

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

Date of Hearing	Friday 23 rd September 2005
Members of Panel	P. Clark, S. Bloxham and L. McNamara.
Applicant(s) Name	Greene King Brewing and Retailing
Premises Address	The Lilley Arms, 41 West Street, Lilley, Luton, LU2 8LN
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 as applied for 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 0700hrs to 0030hrs the following morning Friday and Saturday 0700hrs to 0100hrs the following morning Sunday 0700hrs 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"> •□□□ Christmas Eve, •□□□ Christmas Day, •□□□ Boxing Day, •□□□ New Years Day, •□□□ Good Friday, Easter Saturday, Easter Sunday, Easter Monday •□□□ The Friday, Saturday, Sunday and Monday of May, Spring and August Bank Holidays <p>On all these days the permitted hours will be from 0700hrs to 0100hrs the following morning</p> <p>The licensing authority notes that the applicant has agreed to notify the licensing department at the Hitchin Police Station, of all events that fall outside the standard timings, with at least 21 days notice in advance. That notice will provide the proposed times that the events will take place and any other relevant information. If the Police object</p>

to an event they will provide notice of their objection to the applicant at least seven days in advance.

AND

The premises will retain the existing New Year's Eve permitted hours.

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 L – Late Night Refreshment
- 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

Monday to Thursday 1000hrs to 2300hrs
Friday and Saturday 1000hrs to 0030hrs the following morning
Sunday 1100hrs to 2300hrs

PART L – Late Night Refreshment

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

PART M - Supply of Alcohol

Monday to Thursday 1000hrs to 2400hrs
Friday and Saturday 1000hrs 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,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- The Friday, Saturday, Sunday and Monday of May, Spring and August Bank Holidays

	On all these days the hours will be from 0700hrs to 0030hrs the following morning.
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<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 following condition is considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The condition is:</p> <ol style="list-style-type: none"> 1. The outdoors area of the premises, described as the 'garden' on the plan of the premises, will not be used for the provision of regulated entertainment after 2200hrs.
CONDITIONS PROPOSED BY APPLICANT	<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. On occasions when live music is provided at the premises there shall be no more than two musicians performing at any one time.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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>
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</i></p>

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.

- 4.3 *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.*

5. Licence Conditions

- 5.1 *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.*

- 5.2 *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.*

7. Licensing Hours

- 7.1 *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.*

- 7.2 *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.*

9. The Prevention of Public Nuisance

- 9.1 *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*

	<i>engaged in activities in the vicinity of a particular premises.</i>
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.