

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

Date of Hearing	Thursday 1 <sup>st</sup> September 2005
Members of Panel	P. Clark, G. Grindal and M. Weeks.
Applicant(s) Name	Greene King Brewing and Retailing Limited
Premises Address	Cock, 43 High Street, Baldock, Hertfordshire, SG7 6BG
Date of Application	Monday 4 <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 permitted opening hours are:</p> <p>Monday to Wednesday 1100hrs to 0030hrs the following morning  Thursday to Saturday 1100hrs 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>•☐☐☐ Boxing Day</li> <li>•☐☐☐ New Year's Eve</li> <li>•☐☐☐ New Year's Day</li> <li>•☐☐☐ The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays</li> <li>•☐☐☐ The Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend</li> <li>•☐☐☐ St Patrick's Day</li> <li>•☐☐☐ St George's Day</li> </ul> <p>On all these days the permitted opening hours will be from 1100hrs to 0200hrs the following morning.</p> <p>On no more than 12 occasions during one calendar year the</p>

premises may open at the earlier time of 1000hrs in order to service coach trips departing from the premises.  
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.

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- 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**

These licensable activities are permitted to take place on the following days:

- Christmas Eve
- Christmas Day
- Boxing Day
- New Year's Eve
- New Year's Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- The Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend
- St Patrick's Day
- St George's Day

On all these days the permitted hours will be from between the hours of 1100hrs and 2400hrs, if occurring on a Friday or Saturday, and on any other day of the week between the hours of 1100hrs and 2330hrs.

### **AND**

On no more than 12 occasions during one calendar year live music may take place between the hours of 1100hrs and 2400hrs, if occurring on a Friday or Saturday, and on any other day of the week between the hours of 1100hrs 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.

## **PART F – Recorded Music**

These licensable activities are permitted to take place on the following days:

- Christmas Eve
- Christmas Day
- Boxing Day
- New Year's Eve
- New Year's Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- The Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend
- St Patrick's Day
- St George's Day

On all these days the permitted hours will be from between the hours of 1100hrs and 2400hrs, if occurring on a Friday or Saturday, and on any other day of the week between the hours of 7:00pm and 2330hrs.

### AND

On no more than 6 occasions during one calendar year recorded music may take place between the hours of 1100hrs and 2400hrs, if occurring on a Friday or Saturday, and on any other day of the week between the hours of 1100hrs 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.

## **PART L – Late Night Refreshment**

This licensable activity is permitted to take place on the following days:

- Christmas Eve
- Christmas Day
- Boxing Day
- New Year's Eve
- New Year's Day
- The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays
- The Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend
- St Patrick's Day
- St George's Day

On all these days the permitted hours will be from 2300hrs to 0130hrs the following morning.

	<p><b>PART M – Supply of Alcohol</b></p> <p>The permitted hours are:</p> <p>Monday to Wednesday 1100hrs to 2400hrs  Thursday to Saturday 1100hrs to 0100hrs 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 Year’s Eve</li> <li>•□□□ New Year’s Day</li> <li>•□□□ The Friday, Saturday, Sunday and Monday of Spring, May and August Bank Holidays</li> <li>•□□□ The Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend</li> <li>•□□□ St Patrick’s Day</li> <li>•□□□ St George’s Day</li> </ul> <p>On all these days the permitted hours will be from 1100hrs to 0130hrs the following morning.</p> <p>The premises will be permitted to serve alcohol from 1000hrs on the 12 occasions that the premises is allowed to open early to service coach trips departing from the premises.</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><u>Plus:</u></p> <ol style="list-style-type: none"> <li>1. All regulated entertainment will cease inside the premises no later than 2400hrs.</li> <li>2. All regulated entertainment will cease in the outdoors area of the premises no later than 2300hrs.</li> <li>3. The applicant is permitted 6 ‘extended hours’ occasions during one calendar year for the playing of recorded music. The applicant is permitted 12 ‘extended hours’ occasions during one calendar year for the playing of live music. In any calendar year there will be no more than 18 total ‘extended hours’ occasions on which regulated entertainment can be provided. These</li> </ol>

	<p>'extended hours' occasions are additional to the special days stated on the application form.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></p>	<p>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>COMMENCEMENT DATE</b></p>	<p>This licence will come into effect from the second appointed day, namely the 24<sup>th</sup> of November 2005.</p>
<p><b>RIGHTS OF REVIEW</b></p>	<p>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.</p>