •□□□ Every Friday, Saturday, Sunday and Monday of Bank Holiday Weekends, •□□□ Christmas Eve, •□□□ Boxing Day, <p>On all these days the terminal 'opening' hour will be 0230hrs the following morning.</p> <p><u>And</u></p> <p>On Christmas day the permitted opening hours will be from 1200hrs to 2330hrs</p>

And

On New Year's Eve the permitted opening hours will be from 1000hrs on the morning of New Year's Eve to the permitted terminal hour the following day.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART B – Films
- PART C – Indoor Sporting Events
- PART E – Live Music
- PART F – Recorded Music
- PART G – Performances of dance
- PART I – Provision of facilities for making music
- PART J – Provision of facilities for dancing
- PART L – late night refreshment
- PART M – Supply of alcohol

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

PART B – Films

Monday to Wednesday	0900hrs to 2330hrs
Thursday	0900hrs to 2400hrs
Friday and Saturday	0900hrs to 0100hrs the following morning
Sunday	1100hrs to 2330hrs

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

- Every Friday, Saturday, Sunday and Monday of Bank Holiday Weekends,
- Christmas Eve,
- Boxing Day,

On all these days the terminal hour will be 0200hrs the following morning.

And

On Christmas day the permitted hours will be from 1200hrs to 2300hrs

And

On New Year's Eve the permitted hours will be from 1000hrs on the morning of New Year's Eve to the permitted terminal the following day.

PART C – Indoor sporting events

Monday to Wednesday	0900hrs – 2330hrs
Thursday	0900hrs – 2400hrs
Friday and Saturday	0900hrs – 0100hrs the following morning
Sunday	1100hrs – 2330hrs

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

- Every Friday, Saturday, Sunday and Monday of Bank Holiday Weekends,
- Christmas Eve,
- Boxing Day,

On all these days the terminal hour will be 0200hrs the following morning.

And

On Christmas day the permitted hours will be from 1200hrs to 2300hrs

And

On New Year's Eve the permitted hours will be from 1000hrs on the morning of New Year's Eve to the permitted terminal the following day.

PART E – Live music

PART F – Recorded Music

PART G – Performance of dance

PART I – Provision of facilities for making music

PART J – Provision of facilities for dancing

Monday to Sunday	1900hrs to 2330hrs
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PART L – Late night refreshment

Monday to Wednesday	2300hrs to 2330hrs
Thursday	2300hrs to 2400hrs
Friday and Saturday	2300hrs to 0100hrs the following morning
Sunday	2300hrs to 2330hrs

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

- Every Friday, Saturday, Sunday and Monday of Bank Holiday Weekends,
- Christmas Eve,
- Boxing Day,

On all these days the terminal hour will be 0200hrs the following morning.

And

On Christmas day the permitted hours will be from 1200hrs to 2300hrs

And

On New Year's Eve the permitted hours will be from 1000hrs on the morning of New Year's Eve to the permitted terminal the following day.

PART M – Supply of alcohol

Monday to Wednesday	0900hrs to 2330hrs
Thursday	0900hrs to 2400hrs
Friday and Saturday	0900hrs to 0100hrs the following morning
Sunday	1100hrs to 2330hrs

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

- Every Friday, Saturday, Sunday and Monday of Bank Holiday Weekends,
- Christmas Eve,
- Boxing Day,

On all these days the terminal hour will be 0200hrs the following morning.

And

On Christmas day the permitted hours will be from 1200hrs to 2300hrs

And

On New Year's Eve the permitted hours will be from 1000hrs on the morning of New Year's Eve to the permitted terminal the following day.

3. NON-STANDARD TIMINGS

For the following licensable activities; Live music, Recorded Music, Performance of dance, Provision of facilities for making music, Provision of facilities for dancing these activities are permitted to take place for extended hours on 14 additional days in every calendar year. The 14 days are to include Christmas Eve and New Year's Eve. On these 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.

- If the event falls on a Thursday the terminal hour will be 2400hrs. (an additional ½ hour from the standard timing)

	<ul style="list-style-type: none"> • If the event falls on a Friday or Saturday the terminal hour will be 0100hrs the following morning. (an additional 1½ hours from standard timing)
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	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.
CONDITIONS PROPOSED BY APPLICANT	<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 by the applicant in the course of the hearing:</p> <ol style="list-style-type: none"> 1. The removal of all embedded restrictions as contained in the Licensing Act 1964, the Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985. 2. The outside area as shown on the plan of the premises, attached to the original application, will not be used at any time for the playing or performance of regulated entertainment. 3. The outside area as shown on the plan of the premises, attached to the application, which is used for the provision of licensable activities shall cease to be used at 2330hrs every day. 4. On every Friday and Saturday nights there shall be provided at the premises, a minimum of 2 door supervisors who are registered with the Security Industry Association. They will control entry to the premises from 8:00pm to the close of business. 5. No entry or re-entry to the premises after 2400hrs by members of the public. 6. All persons aged under 18 years will not be allowed entry to the premises, or will be removed from the premises before any video, television or film transmissions are broadcast that have been classified as unsuitable for persons under 18 years of age.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	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.

STATEMENT OF LICENSING POLICY

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.

4. Regulating Licensing

4.1 *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.*

4.2 *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.*

4.3 *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.*

7. Licensing Hours

7.1 *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.*

7.2 *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.*

COMMENCEMENT DATE

This licence will come into effect from the second appointed day, namely the 24th 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.