

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

Date of Hearing	Monday 22 <sup>nd</sup> August 2005
Members of Panel	S. Bloxham, J. Cunningham and J. Kirby
Applicant(s) Name	Punch Taverns PLC
Premises Address	The Fox, High Street, Pirton, Herts, SG5 3PS
Date of Application	Wednesday 8 <sup>th</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>Monday to Thursday 1100hrs to 2330hrs  Friday &amp; Saturday 1100hrs to 0030hrs the following morning  Sunday 1200hrs to 2300hrs</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 E – Live Music</li> <li>• <input type="checkbox"/> PART F – Recorded Music</li> <li>• <input type="checkbox"/> PART K – Provision of facilities for entertainment of a similar description to that falling within I or J (Karaoke)</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> <p><b>PART E – Live Music</b></p> <p>Monday to Saturday 1900hrs to 2300hrs  Sunday 1900hrs to 2230hrs</p>

**PART F – Recorded Music**

Monday to Saturday 1900hrs to 2300hrs  
Sunday 1900hrs to 2230hrs

**PART K – Provision of Facilities for entertainment of a similar description to that falling within I or J (Karaoke)**

Monday to Saturday 1900hrs to 2300hrs  
Sunday 1900hrs to 2230hrs

**PART M – Supply of Alcohol**

Monday to Thursday 1100hrs to 2300hrs  
Friday 1100hrs to 2400hrs  
Saturday 1100hrs to 2400hrs  
Sunday 1200hrs to 2230hrs

The Sub-Committee has restricted the hours for the provision of regulated entertainment in accordance with the request made by the applicant in the course of the hearing.

**3. NON-STANDARD TIMINGS**

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

- Christmas Eve
- Boxing Day
- 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.

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

And:

The licence will reflect the existing New Year’s Eve and New Year’s Day hours.

**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.

<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be granted subject to those conditions, which are consistent with the steps offered by the applicant in order to promote the four licensing objectives set out in part Q of their application.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> <li>1. 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 after 2300hrs in the evening.</li> <li>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 (live music, recorded music, karaoke).</li> <li>3. Live music is to be performed by no more than 2 entertainers.</li> <li>4. Recorded music is to be ancillary to the sale of alcohol.</li> <li>5. During events where regulated entertainment is provided all doors and windows will be kept closed every evening, except to allow for egress and ingress to the premises and in the event of an emergency.</li> <li>6. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring the customers to leave the premises and the area quietly.</li> </ol>
<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</i></p>

	<p><i>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> <p><b>9. The Prevention of Public Nuisance</b></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>
<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.