

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

Date of Hearing	Wednesday 21 st September 2005
Members of Panel	A. Bardett, J. Kirby and M. Muir.
Applicant(s) Name	Greene King Brewing and Retailing Limited
Premises Address	Molly Malones, 17 Nightingale Road, Hitchin, Herts. SG5 1RG
Date of Application	Tuesday 26 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> <p>Monday to Thursday 1100hrs to 0030hrs the following morning Friday and 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"> •□□□ Christmas Eve •□□□ Christmas Day •□□□ Boxing Day •□□□ The Sunday of Spring, May and August Bank Holidays •□□□ New Year's Day •□□□ Good Friday •□□□ Easter Saturday, Sunday and Monday <p>On these days the permitted hours will be from 1100hrs – 0100hrs the following morning</p> <p><u>AND</u></p> <p>On days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the</p>

premises may remain open 30 minutes before the start of the event (the due start time, kick off etc.) and/or close 30 minutes after the event (the final whistle, presentation of cup etc.).

The licensing authority notes that the applicant has agreed to notify the licensing department at the Hitchin Police Station, with at least 14 days notice in advance and that such events will only take place when agreed by the Police in writing.

AND

The premises will retain existing New Year's Eve and New Year's Day hours.

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 parts E, F or G (Karaoke)
- 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

The permitted hours are:

Monday to Thursday 1900hrs to 2400hrs
Friday and Saturday 1900hrs to 0030hrs the following morning
Sunday 1900hrs to 2300hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- The Sunday of Spring, May and August Bank Holidays
- New Year's Day
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1200hrs – 2400hrs.

PART F – Recorded Music

The permitted hours are:

Monday to Thursday 1900hrs to 2400hrs
Friday and Saturday 1900hrs to 0030hrs the following morning

Sunday 1900hrs to 2300hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- The Sunday Spring, May and August Bank Holidays
- New Year's Day
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1200hrs – 2400hrs.

PART H – Anything of a Similar Description to parts E, F or G (Karaoke)

The permitted hours are:

Monday to Thursday 1900hrs to 2400hrs
Friday and Saturday 1900hrs to 0030hrs the following morning
Sunday 1900hrs to 2300hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- The Sunday Spring, May and August Bank Holidays
- New Year's Day
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1200hrs – 2400hrs.

PART J – Provision of Facilities for dancing

The permitted hours are:

Monday to Thursday 1900hrs to 2400hrs
Friday and Saturday 1900hrs to 0030hrs the following morning
Sunday 1900hrs to 2300hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- The Sunday Spring, May and August Bank Holidays
- New Year's Day
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1200hrs – 2400hrs.

PART M – Supply of Alcohol

The hours applied for are:

Monday to Thursday 1100hrs to 2400hrs
Friday and Saturday 1100hrs to 0030hrs the following morning
Sunday 1100hrs to 2300hrs

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

- Christmas Eve
- Christmas Day
- Boxing Day
- The Sunday of Spring, May and August Bank Holidays
- New Year’s Day
- Good Friday
- Easter Saturday, Sunday and Monday

On these days the permitted hours will be from 1100hrs to 0030hrs the following morning.

AND

On days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the permitted hours for the supply of alcohol will match those hours that premises may remain open.

AND

The premises will retain existing New Year’s Eve and New Year’s Day hours.

NON-STANDARD TIMINGS

The premises will be allowed to open for extended hours on 12 occasions in any calendar year. The premises will be entitled to open to 0100hrs the following morning on these dates.

These occasions are in addition to the notable calendar days set out above.

On these days the following licensable activities shall be permitted between the hours of 1200hrs and 2400hrs;

- PART E – Live Music
- PART F – Recorded Music
- PART H – Anything of a Similar Description to parts E, F or G (Karaoke)
- PART J – Provision of Facilities for Dancing

On these days the following licensable activity shall be permitted between the hours of 1200hrs and 0030hrs the following morning;

- PART M – Supply of Alcohol

	<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>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>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><u>Plus</u></p> <ol style="list-style-type: none"> 1. Live music and recorded music will not be transmitted to the outside area of the premises after 2200hrs.
<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 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>
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.