

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

Date of Hearing	Wednesday 21 <sup>st</sup> September 2005
Members of Panel	A. Bardett, J. Kirby and M. Muir.
Applicant(s) Name	Greene King Brewing & Retailing Limited
Premises Address	Red Hart, 28-29 Bucklersbury, Hitchin, Herts. SG5 1BG
Date of Application	Monday 1 <sup>st</sup> August 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 2330hrs  Thursday to Saturday 1100hrs to 0030hrs the following morning  Sunday 1100hrs to 2330hrs</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>•□□□ The Sunday of Spring and August and May Bank Holidays</li> <li>•□□□ New Year's Day</li> <li>•□□□ Easter Sunday</li> <li>•□□□ St Patrick's Day</li> <li>•□□□ St George's Day</li> </ul> <p>On these days the premises will be entitled to remain open for one additional hour to the standard 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 parts E, F or G (Karaoke)
- 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 E – Live Music**

The permitted hours are:

Monday to Wednesday	1800hrs to 2300hrs
Thursday	1100hrs to 2300hrs
Friday & Saturday	1100hrs to 2300hrs
Sunday	1800hrs 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 and August and May Bank Holidays
- New Year's Day
- Easter Sunday
- St Patrick's Day
- St George's Day

On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.

### **PART F – Recorded Music**

The permitted hours are:

Monday to Wednesday	1800hrs to 2300hrs
Thursday	1100hrs to 2300hrs
Friday & Saturday	1100hrs to 2400hrs
Sunday	1800hrs 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 and August and May Bank Holidays
- ☐☐☐ New Year's Day
- ☐☐☐ Easter Sunday
- ☐☐☐ St Patrick's Day
- ☐☐☐ St George's Day

On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.

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

The permitted hours are:

Monday to Wednesday	1800hrs to 2300hrs
Thursday	1100hrs to 2300hrs
Friday & Saturday	1100hrs to 2400hrs
Sunday	1800hrs 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 and August and May Bank Holidays
- ☐☐☐ New Year's Day
- ☐☐☐ Easter Sunday
- ☐☐☐ St Patrick's Day
- ☐☐☐ St George's Day

On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.

**PART J – Provision of Facilities for dancing**

The permitted hours are:

Monday to Wednesday	1800hrs to 2300hrs
Thursday	1100hrs to 2300hrs
Friday & Saturday	1100hrs to 2400hrs
Sunday	1800hrs 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 and August and May Bank Holidays
- ☐☐☐ New Year's Day
- ☐☐☐ Easter Sunday
- ☐☐☐ St Patrick's Day
- ☐☐☐ St George's Day

On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.

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

Thursday to Saturday                      2300hrs – 2400hrs

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

- ☐☐☐ Christmas Eve
- ☐☐☐ Christmas Day
- ☐☐☐ Boxing Day
- ☐☐☐ The Sunday of Spring and August and May Bank Holidays
- ☐☐☐ New Year's Day
- ☐☐☐ Easter Sunday
- ☐☐☐ St Patrick's Day
- ☐☐☐ St George's Day

On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.

#### **PART M – Supply of Alcohol**

The permitted hours are:

Monday to Wednesday	1100hrs – 2300hrs
Thursday to Saturday	1100hrs – 2400hrs
Sunday	1100hrs – 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 and August and May Bank Holidays
- ☐☐☐ New Year's Day
- ☐☐☐ Easter Sunday
- ☐☐☐ St Patrick's Day

	<ul style="list-style-type: none"> <li>• St George's Day</li> </ul> <p>On these days the premises will be entitled to provide this licensable activity for one additional hour to the standard permitted hours.</p>
<b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b>	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.
<b>CONDITIONS PROPOSED BY APPLICANT</b>	<p>This licence will be subject to the conditions offered by the applicant in order to promote the four licensing objectives set out in part Q of their application, with the exception of the step offered by the applicant at Part Q(d), namely that there will be no external drinking after 2300hrs in the evening.</p> <ol style="list-style-type: none"> <li>1. The outside area, shown on the plan of the premises, attached to the application, will not be used at any time for the performance or provision of regulated entertainment.</li> <li>2. Live music and recorded music will not be transmitted to the outside area of the premises after 2100hrs in the evening.</li> <li>3. Live Music will cease no later than 2300hrs every evening.</li> <li>4. During events where regulated entertainment is provided all doors and windows will be kept closed, except to allow for egress and ingress and in the event of an emergency.</li> <li>5. 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>
<b>REMOVAL OF EMBEDDED RESTRICTIONS</b>	The applicant has sought to have the conditions set out at part P of his application removed. The Sub-Committee allows this request.
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	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.
<b>STATEMENT OF LICENSING POLICY</b>	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><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.

