

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

Date of Hearing	Wednesday 31 st August 2005
Members of Panel	A. Bardett, J Cunningham and S. Wren.
Applicant(s) Name	Greene King Retailing Limited
Premises Address	Three Tuns, 6 High Street, Ashwell, Baldock, Hertfordshire, SG7 5NL
Date of Application	Wednesday 6 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 <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> <p>Monday to Thursday 0700hrs to 2400hrs Friday & Saturday 0700hrs to 0100hrs the following morning Sunday 0800hrs to 2400hrs</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 •□□□ The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays •□□□ New Year's Day •□□□ Good Friday •□□□ Easter Saturday, Sunday and Monday <p>On these days the permitted hours will be from 0700hrs to 0200hrs the following morning.</p> <p>AND</p>

On days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the premises may remain 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.).

The licensing authority notes that the applicant has agreed to notify the licensing department at the Hitchin Police Station, with at least 14 days notice in advance and that such events will only take place when agreed by the Police in writing.

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 E – Live Music
- PART F – Recorded Music
- PART J – Provision of Facilities for Dancing
- PART L – Late night refreshment
- PART M – Supply of alcohol

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

PART E – Live Music

PART F – Recorded Music

PART J – Provision of Facilities for Dancing

Monday to Thursday	1900hrs to 2300hrs
Friday	1900hrs to 2330hrs
Saturday	1200hrs to 2330hrs
Sunday	1200hrs to 2300hrs

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

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

On these days the permitted hours will be from 1900hrs to 2330hrs on Friday and Saturday nights and 1900hrs to 2300hrs on all other days of the week.

PART L – Late night refreshment

Monday to Thursday 2300hrs to 1200hrs the following morning
Friday & Saturday 2300hrs to 0130hrs the following morning
Sunday 2300hrs to 1200hrs the following morning

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

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

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

PART M – Supply of Alcohol

Monday – Thursday 1000hrs to 2330hrs
Friday & Saturday 1000hrs to 1200hrs the following morning
Sunday 1000hrs to 2330hrs

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

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

On these days the permitted hours will be from 0700hrs to 0200hrs the following morning.

AND

On days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the permitted hours for the supply of alcohol will match those hours that premises may remain open.

**CONDITIONS
DEEMED
NECESSARY FOR**

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-

<p>THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>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>CONDITIONS PROPOSED BY APPLICANT</p>	<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 doors and windows will be kept closed after 2300hrs every evening except to allow egress and ingress to the premises and in the event of an emergency. 2. There will be no more than 12 live music events performed in any calendar year. 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. 3. On occasions when live music is performed in the outside area of the premises this licensable activity will cease at 2000hrs. 4. 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.
<p>REMOVAL OF EXISTING SUPPER HOUR CERTIFICATE CONDITIONS</p>	<p>The applicant has sought to have the conditions set out at part P of his application removed. The Sub-Committee allows this request.</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. <u>Regulating Licensing</u></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</i></p>

	<p>control of the individual licence holders and others in possession of relevant authorisations.</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. <u>Licence Conditions</u></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. <u>The Prevention of Public Nuisance</u></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.