

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

Date of Hearing	Thursday 1 st September 2005						
Members of Panel	A. Bardett, P. Clark and L.Kercher.						
Applicant(s) Name	Greene King Brewing and Retailing Limited						
Premises Address	White Lion, High Street, Baldock, Hertfordshire, SG7 6BJ						
Date of Application	Monday 4 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 opening hours applied for are:</p> <table> <tr> <td>Monday to Thursday</td> <td>1100hrs to 0030hrs the following morning</td> </tr> <tr> <td>Friday to Saturday</td> <td>1100hrs to 0130hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1200hrs to 0030hrs the following morning</td> </tr> </table> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <p>PART E – Live Music PART F – Recorded Music PART M – Supply of Alcohol</p> <p><i>The applicant withdrew their application under PART J – Provision of Facilities for Dancing in the course of the hearing.</i></p> <p>The hours during which the licensable activities may take place are:</p> <p>PART E – Live Music</p> <p>On no more than 12 occasions during one calendar year live music may take place between the hours of 1900hrs and 2400hrs, if occurring on a Friday or Saturday night, and on any other day of the</p>	Monday to Thursday	1100hrs to 0030hrs the following morning	Friday to Saturday	1100hrs to 0130hrs the following morning	Sunday	1200hrs to 0030hrs the following morning
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	<p>week between the hours of 1900hrs and 2330hrs. On each occasion a written log is to be kept at the premises of the event held and is to be made available to the licensing authority at their request.</p> <p>PART F – Recorded Music</p> <p>On no more than 12 occasions during one calendar year recorded music may take place between the hours of 1900hrs and 2400hrs, if occurring on a Friday or Saturday night, and on any other day of the week between the hours of 1900hrs and 2330hrs. On each occasion a written log is to be kept at the premises of the event held and is to be made available to the licensing authority at their request.</p> <p>PART M – Supply of Alcohol</p> <p>Monday to Thursday 1100hrs to 2400hrs Friday to Saturday 1100hrs to 0100hrs the following morning Sunday 1200hrs to 2400hrs</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 condition is considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The condition is:</p> <ol style="list-style-type: none"> 1. There shall be place at exits from the premises in a place where they can be seen and easily read by the public signs requiring the customers to leave the premises and area quietly.
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to conditions that are consistent to the terms 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. Live music will be performed by no more than 2 entertainers at any one time. 2. The occasions on which regulated entertainment takes place shall not exceed 24 occasions in any one calendar year. 3. The outside area of the premises as shown on the application, namely the beer garden, will be closed to the public after 2330hrs

	<p>every night.</p> <p>4. There shall be placed at all exits to the beer garden, in a place where they can be seen and easily read by the public, signs advising the customers that the beer garden will be closed after 2330hrs.</p> <p>5. When regulated entertainment is provided in the outside area of the premises as shown on the application, namely the beer garden, this entertainment will cease at 2300hrs.</p> <p>6. All doors that open onto the beer garden will be kept closed after 2300hrs on evenings when regulated entertainment is provided inside the premises.</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> <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>5. Licence Conditions</p> <p>5.1 <i>The Council will tailor any conditions to the individual</i></p>

	<p><i>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.