

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

Date of Hearing	Thursday 22 nd September 2005
Members of Panel	A. Bardett, L. Kercher and M. Muir.
Applicant(s) Name	Greene King Brewing and Retailing
Premises Address	The Boot, 73 High Street, Baldock, Hertfordshire, SG7 6BP
Date of Application	Monday 1 st August 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 Wednesday 1100hrs to 0030hrs the following morning Thursday to Saturday 1100hrs to 0130hrs the following morning Sunday 1200hrs to 0030hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <p>12 occasions on which major sporting events are held. When these events take place outside of the standard permitted hours, the 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.).</p> <p>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.</p>

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 M - Supply of Alcohol

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

PART E – Live Music

PART F – Recorded Music

PART J – Provision of facilities for dancing

Thursday	2000hrs to 2330hrs
Friday and Saturday	2000hrs to 2400hrs

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

- Christmas Eve
- New Years Eve

When these days do not fall on either a Friday or a Saturday the permitted hours will 2000hrs to 2330hrs.

PART M - Supply of Alcohol

Monday to Wednesday	1100hrs to 2400hrs
Thursday to Saturday	1100hrs to 0100hrs the following morning
Sunday	1200hrs to 2400hrs

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

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.

CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES

The following conditions have been recommended by the North Hertfordshire District Council's Environmental Protection Officer:

1. All external doors and windows will be kept closed after 10:00pm when live or recorded music is taking place, other than to allow access and egress to the premises and in the event of an emergency.
2. No live music or recorded music shall be transmitted via external speakers at the premises. If the premises do wish to transmit sound via external speakers they must provide the Licensing Authority with at least seven days written notice of the event.

	<ol style="list-style-type: none"> 3. Prominent, clear and legible notices will be displayed at all exits requesting patrons and staff to leave the premises quietly. 4. The licence holder or a nominated representative shall carry out a regular noise assessment of the area adjacent to the premises whilst regulated entertainment is taking place. 5. Procedures for responding to noise complaints will be established in liaison with the North Hertfordshire District Council's Environmental Protection Officer. 6. Written records of noise complaints and action taken in response to such complainants will be kept at the premises and made available to officers from the Council when requested. 7. Disposal of refuse such as waste bottles into external receptacles where the noise will be audible to neighbouring properties will not occur between 7:00pm and 9:00am. 8. The garden/external drinking area will be closed to the public no later than 11:00pm. At this time patrons will be asked to leave the area quietly. <p>The applicant has consented to the inclusion of these conditions on the licence. The Sub-Committee considers that all conditions are necessary for the promotion of the licensing objective of preventing public nuisance. Accordingly the conditions numbered 1 to 8 above will form part of the licence.</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. The following licensable activities; <ul style="list-style-type: none"> PART E – Live Music PART F – Recorded Music PART J - Provision of Facilities for Dancing <p>are not permitted to take place in the outdoors area of the premises as shown on the plan of the premises attached to the application.</p> 2. The exit side door (on the north side of the premises) is to be closed during all hours that the premises are open to the public except for use in the case of an emergency. 3. There shall be placed on the exit side door (on the north side of the premises) a notice advising customers that this exit is only permitted to be used in an emergency. 4. No entry or re-entry to the premises will be permitted after 2300hrs by members of the public.

REMOVAL OF EMBEDDED RESTRICTIONS	The applicant has sought to have the conditions set out at part P of his application removed. The Sub-Committee allows this request.
OBSERVATIONS	The Sub-Committee notes that in response to representations from residents of the neighbouring properties the applicant has advised that they will review the sound insulation provided by the exit side door (on the north side of the premises).
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	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.
STATEMENT OF LICENSING POLICY	<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> <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> <p>9. The Prevention of Public Nuisance</p> <p>9.1 <i>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.</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.