

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

Date of Hearing	Tuesday 20 th September 2005								
Members of Panel	A. Bardett, J. Cunningham and L. McNamara								
Applicant(s) Name	Its My Local Limited								
Premises Address	The Rose and Crown, 13 Market Place, Hitchin, Herts, SG5 1DS								
Date of Application	Tuesday 12 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 permitted opening hours are:</p> <table style="margin-left: 20px;"> <tr> <td>Monday to Wednesday</td> <td>1000hrs to 0030hrs the following morning</td> </tr> <tr> <td>Thursday</td> <td>1000hrs to 0130hrs the following morning</td> </tr> <tr> <td>Friday and Saturday</td> <td>1000hrs to 0130hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1200hrs to 2400hrs</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of:</p> <ol style="list-style-type: none"> 1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0220hrs the following morning. 2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0220hrs the following day. 3. On the Sunday of Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 0020hrs the following morning. 	Monday to Wednesday	1000hrs to 0030hrs the following morning	Thursday	1000hrs to 0130hrs the following morning	Friday and Saturday	1000hrs to 0130hrs the following morning	Sunday	1200hrs to 2400hrs
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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 H – Anything of a similar description to that falling within E,F G (Karaoke)
- PART M - Supply of alcohol

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

PART E – Live music

Monday to Wednesday	1200hrs to 2300hrs
Thursday	1200hrs to 0100hrs the following morning
Friday and Saturday	1200hrs to 0100hrs the following morning
Sunday	1200hrs to 2100hrs

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

1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
3. On the Sunday of the Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 2400hrs.

PART F – Recorded music

Monday to Wednesday	1200hrs to 2300hrs
Thursday	1200hrs to 0100hrs the following morning
Friday and Saturday	1200hrs to 0100hrs the following morning
Sunday	1200hrs to 2200hrs

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

1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
3. On the Sunday of the Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 2400hrs.

PART H – Anything of a similar description to that falling within E,F or G (Karaoke)

Monday to Wednesday 1200hrs to 2300hrs
Thursday 1200hrs to 0100hrs the following morning
Friday and Saturday 1200hrs to 0100hrs the following morning
Sunday 1200hrs to 2200hrs

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

1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
3. On the Sunday of the Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 2400hrs.

PART J – Provision of facilities for dancing

Monday to Wednesday 1200hrs to 2300hrs
Thursday 1200hrs to 0100hrs the following morning
Friday and Saturday 1200hrs to 0100hrs the following morning
Sunday 1200hrs to 2200hrs

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

1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning.
3. On the Sunday of the Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 2400hrs.

PART M - Supply of Alcohol

Monday to Wednesday 1000hrs to 2400hrs
Thursday 1000hrs to 0100hrs the following morning
Friday and Saturday 1000hrs to 0100hrs the following morning
Sunday 1200hrs to 2330hrs

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

	<ol style="list-style-type: none"> 1. Christmas Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning. 2. New Years Eve, on which the permitted the hours will be from the start of the standard permitted hours until 0200hrs the following morning. 3. On the Sunday of the Bank Holiday weekends, on which the permitted the hours will be from the start of the standard permitted hours until 2400hrs.
<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 condition that the Sub-Committee deems necessary to promote the licensing objective of the prevention of public nuisance is,</p> <ol style="list-style-type: none"> 1. During all hours that regulated entertainment is provided to the public <u>all</u> doors and windows will be kept closed, except to allow for egress and ingress and in the event of an emergency. <p>This condition is considered necessary to alleviate noise nuisance that would otherwise be caused to residents living nearby the premises.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the 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><u>Plus:</u></p> <ol style="list-style-type: none"> 1. On occasions when regulated entertainment is held at the premises there shall be provided at the premises door supervisors who are registered with the Security Industry Authority (SIA). They will control the entry of persons to the premises after 2100hrs on Thursday, Friday and Saturday nights. There shall be a minimum number of 2 door supervisors controlling entry to the premises at these times. 2. A tamper-proof CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of the Hitchin Police and shall be used to record during all hours that the premises are open to the public. 3. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. 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>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>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 circumstances of the premises and events concerned and will</i></p>

	<p><i>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>7. Licensing Hours</p> <p>7.1 <i>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.</i></p> <p>7.2 <i>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.</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.