

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

Date of Hearing	Tuesday 27 <sup>th</sup> September 2005
Members of Panel	A. Bardett, J. Cunningham and L. McNamara
Applicant(s) Name	Simon Scott Smith and Mark Hagger
Premises Address	The Cabinet, High Street, Reed, Hertfordshire, SG8 8AH
Date of Application	Tuesday 2 <sup>nd</sup> August 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><u>approved</u></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 0030hrs the following morning  Friday and Saturday 1000hrs 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> <ul style="list-style-type: none"> <li>•□□□ Christmas Eve</li> <li>•□□□ The Sunday of all Bank Holiday weekends.</li> </ul> <p>On all these days the permitted hours will be from 1000hrs to 0130hrs the following morning</p> <p><b><u>AND</u></b></p> <p>The premises will retain the existing New Year's Eve/New Year's Day hours.</p>

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- **PART E – Live Music**
- **PART F – Recorded Music**
- **PART I – Provision of Facilities for Making Music**
- **PART J – Provision of Facilities for Dancing**
- **PART K – 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 I – Provision of Facilities for Making Music**  
**PART J – Provision of Facilities for Dancing**

### Outdoors

Monday to Saturday 1000hrs to 2300hrs  
Sunday 1200hrs to 2300hrs

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

- Christmas Eve
- The Sunday of all Bank Holiday weekends.

On all these days the permitted hours will be from 1000hrs to 2300hrs.

The premises are **only** permitted to provide regulated entertainment, as defined in the Licensing Act 2003, at 'events' in the outdoors area of the premises, on no more than 12 occasions **in total** in any one calendar year.

On each occasion regulated entertainment is provided in the outdoors area of the premises the licensee or his/her representative will keep a record of the event held, the entertainment provided and this record will be made available to the licensing authority at their request.

The Sub-Committee has considered it necessary to restrict the number of occasions on which regulated entertainment may be provided in the outdoors area on the following grounds:

1. The Sub-Committee accepts that music currently played in the outside area of the premises causes a noise nuisance to the nearby residents.
2. The Sub-Committee recognises that there are limited steps that may be taken by the licensee to restrict noise emanating from the marquee.
3. The Sub-Committee has taken into account the relevant

representation by the Environmental Protection Officer on this issue.

4. The Sub-Committee considers that it is necessary to restrict the number of occasions on which regulated entertainment may be provided in the outside area of the premises in order to promote the licensing objective of the prevention of public nuisance.

#### Indoors

Monday to Thursday 1000hrs to 2330hrs  
Friday and Saturday 1000hrs to 2400hrs  
Sunday 1200hrs to 2330hrs

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

- Christmas Eve
- The Sunday of all Bank Holiday weekends.

On all these days the permitted hours will be from 1000hrs to 0100hrs the following morning

The Sub-Committee has considered it necessary to restrict the hours during which regulated entertainment may be provided inside the premises on the following grounds:

1. The Sub-Committee has taken into account the relevant representation by the Environmental Protection Officer on this issue.
2. The Sub-Committee considers that it is necessary to restrict the hours that regulated entertainment may be provided inside the premises in order to promote the licensing objective of the prevention of public nuisance.

#### **PART K – Late Night Refreshment**

Monday to Thursday 2300hrs to 2400hrs  
Friday and Saturday 2300hrs to 0100hrs the following morning  
Sunday 2300hrs to 2400hrs

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

- Christmas Eve
- The Sunday of all Bank Holiday weekends.

On all these days the permitted hours will be from 2300hrs to 0100hrs the following morning

#### **PART M – Supply of Alcohol**

Monday to Thursday 1000hrs to 2400hrs  
Friday and Saturday 1000hrs to 0100hrs the following morning  
Sunday 1200hrs to 2400hrs

	<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>•□□□ The Sunday of all Bank Holiday weekends.</li> </ul> <p>On all these days the permitted hours will be from 1000hrs to 0100hrs the following morning</p> <p><u>AND</u></p> <p>The premises will retain the existing New Year's Eve hours.</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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"> <li>1. All regulated entertainment provided in the outdoors area of the premises, as shown on the plan of the premises, is to stop no later than 2300hrs.</li> <li>2. The licence holder or his/her representative shall conduct regular assessments of the noise coming from the premises after 2300hrs on every occasion the premises are used for regulated entertainment and shall take steps to reduce the noise where it is likely to cause a disturbance to local residents.</li> <li>3. Where noise is created by taxis attending the premises and that noise is likely to cause a disturbance to local residents the licence holder or his/her representative will ask the taxi driver to turn off their vehicle engine until their customer's are ready to leave.</li> <li>4. During events where regulated entertainment is provided inside the building on the premises all doors and windows will be kept closed after 2300hrs every evening except to allow for egress and ingress to the premises and in the event of an emergency.</li> </ol>
<p><b>REMOVAL OF EMBEDDED RESTRICTIONS</b></p>	<p>The applicant seeks the removal of all Embedded Restrictions as contained in the Licensing Act 1964 and the Children and Young Persons Act 1933. The Sub-Committee allows this request.</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></p>	<p>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. Regulating Licensing</b></p> <p>4.1 <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>4.2 <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>5. Licence Conditions</b></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><b>9. The Prevention of Public Nuisance</b></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>
<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.

