

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

Date of Hearing	Tuesday 16 th August 2005						
Members of Panel	P. Clark, J Cunningham and S. Wren						
Applicant(s) Name	Mr J S Samara						
Premises Address	Bedford Arms, 13 Bedford Road, Hitchin, Herts, SG5 2TP						
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> <table style="margin-left: 20px;"> <tr> <td>Monday to Thursday</td> <td>1100hrs to 2400hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>1100hrs to 0030hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1200hrs to 2300hrs</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> •☐☐☐ New Years Eve <p>On all this day the terminal hour will be 0200hrs the following morning (New Year's Day)</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> •☐☐☐ PART E – Live Music •☐☐☐ PART F – Recorded Music •☐☐☐ PART I – Provision of facilities for making music •☐☐☐ PART M – Supply of Alcohol <p>The hours during which the licensable activities may take place are:</p>	Monday to Thursday	1100hrs to 2400hrs	Friday and Saturday	1100hrs to 0030hrs the following morning	Sunday	1200hrs to 2300hrs
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	<p>PART E – Live Music</p> <p>Friday and Saturday 1200hrs to 2400hrs</p> <p>PART F – Recorded Music</p> <p>Friday and Saturday 1200hrs to 2400hrs Sunday 2000hrs to 2230hrs</p> <p>PART I – Provision of facilities for making music</p> <p>Friday and Saturday 2000hrs to 2400hrs Sunday 2000hrs to 2230hrs</p> <p>PART M – Supply of Alcohol</p> <p>Monday to Thursday 1100hrs to 2330hrs Friday and Saturday 1100hrs to 2400hrs Sunday 1200hrs to 2230hrs</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • New Years Eve <p>On all this day the terminal hour will be 0100hrs the following morning (New Year's Day)</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. All doors and windows shall be kept closed after 2200hrs every evening except to allow egress and ingress to the premises and in the event of an emergency. 2. The outside area as 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. 3. No entry or re-entry to the premises after 2300hrs by members of the public.
<p>REMOVAL OF EXISTING CONDITIONS</p>	<p>The applicant has sought to have the condition set out at part P of his application removed. This condition allows the applicant to open on either a Friday or Saturday from 1200hrs to 2400hrs.</p> <p>The Sub-Committee allows this request. The condition is removed.</p>

	<p>Under the pre-existing licence on the occasions when this condition was utilised the applicant was prohibited from allowing any person to enter the premises after 2300hrs. The applicant has indicated that he intends to be bound by this condition under the new licence.</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 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>
COMMENCEMENT DATE	<p>This licence will come into effect from the second appointed day, namely the 24th of November 2005.</p>
RIGHTS OF REVIEW	<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>