

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

Date of Hearing	Tuesday 27 th September 2005
Members of Panel	J. Cunningham, L. McNamara and M. Muir.
Applicant(s) Name	Greene King Brewing and Retailing Limited
Premises Address	The Red Lion, Damask Green Road, Weston, Hertfordshire, SG4 7DA
Date of Application	Friday 29 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 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 – 2400hrs Friday and Saturday 1100hrs – 0030hrs the following morning Sunday 1200hrs – 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 Sunday of all Bank Holiday weekends. <p>On all these days the hours will be from 1100hrs to 0030hrs the following morning</p> <p><u>AND</u></p> <p>On days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the premises is permitted on 5 occasions in any calendar year to open 30 minutes before the start of the event (the due start time, kick off etc.) and/or close 30 minutes after the event (the final whistle,</p>

presentation of cup etc.).

The licensing authority notes that the applicant has agreed to notify the licensing department at the Hitchin Police Station, with at least 21 days notice in advance and that such events will only take place when agreed to by the Police in writing.

AND

The premises will retain existing New Year's Eve and New Year's Day hours.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART C – Indoor Sporting Events
- PART E – Live Music
- PART F – Recorded Music
- PART J – Provision of Facilities for Dancing
- PART M - Supply of alcohol

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

PART C – Indoor Sporting Events

The applicant confirmed during the hearing that they sought permission to hold this licensable activity during all hours the premises are open to the public. The permitted hours for this licensable activity are:

Monday to Thursday 1100hrs to 2400hrs
Friday and Saturday 1100hrs to 0030hrs the following morning
Sunday 1200hrs to 2330hrs

PART E – Live Music

PART F – Recorded Music

PART J – Provision of Facilities for dancing

These licensable activities will be permitted on the following days between the hours of 1800hrs and 2400hrs;

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Year's Eve
- New Year's Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- The Sunday of all Bank Holiday weekends.

PART M - Supply of Alcohol

The permitted hours are:

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1200hrs 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 Sunday of all Bank Holiday weekends.

On all these days the hours will be from 1100hrs to 2400hrs.

AND

On the 5 days when major sporting and non-sporting events are held and those events take place outside of the standard permitted hours, the permitted hours for the supply of alcohol will match those hours that premises are open.

AND

The premises will retain existing New Year's Eve and New Year's Day hours.

REGULATED ENTERTAINMENT TO BE PERMITTED ON '24' SPECIAL OCCASIONS

In addition to the stated calendar dates set out above, the premises will be entitled on 24 special occasions to hold the following licensable activities;

- PART E – Live Music
- PART F – Recorded Music
- PART J – Provision of Facilities for Dancing

On these special occasions the permitted hours are:

Monday to Thursday 1800hrs to 2330hrs
Friday and Saturday 1800hrs to 2400hrs
Sunday 1800hrs to 2300hrs

These special occasions will be limited to no more than two occasions in any calendar month.

On these special occasions a written log is to be kept by the licensee of the event held and will be made available to the licensing authority at their request.

<p>RATIONALE FOR DECISION</p>	<p>The Sub-Committee has restricted the hours the premises is permitted to be open to the public and provide the licensable activities on the following grounds;</p> <ol style="list-style-type: none"> 1. The Sub-Committee has received relevant representations that there is currently 'noise' nuisance being caused to nearby residents by persons leaving the premises. 2. The Sub-Committee is satisfied that granting the longer licensing hours on the terms sought would cause a public nuisance and that that nuisance would disproportionate and unreasonable on persons living and working in the vicinity. 3. Given the proximity of the premises to the nearby residents the Sub-Committee is not satisfied that any conditions can be imposed, additional to those offered by the applicant, which will prevent this nuisance. 4. The Sub-Committee considers that these restrictions on the opening hours and licensable activities are necessary to promote the licensing objective of the prevention of public nuisance.
<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 condition 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. All doors and windows shall be kept closed at all times that regulated entertainment is provided inside the premises except to allow egress and ingress to the premises and in the event of an emergency.
<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, with the exception of their offer of 'monitoring of customers leaving the premises'.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. The following licensable activities; <ul style="list-style-type: none"> PART E – Live Music PART F – Recorded Music PART J – Provision of Facilities for Dancing are not permitted to take place in the outdoors area of the premises as shown on the plan of the premises attached to the

	<p>application.</p> <ol style="list-style-type: none"> 2. The outdoors area as shown on the plan of the premises will be closed to customers no later than 11:00pm every evening. 3. All doors and windows shall be kept closed after 11:00pm every evening except to allow egress and ingress to the premises and in the event of an emergency. 4. There shall be placed at all exits from the premises, both inside and outside the premises, in a place where they can be seen and easily read by the public notices requiring the customers to leave the premises and the area quietly.
<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 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>5. Licence Conditions</p> <p>5.1 <i>The Council will tailor any conditions to the individual</i></p>

	<p><i>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>7. Licensing Hours</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> <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.

