

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

Date of Hearing	Monday 26 th September 2005
Members of Panel	J. Cunningham, P. Clark and M. Muir
Applicant(s) Name	Punch Taverns PLC
Premises Address	Silver Moon, 53 Bedford Road, Hitchin
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 for variation is approved in respect of the applications for extended opening hours and extended hours for the supply of alcohol. The application for extended permitted hours for regulated entertainment is refused.</p> <p>The licence will be 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 1100hrs to 0030hrs the following morning Friday and Saturday 1100hrs to 0130hrs the following morning Sunday 1200hrs to 2400hrs</p> <p><u>AND</u></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•□□□ Boxing Day <p>On these days the premises will be permitted to open for an additional hour into the morning.</p> <p><u>AND</u></p> <p>The premises will retain their existing New Year's Eve/New Year's Day opening hours.</p>

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART G – Performances of Dance
- PART I – Provision of Facilities for Making Music
- PART J – Provision of Facilities for Dancing
- PART K – Provision of Facilities for Entertainment of a Similar Description
- PART M – Supply of Alcohol

The hours during which the following licensable activity may take place are:

PART M – Supply of Alcohol

Monday to Thursday 1100hrs to 2400hrs
Friday and Saturday 1100hrs to 0100hrs the following morning
Sunday 1200hrs to 2330hrs

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

- Christmas Eve
- Boxing Day

On these days the permitted licensable activity may take place for one additional hour into the morning.

AND

This licensable activity may take place during the permitted New Year's Eve/New Year's Day opening hours.

APPLICATION FOR VARIATION OF REGULATED ENTERTAINMENT REFUSED

The application for variation is refused in respect of the following licensable activities:

- PART E – Live Music**
- PART F – Recorded Music**
- PART G – Performances of Dance**
- PART I – Provision of Facilities for Making Music**
- PART J – Provision of Facilities for Dancing**
- PART K – Provision of Facilities for Entertainment of a Similar Description**

The stated licensable activities are only permitted to take place during the hours permitted by the conversion of the current licences.

The permitted hours are:

Monday to Thursday 1200hrs to 2300hrs
Friday and Saturday 1200hrs to 2300hrs
Sunday 1630hrs to 2230hrs

	<p>The Sub-Committee has refused the application for variation on the following grounds:</p> <ul style="list-style-type: none"> • There is clear evidence of noise nuisance currently being caused by the premises. • There is clear evidence that this noise nuisance is currently affecting the interested parties. • The Sub-Committee has found that the licensing objective of the prevention of public nuisance has not been met by the application and is not satisfied that any conditions attached to the licence would ensure the licence meets this objective.
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<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.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. No entry or re-entry to the premises will be permitted after 2400hrs on Friday and Saturday evenings. 2. Signs will be placed both inside and outside the premises clearly displaying that no entry or re-entry will be permitted by members of the public to the premises after 2400hrs. 3. There shall be provided at the premises door supervisors who are registered by the Security Industry Authority (SIA). They will control entry to the premises from 2300hrs to the terminal hour on Friday and Saturday nights. 4. The outside areas as shown on the plan of the premises will be cleared by the licensee or his/her representative no later than 2300hrs every evening. 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 customers to leave the premises and the area quietly and to have regard for nearby residents.
<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>
<p>STATEMENT OF LICENSING POLICY</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>4. Regulating Licensing</p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable</i></p>

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 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*

	<p><i>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.