

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

Date of Hearing	Friday 11 th November 2005
Members of Panel	J. Cunningham, L. Kercher and J. Kirby.
Applicant(s) Name	Letchworth Kebabs
Premises Address	Letchworth Kebabs, 74 Leys Avenue, Letchworth Garden City, Hertfordshire, SG6 3EG
Date of Application	Tuesday 13 th September 2005
APPLICATION FOR VARIATION	<p>This is an application for a New Premises Licence under section 17 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><u>LICENSABLE ACTIVITY</u></p> <p>The licensable activity applied for is:</p> <p>PART L – Late Night Refreshment</p> <p>The hours during which this licensable activity may take place are:</p> <p>Monday to Thursday 2300hrs – 0100hrs the following morning Friday and Saturday 2300hrs – 0300hrs the following morning Sunday 2300hrs – 0100hrs the following morning</p> <p><u>AND</u></p> <p>On 10 occasions in any calendar year the premises will be entitled to provide late night refreshment between the hours of 2300hrs and 0400hrs the following morning. On the days the premises provided this licensable activity for the extended hours the licence holder will keep a log of the date and the reason for those hours. This log will be made available to the licensing authority at their request.</p>
REASON FOR RESTRICTING HOURS	<p>Hertfordshire Constabulary have objected to the premises licence being granted on the terms sought. Their representation relates to the licensing objective of the prevention of crime and disorder. The Sub-Committee has taken this representation into account in reaching their decision to restrict the hours that the premises are permitted to provide late night refreshment.</p> <p>The Sub-Committee has heard evidence that persons leaving public</p>

	houses in this area congregate at the premises and that anti-social behaviour that occurs at that time. The Sub-Committee finds that it is highly likely that granting the licence on the terms sought will cause persons to congregate at the premises and partake in anti-social behaviour until 5:00am in the morning. The Sub-Committee considers that the restriction is necessary to promote the licensing objective of prevention of crime and disorder.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	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.
STATEMENT OF LICENSING POLICY	<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>
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.