

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

Date of Hearing	Wednesday 17 <sup>th</sup> August 2005
Members of Panel	P. Burt, P. Clark and M. Muir.
Applicant(s) Name	Gary Scott
Premises Address	Waggon and Horses, 27 High Street, Graveley, Herts, SG4 7LE
Date of Application	Thursday 23 <sup>rd</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 <b>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1.        <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Sunday to Thursday    0700hrs to 0030hrs the following morning Friday &amp; Saturday     0700hrs to 0130hrs the following morning</p> <p><b>2.        <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> PART B – Films</li> <li>• <input type="checkbox"/> PART C – Indoor Sporting Events</li> <li>• <input type="checkbox"/> PART E – Live Music</li> <li>• <input type="checkbox"/> PART F – Recorded Music</li> <li>• <input type="checkbox"/> PART G – Performances of dance</li> <li>• <input type="checkbox"/> PART H – Anything of a similar description to that falling within E, F or G</li> <li>• <input type="checkbox"/> PART J – Provision of facilities for dancing</li> <li>• <input type="checkbox"/> PART L – Late night refreshment</li> <li>• <input type="checkbox"/> PART M – Supply of alcohol</li> </ul> <p>The hours during which the licensable activities may take place are:</p>

**PART B – Films**

**PART C – Indoor sporting events**

Sunday to Thursday 0700hrs to 2400hrs  
Friday & Saturday 0700hrs to 0100hrs the following morning

**PART E – Live music**

**PART F – Recorded Music**

**PART G – Performance of dance**

**PART H – Anything of a similar description to that falling within E,F or G**

**PART J – Provision of facilities for dancing**

Sunday to Thursday 1100hrs to 2300hrs  
Friday & Saturday 1100hrs to 0100hrs the following morning

**PART L – Late night refreshment**

Sunday to Thursday 2300hrs to 2400hrs  
Friday & Saturday 2300hrs to 0100hrs the following morning

**PART M – Supply of alcohol**

Sunday to Thursday 0700hrs to 2400hrs  
Friday & Saturday 0700hrs to 0100hrs the following morning

**3. NON-STANDARD TIMINGS**

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

1. New Year's Eve. The licence will reflect the pre-existing New Year's Eve and New Year's Day hours.
2. The Sunday of all Bank Holiday Weekends. On these days the permitted hours will be the standard permitted hours that apply to Friday or Saturday.
3. Christmas Eve. On this day the permitted hours will be the standard permitted hours that apply to Friday or Saturday.
4. Boxing Day. On this day the permitted hours will be the standard permitted hours that apply to Friday or Saturday.
5. The applicant shall be entitled to hold 20 events per year that will have extended hours. When these events fall on any day other than Friday or Saturday then the permitted hours will be the standard permitted hours that apply to Friday or Saturday. On these dates a written log is to be kept by the licensee of the event held and will be made available to the Licensing Authority at their request.

**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 are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.

The condition(s) are:

1. No entry or re-entry to the premises after 12:00 midnight by members of the public.
2. Any outside area as shown on the plan of the premises attached to the application, will not be used at any time for the performance of Regulated Entertainment. 'Regulated Entertainment' means the provision of entertainment and entertainment facilities as defined in schedule 1 of the Licensing Act 2003. Any entertainment and entertainment facilities which do not fall within this definition may still take place in the outside area of the premises.
3. During events where regulated entertainment is provided all doors and windows will be kept closed after 2300hrs to every evening except to allow for the egress and ingress and in the event of an emergency. 'Regulated Entertainment' means the provision of entertainment and entertainment facilities as defined in schedule 1 of the Licensing Act 2003. Any entertainment and entertainment facilities which do not fall within this definition may still take place inside the premises whilst the windows and doors remain open.

**CONDITIONS  
PROPOSED BY  
APPLICANT**

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.

Plus:

The premises will not show any video, television or film transmissions that have been classified as unsuitable for persons under 18 years of age.

And

For:

**PART B – Films**

**PART C – Indoor Sporting Events**

**PART L – Late night refreshment**

These licensable activities shall only be permitted to take place inside the premises as shown on the plan attached to the application.

	<p><u>For:</u>  <b>PART E – Live Music</b>  <b>PART F – Recorded Music</b>  <b>PART G – Performances of dance</b>  <b>PART H – Anything of a similar description to that falling within E, F or G</b>  <b>PART J – Provision of facilities for dancing</b></p> <p>These licensable activities shall not be permitted to take place in the outside area of the premises as shown on the plan attached to the application after 2300hrs in the evening.</p> <p><u>For:</u>  <b>PART M – Supply of alcohol</b></p> <p>This supply of alcohol will be permitted for consumption both on and off the premises.</p>
<p><b>REMOVAL OF EMBEDDED RESTRICTIONS</b></p>	<p>At part P of the application the applicant has sought to have all embedded restrictions removed. The Sub-Committee allows this request. The Sub-Committee is satisfied the new licence will sufficiently promote the licensing objectives without transferring the existing embedded restrictions.</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 <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><b>5. Licence Conditions</b></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>
<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.