

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

Date of Hearing	Wednesday 31 st August 2005
Members of Panel	P. Burt, P. Clark, and S. Wren.
Applicant(s) Name	Margaret Elizabeth Patterson
Premises Address	Old White Horse, 1 Station Road, Baldock, Hertfordshire, SG7 5BS
Date of Application	Monday 27 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 opening hours applied for are:</p> <p>Monday to Saturday 1000hrs to 0030hrs the following morning Sunday 1200hrs to 2330hrs</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 •☐☐☐ Boxing Day •☐☐☐ New Year's Eve •☐☐☐ Friday, Saturday, Sunday and Monday on Bank Holiday Weekends. <p>On all these days the permitted hours will be from 1000hrs to 0130hrs the following morning.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> •☐☐☐ PART B – Films •☐☐☐ PART C – Indoor sporting Events •☐☐☐ PART E – Live Music •☐☐☐ PART F – Recorded Music •☐☐☐ PART H – Anything of a similar description to that falling within

E, F or G

- PART I – Provision of facilities for making music
- PART J – Provision of Facilities for dancing
- PART L – Late night refreshment
- PART M – Supply of alcohol

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

PART B – Films

PART C – Indoor sporting Events

PART F – Recorded Music

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

PART I – Provision of facilities for making music

PART J – Provision of Facilities for dancing

Monday to Saturday 1000hrs to 2400hrs
Sunday 1200hrs to 2330hrs

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

- Christmas Eve
- Boxing Day
- New Year's Eve
- Friday, Saturday, Sunday and Monday on Bank Holiday Weekends.

On all these days the permitted hours will be from 1000hrs to 0100hrs the following morning.

PART E – Live Music

Monday to Saturday 1000hrs to 2400hrs
Sunday 1200hrs to 2330hrs

PART L – Late night refreshment

The opening hours applied for are:

Monday to Saturday 2300hrs to 2400hrs
Sunday 2300hrs to 2330hrs

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

- Christmas Eve
- Boxing Day
- New Year's Eve
- Friday, Saturday, Sunday and Monday on Bank Holiday Weekends.

On all these days the permitted hours will be from 2300hrs to

	<p>0100hrs the following morning. PART M – Supply of Alcohol</p> <p>Monday to Saturday 1000hrs to 2400hrs Sunday 1200hrs to 2300hrs</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 •☐☐☐ Boxing Day •☐☐☐ New Year’s Eve •☐☐☐ Friday, Saturday, Sunday and Monday on Bank Holiday Weekends. <p>On all these days the permitted hours will be from 1000hrs to 0100hrs the following morning.</p>
<p>NON-STANDARD TIMINGS</p>	<p>The applicant will be entitled to hold 30 events per year that will have extended hours. The applicant is entitled to hold the following licensable activities on these event days:</p> <ul style="list-style-type: none"> •☐☐☐ PART B – Films •☐☐☐ PART C – Indoor sporting Events •☐☐☐ PART F – Recorded Music •☐☐☐ PART H – Anything of a similar description to that falling within E, F or G •☐☐☐ PART I – Provision of facilities for making music •☐☐☐ PART J – Provision of Facilities for dancing •☐☐☐ PART L – Late night refreshment •☐☐☐ PART M – Supply of alcohol <p>On event days the permitted hours for all licensable activities will be 1000hrs to 1:00am the following morning. On event days the permitted opening hours will be from 1000hrs to 1:30am the following morning.</p> <p>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.</p> <p>It is noted that the applicant has agreed to provide the Hitchin Police with seven working days written notice when an event will be held on a Friday or Saturday and 14 days notice when an event will be held on any other day of the week.</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</p>

	<p>public nuisance. The condition is:</p> <ol style="list-style-type: none"> 1. During events where live music is performed all <u>doors</u> will be kept closed after 10:00pm except to allow for egress and ingress and in the event of an emergency.
CONDITIONS PROPOSED BY APPLICANT	<p>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.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. All live music will cease no later than 2400hrs. 2. During events where live music is performed <u>windows</u> will be kept closed after 2200hrs, except in the event of an emergency. 3. When live music to be played in the outside area of the premises this music will cease no later than 2100hrs in the evening. 4. The following licensable activities will only be provided indoors: <ul style="list-style-type: none"> PART B – Films PART F – Recorded Music PART H – Anything of a similar description to that falling within E, F or G PART J – Provision of Facilities for dancing PART L – Late night refreshment 5. The 'outside drinking area' of the premises (as marked on the plan attached to the application) shall close no later than 2330hrs everyday except during the Beer Festival held over the August Bank Holiday weekend when it shall close not later than 2400hrs. 6. That the premises will not broadcast films, videos and TV transmissions that have been classified by the British Board of Film Classification (BBFC) as unsuitable for persons under the age 18.
REMOVAL OF EMBEDDED RESTRICTIONS	<p>The applicant has sought to have the conditions set out at part P of their application removed. The Sub-Committee allows this request.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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>
STATEMENT OF LICENSING POLICY	<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</p>

relevance in reaching this decision.

4. Regulating Licensing

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.*

9. The Prevention of Public Nuisance

9.1 *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.*

COMMENCEMENT DATE

This licence will come into effect from the second appointed day, namely the 24th 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.