

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

Date of Hearing	Monday 5 <sup>th</sup> September 2005
Members of Panel	A. Bardett, L. Kercher and J. Kirby.
Applicant(s) Name	Greene King Brewing and Retailing Limited
Premises Address	George and Dragon, 19 High Street, Graveley, Hertfordshire, SG4 7LE
Date of Application	Wednesday 13 <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>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The opening hours applied for are:</p> <p>Monday to Wednesday 1100hrs to 2400hrs  Thursday 1100hrs to 0100hrs the following morning  Friday and Saturday 1100hrs to 0130hrs the following morning  Sunday 1100hrs 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"> <li>•□□□ Christmas Eve</li> <li>•□□□ Christmas Day</li> <li>•□□□ Boxing Day</li> <li>•□□□ New Years Day</li> <li>•□□□ Good Friday</li> <li>•□□□ Easter Saturday, Sunday, Monday</li> <li>•□□□ The Sunday and Monday of all other Bank Holidays</li> </ul> <p>On all these days the hours will be from 1100hrs to 0130hrs the following morning</p> <p><b><u>AND</u></b></p> <p>The premises will retain their existing New Year's Eve &amp; New Year's Day permitted hours.</p>

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART E – Live Music
- 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 M – Supply of Alcohol

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

**PART E – Live Music**

**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**

The hours applied for are:

Saturday 1800hrs to 2400hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Day
- Good Friday
- Easter Saturday, Sunday, Monday
- The Sunday and Monday of all other Bank Holidays

On all these days the hours will be from 1800hrs to 0100hrs the following morning.

### **PART M – Supply of Alcohol**

The opening hours applied for are:

Monday to Wednesday 1100hrs – 2330hrs  
Thursday 1100hrs – 0030hrs the following morning  
Friday and Saturday 1100hrs – 0100hrs the following morning  
Sunday 1100hrs – 2330hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Day

	<ul style="list-style-type: none"> <li>•☐☐☐ Good Friday</li> <li>•☐☐☐ Easter Saturday, Sunday, Monday</li> <li>•☐☐☐ The Sunday and Monday of all other Bank Holidays</li> </ul> <p>On all these days the hours will be from 1100hrs – 0100hrs the following morning</p>
<p><b>NON-STANDARD TIMINGS</b></p>	<p>The premises will be allowed to open for extended hours on 20 occasions in any calendar year. These occasions are in addition to the stated extended hours days set out above. On these days the following licensable activities shall be permitted between the hours of 1800hrs to 2400hrs;</p> <ul style="list-style-type: none"> <li>•☐☐☐ PART E Live Music</li> <li>•☐☐☐ PART F Recorded Music</li> <li>•☐☐☐ PART H Anything of a similar description to that falling within (e), (f) or (g)</li> <li>•☐☐☐ PART J Provision of Facilities for dancing</li> <li>•☐☐☐ PART M Supply of Alcohol</li> </ul> <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><b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></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><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in part Q of their application.</p> <p>Plus:</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment will not be provided at any time in the outdoors area of the premises.</li> <li>2. During events where Regulated Entertainment is provided inside the premises all doors and windows will be kept closed after 2300hrs every evening, except to allow for the egress and ingress and in the event of an emergency.</li> <li>3. No entry or re-entry to the premises after 2400hrs by members of the public.</li> <li>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.</li> </ol>

<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><b>STATEMENT OF LICENSING POLICY</b></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><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>

<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.