

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

Date of Hearing	Friday 23 rd September 2005
Members of Panel	P. Clark, G. Grindal and L. McNamara
Applicant(s) Name	Mrs Christabel L Napper and Miss Teresa A Thompson
Premises Address	Plume of Feathers, Upper Green, Ickleford, Hitchin, SG5 3YD
Date of Application	Friday 1 st July 2005
APPLICATION FOR VARIATION	<p>Application for a variation to premises licence in respect of The Plume of Feathers, Upper Green, Ickleford, Hitchin, SG5 3YD.</p> <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 – Thursday 1100hrs - 2400hrs Friday – Saturday 1100hrs – 0030hrs the following morning Sunday 1100hrs – 2330hrs</p> <p>These hours are to apply each day of the year with the exception of the following notable days ('the notable days'):</p> <ul style="list-style-type: none"> • Burns Night When the permitted hours shall be 1130hrs to 2400hrs, • Valentine's Day When the permitted hours shall be 1130hrs to 2400hrs, • St David's Day When the permitted hours shall be 1130hrs to 2400hrs, • St Patrick's Day When the permitted hours shall be 1130hrs to 2400hrs,

- Good Friday
When the permitted hours shall be 1130hrs to 2400hrs,
- Easter Saturday
When the permitted hours shall be 1130hrs to 2400hrs,
- Easter Sunday
When the permitted hours shall be 2400hrs to 2400hrs,
- Easter Monday
When the permitted hours shall be 1130hrs to 2400hrs,
- St George's Day
When the permitted hours shall be 1130hrs to 2400hrs,
- May Bank Holiday
When the permitted hours shall be 1130hrs to 2400hrs,
- Spring Bank Holiday
When the permitted hours shall be 1130hrs to 2400hrs,
- Summer Bank Holiday
When the permitted hours shall be 1130hrs to 2400hrs,
- St Andrew's Day
When the permitted hours shall be 1130hrs to 2400hrs,
- Christmas Eve
When the permitted hours shall be 1130hrs to 0200hrs the following morning,
- Christmas Day
When the permitted hours shall be 1100hrs to 2300hrs,
- Boxing Day
When the permitted hours shall be 1130hrs to 0200hrs the following morning,
- December 27th
When the permitted hours shall be 1130hrs to 0200hrs the following morning,
- December 28th
When the permitted hours shall be 1130hrs to 0200hrs the following morning.

AND

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

AND

The premises will be permitted to remain open for an additional terminal hour to the standard and non-standard times on the day when British Summertime commences.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART B – Films
- PART C – Indoor Sporting Events
- PART E – Live Music
- PART G – Performances of Dance
- PART I – Provision of Facilities for Making Music
- PART M - Supply of alcohol

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

PART B - Films

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year's Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

PART C – Indoor sporting events

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday to Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year's Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

PART E – Live music

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year's Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

PART G – Performances of Dance

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year's Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

PART I – Provision of facilities for making music

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year’s Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

PART M – Supply of alcohol

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2300hrs

These hours are to apply each day of the year with the exception of the notable days. On these days the hours will apply as have been set out in this decision notice.

AND

This licensable activity will be permitted on the premises during the hours the premises is permitted to be open on New Year’s Eve.

AND

This licensable activity will be permitted on the premises during the additional hour that the premises remain open on the day when British Summertime commences.

NON-STANDARD TIMINGS

The premises will be allowed to open for extended hours on 20 occasions in any calendar year. These occasions are in addition to the notable days. The following activities are permitted:

- PART B – Films
- PART C – Indoor Sporting Events
- PART E – Live Music

	<ul style="list-style-type: none"> • PART G – Performances of Dance • PART I – Provision of Facilities for Making Music • PART M - Supply of alcohol <p>On these dates a written log is to be kept at the premises of the event held and will be made available to the licensing authority at their request.</p> <p>The licensing authority notes that on the 20 occasions when non-standard timings apply that the applicant has agreed to notify the licensing department at the Hitchin Police Station at least 21 days in advance of the event. The licensing authority notes that the applicant has agreed with the Police that such events will only take place once they have been agreed to by the Police.</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>The following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance.</p> <p>The conditions:</p> <ol style="list-style-type: none"> 1. When regulated entertainment is provided after 2300hrs, the doors and the windows of the premises must be closed except for access and egress and in the event of an emergency. 2. When regulated entertainment is being provided after 2300hrs, the outside drinking area as shown on the plan of the premises, attached to the application, will not be used except for access and egress and in the event of an emergency. 3. Performance of amplified regulated entertainment is restricted to the interior of the premises.
<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>REMOVAL OF EXISTING CONDITIONS</p>	<p>The applicant has sought the removal of all conditions set out at part P of the application. The Sub-Committee allows this request.</p>
<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>

**STATEMENT OF
LICENSING
POLICY**

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.

4. Regulating Licensing

4.1 *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.*

4.2 *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.*

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*

	<p><i>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> <p>10. Live Music, Dancing and Theatre</p> <p>10.1 <i>The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</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.