

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

Date of Hearing	Thursday 22 <sup>nd</sup> September 2005
Members of Panel	A. Bardett, J. Cunningham and L. McNamara.
Applicant(s) Name	McMullen & Sons Limited
Premises Address	The Millstream, 97 Cambridge Road, Hitchin, Hertfordshire, SG4 0JH
Date of Application	Wednesday 22 <sup>nd</sup> June 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 Thursday 1000hrs to 2400hrs  Friday and Saturday 1000hrs to 0030hrs the following morning  Sunday 1000hrs 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"> <li>•□□□ Christmas Eve,</li> <li>•□□□ New Years Eve,</li> </ul> <p>On all these days the hours will be from 1000hrs to 0130hrs the following morning</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>•□□□ PART B – Films</li> <li>•□□□ PART C – Indoor Sporting Events</li> <li>•□□□ PART H – Entertainment of a Similar Nature – Parts E, F or G</li> <li>•□□□ PART K – Provision of Facilities for Entertainment of a Similar</li> </ul>

Description – Parts I or J

- 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**

Monday to Thursday 1000hrs to 2400hrs  
Friday and Saturday 1000hrs to 0030hrs the following morning  
Sunday 1000hrs to 2400hrs

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

- Christmas Eve,
- New Years Eve,

On all these days the hours will be from 1000hrs to 0130hrs the following morning.

- PART H – Entertainment of a similar description to that falling within E, F or G**

Monday to Sunday 1000hrs to 2300hrs

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

- Christmas Eve,
- New Years Eve,

On all these days the hours will be from 1000hrs to 0130hrs the following morning.

- PART K- Provision of facilities for entertainment of a similar description to that falling within I or J**

Monday to Sunday 1000hrs to 2300hrs

- PART L – Late night refreshment**

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

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

- Christmas Eve,
- New Years Eve,

On all these days the hours will be from 2300hrs to 0130hrs the following morning.

	<p><b>PART M - Supply of alcohol</b></p> <p>Monday to Thursday 1000hrs to 2330hrs  Friday and Saturday 1000hrs to 2400hrs  Sunday 1000hrs 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>•□□□ New Years Eve,</li> </ul> <p>On all these days the permitted hours will be from 1000hrs to 0130hrs the following morning</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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 P of their application ('the Operating Schedule').</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> <li>1. The following licensable activities; <ul style="list-style-type: none"> <li>•□□□ PART B - Films</li> <li>•□□□ PART C - Indoor Sporting Events</li> <li>•□□□ PART H - Entertainment of a Similar Description</li> <li>•□□□ PART K - Provision of Facilities</li> <li>•□□□ PART L - Late Night Refreshment</li> </ul> are <u>not</u> permitted to take place in the outdoors area of the premises as shown on the plan of the premises. </li> <li>2. There shall be placed at all exits from the premises in place where they can be seen and easily read by the public notices requiring customers to leave the premises quietly.</li> </ol>
<p><b>REMOVAL OF EMBEDDED RESTRICTIONS</b></p>	<p>The applicant has sought to have the embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 removed. The Sub-Committee allows this request.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><b>STATEMENT OF LICENSING POLICY</b></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><b>4. <i>Regulating Licensing</i></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>7. Licensing Hours</b></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>
<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.

