

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

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| Date of Hearing | Monday 19 th September 2005 | | | | | | |
| Members of Panel | J. Cunningham, M. Muir and M. Weeks | | | | | | |
| Applicant(s) Name | Wolverhampton & Dudley Breweries plc | | | | | | |
| Premises Address | The Corn Exchange, 31 Market Place, Hitchin, Herts, SG5 1DY | | | | | | |
| Date of Application | Thursday 21 st 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 permitted opening hours are:</p> <table style="margin-left: 20px;"> <tr> <td>Monday to Thursday</td> <td>1000hrs to 0030hrs the following morning</td> </tr> <tr> <td>Friday and Saturday</td> <td>1000hrs to 0230hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1100hrs to 0030hrs the following morning</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of the following notable dates, namely:</p> <ul style="list-style-type: none"> • The Friday, Saturday, Sunday and Monday of the Spring, May and August Bank Holiday weekends. • Christmas Eve • Boxing Day <p>On each of these days the premises will be permitted to open from the start of the standard permitted hours until 0230hrs the following morning.</p> <p><u>AND</u></p> <p>On New Year's Eve the premises will be permitted to open from 1000hrs to the end of the standard permitted hours on New Year's Day.</p> <p><u>AND</u></p> | Monday to Thursday | 1000hrs to 0030hrs the following morning | Friday and Saturday | 1000hrs to 0230hrs the following morning | Sunday | 1100hrs to 0030hrs the following morning |
| Monday to Thursday | 1000hrs to 0030hrs the following morning | | | | | | |
| Friday and Saturday | 1000hrs to 0230hrs the following morning | | | | | | |
| Sunday | 1100hrs to 0030hrs the following morning | | | | | | |

On days when major national and international sporting events are held and those events take place outside of the standard permitted hours, the premises may open 30 minutes before the start of the event (the due start time, kick off etc.) and/or close 30 minutes after the conclusion of the event (the final whistle, presentation of cup etc.) to enable the premises to show a live broadcast of the event.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART B – Films
- PART C – Indoor sporting events
- PART E – Live music
- PART F – Recorded music
- PART G – Performances of dance
- 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 licensable activities may take place are:

- PART B – Films**
- PART C – Indoor Sporting Events**
- PART E – Live music**
- PART F – Recorded music**
- PART G – Performances of Dance**
- 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**

Part B to Part J inclusive

The permitted hours are:

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| Monday to Thursday | 1200hrs to 2400hrs |
| Friday and Saturday | 1200hrs to 0200hrs the following morning |
| Sunday | 1200hrs to 2400hrs |

These hours are to apply each day of the year with the exception of the following notable dates, namely:

- The Friday, Saturday, Sunday and Monday of the Spring, May and August Bank Holiday weekends.
- Christmas Eve
- Boxing Day

On each of these days the premises will be permitted to provide the stated licensable activities from the start of the standard permitted hours until 0200hrs the following morning.

AND

On New Year's Eve the premises will be permitted to provide the stated licensable activities from 1000hrs to the end of the standard permitted hours on New Year's Day.

AND

On days when major national and international sporting events are held and those events take place outside of the standard permitted hours, the premises may provide the stated licensable activities during the hours the premises are open to the public.

PART L – Late night refreshment

The permitted hours are:

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| Monday to Thursday | 2300hrs to 2400hrs |
| Friday and Saturday | 2300hrs to 0200hrs the following morning |
| Sunday | 2300hrs to 2400hrs |

These hours are to apply each day of the year with the exception of the following notable dates, namely:

- The Friday, Saturday, Sunday and Monday of the Spring, May and August Bank Holiday weekends.
- Christmas Eve
- Boxing Day

On each of these days the provision of late night refreshment will be permitted from 2300hrs until 0200hrs the following morning.

AND

On New Year's Eve the provision of late night refreshment will be permitted from 2300hrs to 0500hrs on New Year's Day.

AND

On days when major national and international sporting events are held the provision of late night refreshment is permitted during the hours the premises are open to the public, namely anytime the premises are open during the hours of 2300hrs and 0500hrs the following morning

PART M – Supply of Alcohol

The permitted hours are:

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| Monday to Thursday | 1000hrs – 2400hrs |
| Friday and Saturday | 1000hrs – 0200hrs the following morning |
| Sunday | 1100hrs – 2400hrs |

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| | <p>These hours are to apply each day of the year with the exception of the following notable dates, namely:</p> <ul style="list-style-type: none"> • The Friday, Saturday, Sunday and Monday of the Spring, May and August Bank Holiday weekends. • Christmas Eve • Boxing Day <p>On each of these days the premises will be permitted to supply alcohol from the start of the standard permitted hours until 0200hrs the following morning.</p> <p><u>AND</u></p> <p>On New Year's Eve the premises will be permitted to supply alcohol from 1000hrs to the end of the standard permitted hours on New Year's Day.</p> <p><u>AND</u></p> <p>On days when major national and international sporting events are held and those events take place outside of the standard permitted hours, the premises may supply alcohol during the hours the premises are open to the public.</p> |
| <p>NOTIFICATION PROCEDURE FOR EVENTS THAT ARE HELD OUTSIDE OF STANDARD PERMITTED HOURS</p> | <p>The Sub-Committee notes that the applicant has agreed to provide the Police with 21 days notice of their intention to hold events outside the standard permitted hours. The notice will state the proposed opening hours and a brief description of the events taking place at the premises. The Police will give the premises at least seven days notice of any objection that they may have to the premises opening outside the standard permitted hours.</p> <p>This notification procedure does not form a condition of the licence. The Sub-Committee notes that due to this arrangement being agreed to between the parties the Police have not considered it necessary to make a representation on this application.</p> |
| <p>RESTRICTIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p> | <p>The Sub-Committee recognises that restrictions on the hours permitted for licensable activities will only be imposed where necessary to meet one or more of the licensing objectives.</p> <p>The Sub-Committee considered it necessary to restrict the permitted hours on Thursday for the provision of regulated entertainment (Part B to Part J) late night refreshment (Part L) and the supply of alcohol (Part M) and not to permit the extended hours on an additional 20 days per calendar year to meet the licensing objective of preventing public nuisance caused to a local resident</p> |
| <p>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE</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</p> |

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| <p>LICENSING OBJECTIVES</p> | <p>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> <p>1. Persons are not to be permitted entry or re-entry to the Premises after 1am other than on Saturday</p> <p>This condition does not apply to occasions on which major national and international sporting events are held</p> |
| <p>CONDITIONS PROPOSED BY APPLICANT</p> | <p>This licence will be subject to conditions that are 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>REMOVAL OF EMBEDDED RESTRICTIONS</p> | <p>The applicant has sought to have the conditions set out at Part P of their application removed. The Sub-Committee agrees the request as set out in Part P of the application.</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> |

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.*

7. Licensing Hours

7.1 *The Council recognises that fixed and overly restrictive opening times can lead to peaks of disorder and disturbance on the streets due to large numbers of people leaving licensed premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. Longer licensing hours with regard to the sale of alcohol are an important factor in reducing these concentrations and the resulting crime and disorder.*

7.2 *The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the Licensing Objectives.*

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.*

10. Live Music, Dancing and Theatre

10.1 *The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit*

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| | <p><i>of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</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. |