

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

Date of Hearing	Monday 31 st October 2005
Members of Panel	P. Clark, L. Kercher and S. Wren.
Applicant(s) Name	Greene King Retailing Limited
Premises Address	Old George, Arlesey Road, Ickleford, Herts, SG5 3UX
Date of Application	Monday 4 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 <u>approved</u> 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 1100hrs to 2400hrs</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 and Monday of all Bank Holiday weekends <p>On all these days the hours will be from 1100hrs to 0130hrs the following morning</p> <p><u>AND</u></p> <p>The premises will retain their existing New Year's Eve hours.</p>

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 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 1200hrs to 2300hrs
Friday and Saturday 1200hrs to 2400hrs
Sunday 1200hrs to 2300hrs

AND

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 and Monday of all Bank Holiday weekends

On all these days the hours will be from 1200hrs to 2400hrs

AND

On New Year's Eve these activities will be permitted between the hours of 1200hrs to 0030hrs the following morning.

PART M - Supply of Alcohol

The permitted opening hours are:

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

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Day,

	<ul style="list-style-type: none"> •☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday •☐☐☐ The Sunday and Monday of all Bank Holiday weekends <p>On all these days the hours will be from 1100hrs to 0100hrs the following morning</p> <p><u>AND</u></p> <p>The premises will retain their existing New Year's Eve hours.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the 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. The premises will only be permitted to hold a maximum of <u>13</u> regulated entertainment events in one calendar year. Within these 13 events the premises will have a maximum of 10 'live music' and 3 'DJ' events in any calendar year. On these occasions a written log is to be kept by the licensee of the event held and this log will be made available to the licensing authority at their request. 2. The patio area of the premises shall be closed to the public after 2300hrs every evening. 3. During events where regulated entertainment is provided all doors and windows will be kept closed, except to allow for egress and ingress and in the event of an emergency. 4. The outside area shown on the plan of the premises will not be used at any time for the playing or performance of regulated entertainment. 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 the customers to leave the premises and the area quietly and respect the rights of people living nearby to a peaceful night. 6. From Sunday to Thursday no entry or re-entry to the premises will be permitted after 2300hrs by members of the public. On Friday and Saturday no entry or re-entry to the premises will be permitted after 2330hrs by members of the public.
<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>COMMENCEMENT DATE</p>	<p>This licence will come into effect from the second appointed day, namely the 24th of November 2005.</p>
<p>RIGHTS OF REVIEW</p>	<p>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.</p>