

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

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| Date of Hearing | Tuesday 30 th August 2005 |
| Members of Panel | S. Bloxham, P. Burt and L. McNamara, |
| Applicant(s) Name | Greene King Retailing Limited |
| Premises Address | Engine, 3 Station Road, Baldock, Hertfordshire, SG7 3JF |
| Date of Application | Tuesday 5 th July 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> <p>Monday to Thursday 1100hrs to 0030hrs the following morning Friday 1100hrs to 0130hrs the following morning Saturday 1100hrs to 0130hrs the following morning Sunday 1200hrs to 0030hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> •□□□ Christmas Eve •□□□ Christmas Day •□□□ Boxing Day •□□□ New Years Eve •□□□ New Years Day •□□□ Spring and August Bank Holidays excluding Monday evenings •□□□ Good Friday •□□□ Easter Saturday, Sunday and Monday •□□□ Any other Bank Holidays •□□□ St George's Day •□□□ In the event of the transmission of any national or international sporting events or non-sporting events. <p>On all these days the permitted hours will be from 1100hrs to 0200hrs the following morning. Except that In the event of the</p> |

transmission of any live national or international sporting events or non-sporting events, to open 30 minutes before the start of the event (the due kick off/start time) and close 30 minutes after the end of the event (the final whistle, presentation of cup, etc.).

The Licensing Authority notes that the applicant has agreed to provide details of sporting non/sporting events in writing to the Licensing Department at Hitchin Police Station, with at least 14 days notice in advance. The applicant has entered into an arrangement with the Police that events will only take place once agreed by the Police in writing.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART J – Provision of Facilities for dancing
- PART M – Supply of alcohol

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

PART E – Live Music

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| Friday | 1900hrs to 2400hrs |
| Saturday | 1900hrs to 2400hrs |

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Eve
- New Years Day
- Spring and August Bank Holidays, excluding Mondays.
- Good Friday
- Easter Saturday, Sunday and Monday
- Any other Bank Holidays.

On all these days the permitted hours will be from 1100hrs to 2400hrs the following morning on a Friday or Saturday or 2300hrs on other nights.

And

The applicant shall be entitled to hold 12 events per year that will have extended hours. On all these days the permitted hours will be from 1100hrs to 2400hrs the following morning on a Friday and Saturday or 2300hrs on other nights . 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.

PART F – Recorded Music

Friday 1900hrs to 2400hrs
Saturday 1900hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Eve
- New Years Day
- Spring and August Bank Holidays, excluding Mondays.
- Good Friday
- Easter Saturday, Sunday and Monday
- Any other Bank Holidays

On all these days the permitted hours will be from 1100hrs to 2400hrs the following morning on Friday and Saturday nights and 2300hrs on other nights.

And

The applicant shall be entitled to hold 12 events per year that will have extended hours. On all these days the permitted hours will be from 1100hrs to 2400hrs the following morning on Friday and Saturday nights and 2300hrs on other nights. 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.

PART J – Provision of Facilities for dancing

Friday 1900hrs to 2400hrs
Saturday 1900hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Eve
- New Years Day
- Spring and August Bank Holidays, excluding Mondays.
- Good Friday
- Easter Saturday, Sunday and Monday
- Any other Bank Holidays

On all these days the permitted hours will be from 1100hrs to 2400hrs the following morning on Friday and Saturday nights and 2300hrs on other nights.

And

The applicant shall be entitled to hold 12 events per year that will have extended hours. On all these days the permitted hours will be from 1100hrs to 2400hrs on Friday and Saturday nights and 2300hrs on other nights. 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.

PART L – Late night refreshment

The permitted hours are:

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| Monday to Thursday | 2300hrs to 0030hrs the following morning |
| Friday | 2300hrs to 0130hrs the following morning |
| Saturday | 2300hrs to 0130hrs the following morning |
| Sunday | 2300hrs to 0030hrs the following morning |

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Eve
- New Years Day
- Spring and August Bank Holidays, excluding Mondays.
- Good Friday
- Easter Saturday, Sunday and Monday
- Any other Bank Holidays.

On all these days the permitted hours will be from 2300hrs to 0200hrs the following morning.

PART M – Supply of Alcohol

The permitted hours are:

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| Monday to Thursday | 1100hrs to 2400hrs |
| Friday | 1100hrs to 0100hrs the following morning |
| Saturday | 1100hrs to 0100hrs the following morning |
| Sunday | 1200hrs to 2400hrs the following morning |

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Eve
- New Years Day
- Spring and August Bank Holidays, excluding Mondays.
- Good Friday
- Easter Saturday, Sunday and Monday

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| | <ul style="list-style-type: none"> • Any other Bank Holidays. • St George's Day • In the event of the transmission of any national or international sporting events or non-sporting events. <p>On all these days the permitted hours will be from 1100hrs to 0130hrs the following morning.</p> <p>Except that in the event of the transmission of any live national or international sporting events or non-sporting events, the permitted supply of alcohol will match the opening hours, namely 30 minutes before the start of the event (the due kick off/start time) and close 30 minutes after the end of the event (the final whistle, presentation of cup, etc.).</p> |
| <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 condition(s) are:</p> <ol style="list-style-type: none"> 1. No regulated entertainment is to take place outside Sunday to Thursday after 2100hrs and Friday and Saturday and bank holidays as specified in application after 2200hrs. 2. The garden is to be cleared of all patrons by 2300hrs Sunday to Thursday and 2300hrs Friday and Saturday. |
| <p>CONDITIONS PROPOSED BY APPLICANT</p> | <p>This licence will be 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>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> |

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.*

5. Licence Conditions

5.1 *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.*

5.2 *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.*

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*

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| | <p>necessary to promote one or more of the Licensing Objectives.</p> <p>8. Children and Licensed Premises</p> <p>8.1 <i>The Council recognises the diversity of premises that will be licensed under the Act. The premises will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. Access by children to any premises will not be limited unless it is considered necessary for the prevention of physical, moral or psychological harm to them.</i></p> <p>8.2 <i>When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.</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> <p>10. Live Music, Dancing and Theatre</p> <p>10.1 <i>The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</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. |