

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

Date of Hearing	Tuesday 23 rd August 2005						
Members of Panel	J. Cunningham, J. Kirby and A. Kingman,						
Applicant(s) Name	Mr Roger Dance						
Premises Address	King William IV PH, Mangrove Green, Cockernhoe, Luton, Bedfordshire, LU2 8QE						
Date of Application	Saturday 18 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 <u>approved</u> 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><tr><td>Monday to Thursday</td><td>1000hrs to 2330hrs</td></tr><tr><td>Friday & Saturday</td><td>1000hrs to 0030hrs the following morning</td></tr><tr><td>Sunday</td><td>1000hrs to 2400hrs</td></tr></table> <p>These hours are to apply each day of the year with the exception of:</p> <ol style="list-style-type: none">1. Christmas Eve when the permitted terminal hour will be 0120hrs the following morning.2. Bank Holiday Sundays when the permitted terminal hour will be 0150hrs the following morning.3. New Year's Eve when the permitted terminal hour will 0320hrs the following morning.	Monday to Thursday	1000hrs to 2330hrs	Friday & Saturday	1000hrs to 0030hrs the following morning	Sunday	1000hrs to 2400hrs
Monday to Thursday	1000hrs to 2330hrs						
Friday & Saturday	1000hrs to 0030hrs the following morning						
Sunday	1000hrs to 2400hrs						

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- **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 M – Supply of alcohol**

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

- 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**

Monday to Thursday 1200hrs to 2300hrs
Friday & Saturday 1200hrs to 2400hrs
Sunday 1200hrs to 2300hrs

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

1. Christmas Eve when the permitted terminal hour will be 0100hrs the following morning.
2. Bank Holiday Sundays when the permitted terminal hour will be 0130hrs the following morning.
3. New Year's Eve when the permitted terminal hour will 0300hrs the following morning.

PART M – Supply of alcohol

Monday to Thursday 1000hrs to 2300hrs
Friday & Saturday 1000hrs to 2400hrs
Sunday 1000hrs to 2330hrs

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

1. Christmas Eve when the permitted terminal hour will be 0100hrs the following morning.
2. Bank Holiday Sundays when the permitted terminal hour will be 0130hrs the following morning.
3. New Year's Eve when the permitted terminal hour will 0300hrs the following morning.

CONDITIONS PROPOSED BY APPLICANT

This licence will be subject to those conditions, which are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in part Q of their application.

Plus:

	<ol style="list-style-type: none"> 1. Any outside area as shown on the plan of the premises attached to the application will not be used at any time for the following licensable activities: <ul style="list-style-type: none"> •□□□ Live Music, •□□□ Recorded Music, •□□□ Performances of Dance, •□□□ Provision of Facilities for Making Music •□□□ Provision of Facilities for Dancing. 2. 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. 'Regulated Entertainment' means the provision of entertainment and entertainment facilities as defined in schedule 1 of the Licensing Act 2003.
<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 following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. Any outside area as shown on the plan of the premises attached to the application, which is used for the provision of licensable activities, will not be used after 2300hrs. 2. 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 patrons to leave the premises and the area quietly.
<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</i></p>

	<p><i>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>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>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.

