

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

Date of Hearing	Tuesday 30 <sup>th</sup> August 2005
Members of Panel	A. Bardett, J Cunningham and L. Kercher
Applicant(s) Name	Greene King Retailing Limited
Premises Address	White Hart, 21 Hitchin Street, Baldock, Hertfordshire, SG6 6AL
Date of Application	Tuesday 5 <sup>th</sup> July 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><u>approved</u></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 1000hrs to 0030hrs the following morning  Friday &amp; Saturday 1000hrs to 0130hrs the following morning  Sunday 1100hrs 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"> <li>•□□□ Christmas Eve</li> <li>•□□□ Christmas Day</li> <li>•□□□ New Year's Day</li> <li>•□□□ Boxing Day</li> <li>•□□□ The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays</li> <li>•□□□ Good Friday</li> <li>•□□□ Easter Saturday, Sunday and Monday</li> </ul> <p>On these days the permitted hours will be from 1000hrs to 0230hrs the following morning.</p> <p><b><u>AND</u></b></p> <p>On days when live national or international sporting events are held and those events take place outside of the standard permitted hours,</p>

the premises may open 30 minutes before the start of the event (the due start time, kick off etc.) and/or close 30 minutes after the event (the final whistle, presentation of cup etc.).

AND

The premises will retain existing New Year's Eve and New Year's Day hours.

**2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART B - Films
- PART C – Indoor Sporting Events
- 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 B – Films**

Showing of classic films may occur on 12 occasions in any calendar year inside the standard permitted opening hours. On these occasions the films will cease no later than 2400hrs. On these occasions a written log is to be kept at the premises of the event held and made available to the licensing authority at their request.

**PART C – Indoor Sporting Events**

Live darts competitions may occur on 12 occasions in any calendar year inside the standard permitted opening hours. On these occasions the competitions will cease no later than 2400hrs. On these occasions a written log is to be kept at the premises of the event held and made available to the licensing authority at their request.

**PART E – Live Music**

Saturday	1900hrs to 2400hrs
Sunday	1900hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- New Year's Day
- New Year's Eve

- Boxing Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1000hrs to 2400hrs the following morning.

**PART F – Recorded Music**

Saturday	1900hrs to 2400hrs
Sunday	1900hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- New Year’s Day
- New Year’s Eve
- Boxing Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1000hrs to 2400hrs the following morning.

**PART J – Provision of Facilities for Dancing**

Saturday	1900hrs to 2400hrs
Sunday	1900hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- New Year’s Day
- New Year’s Eve
- Boxing Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1000hrs to 2400hrs the following morning.

**PART M – Supply of alcohol**

The standard permitted hours are:

Monday to Thursday 1000hrs to 2400hrs  
Friday & Saturday 1000hrs to 0100hrs the following morning  
Sunday 1100hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- New Year's Day
- New Year's Eve
- Boxing Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1000hrs to 0200hrs the following morning.

AND

On days when major sporting events are held and those events take place outside of the standard permitted hours, the premises may supply alcohol when the premises is open to the public.

**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. The patio as shown on the plan of the premises attached to the application, will not be used for the provision of regulated entertainment after 2300hrs in the evening.
2. All regulated entertainment will cease inside the premises at 2400hrs.

The Sub-Committee has taken into account the historic nature of the building and the limited internal measures that the applicant can take to restrict noise nuisance emanating from the premises. Given that background and taking into account the representations regarding noise nuisance the Sub-Committee has considered it necessary to

	restrict the hours that regulated may be provided to the public and the areas in which regulated entertainment may be provided.
<b>CONDITIONS PROPOSED BY APPLICANT</b>	<p>This licence will be subject to conditions that are consistent with the terms set out in part Q of their application, namely terms offered by the applicant in order to promote the four licensing objectives.</p> <p>Plus:</p> <ol style="list-style-type: none"> <li>1. All live music will be performed by no more than 2 entertainers.</li> <li>2. During events where regulated entertainment is provided all doors and windows will be kept closed after 2300hrs every evening, except to allow for egress and ingress and in the event of an emergency.</li> <li>3. No entry or re-entry to the premises after 2400hrs on Friday or Saturday nights.</li> </ol>
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	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.
<b>STATEMENT OF LICENSING POLICY</b>	<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> <p><b>7. Licensing Hours</b></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> <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.