

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

Date of Hearing	Monday 14 th November 2005
Members of Panel	P. Clark, A. Kingman and J. Kirby.
Applicant(s) Name	Greene King Brewing and Retailing Limited
Premises Address	The George and Dragon, 2 Hitchin Street, Baldock, Hertfordshire, SG7 6AE
Date of Application	Thursday 22 nd September 2005
APPLICATION FOR VARIATION	<p>This is an application for a New Premises Licence pursuant to 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>1. <u>OPENING HOURS (Supply of Alcohol + 'Drinking Up')</u></p> <p>The permitted opening hours are:</p> <p>Monday to Saturday 0800hrs to 2330hrs Sunday 1200hrs to 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, •□□□ The Friday, Saturday, 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 New Year's Eve the permitted hours will be from 1100hrs to 0130hrs the following morning.</p>

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART H – Entertainment of a Similar Description (Karaoke)
- PART J – Provision of Facilities for Dancing
- PART L – Late Night Refreshment
- PART M - Supply of Alcohol

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

PART E – Live Music

PART F – Recorded Music

PART H – Entertainment of a Similar Description (Karaoke)

PART J – Provision of Facilities for Dancing

Thursday to Saturday 1800hrs to 2300hrs

These licensable activities are also permitted on the following days:

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Day,
- The Friday, Saturday, Sunday of all Bank Holiday weekends

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

AND

On New Year's Eve the permitted hours will be from 1100hrs to 0100hrs the following morning.

PART L – Late Night Refreshment

This licensable activity will be permitted to match the hours the premises are open to the public, namely:

Monday to Sunday 2300hrs 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,
- The Friday, Saturday, Sunday of all Bank Holiday weekends

On all these days the hours will be from 1100hrs to 0030hrs the following morning.

	<p><u>AND</u></p> <p>On New Year's Eve the permitted hours will be from 1100hrs to 0130hrs the following morning.</p> <p>PART M - Supply of Alcohol</p> <p>Monday to Saturday 1100hrs to 2300hrs Sunday 1200hrs to 2300hrs</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, •□□□ The Friday, Saturday, Sunday of all Bank Holiday weekends <p>On all these days the hours will be from 1100hrs to 2400hrs.</p> <p><u>AND</u></p> <p>On New Year's Eve the permitted hours will be from 1100hrs to 0100hrs the following morning.</p>
<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 conditions are each considered necessary by the Sub-Committee to promote the licensing objective of the prevention of crime and disorder.</p> <ol style="list-style-type: none"> 1. On every Friday and Saturday night and all other dates where non-standard timings apply, a minimum of four Security Industry Authority (SIA) approved door staff will be on duty at the premises between the hours of 7:00pm and closing time. 2. All door staff will comply with SIA requirements relating to the wearing of SIA registration badges and will make available, on request, registration documents and/or identification for inspection. 3. All door staff stationed at the exit/entrance of the premises will wear high visibility clothing (reflective jackets) during the hours of darkness. 4. The licence holder and/or the designated premises supervisor (DPS) shall nominate another person who will deputise for the

	<p>DPS in that person's absence. The licence holder and/or the DPS and shall ensure the identity of that person is known by all staff on occasions when the DPS is absent from the premises.</p> <p>The following condition is considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance:</p> <p>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.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions, which 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 licence holder shall ensure that the premises are equipped with a closed circuit television system (CCTV). CCTV shall be installed at the premises no later than 1 February 2006. The CCTV system shall be maintained to the satisfaction of the Hertfordshire Constabulary. 2. No person in possession of drink in a sealed or unsealed container shall be allowed to enter the premises except for the purpose of delivery. No drink shall be removed from the premises in an unsealed container. 3. There shall be placed on an external wall at the premises in a place where it can be seen and easily read by the public a notice displaying a phone number for the premises. The licence holder and his/her staff or agents will use their best endeavours to answer the phone during hours that the premises are open to the public. The licence holder and his/her staff or agents shall take steps to address the matters raised with them where activities at the premises are causing a disturbance to local residents. 4. At all times regulated entertainment is provided at the premises a noise-limiting device will be utilised. The limiting device will be set at a level determined by and to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council.
<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 heard relevant representations that there is currently public nuisance being caused to nearby residents by noise emanating from the premises and from persons leaving the premises. 2. The Sub-Committee has heard relevant representations that there have been numerous incidents of criminal activity at the premises and in the immediate vicinity of the premises. The

	<p>evidence shows that the majority of these incidents have occurred after 2300hrs in the evening on Friday and Saturday evenings.</p> <p>3. The Sub-Committee is not satisfied that granting the licence on the terms sought would promote the licensing objectives.</p> <p>4. Given the close proximity of the premises to the homes of local residents the Sub-Committee is not satisfied that any conditions can be imposed, additional to those already offered by the applicant, which will prevent public nuisance.</p> <p>5. Given that conditions attached to a licence cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his/her staff or agents, the Sub-Committee is not satisfied that any conditions can be imposed, additional to those already offered by the applicant, which will prevent crime and disorder from occurring at the premises.</p> <p>6. The Sub-Committee considers that these restrictions on the opening hours and licensable activities are necessary to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.</p>
OBSERVATIONS	During the hearing, the applicant retracted their application for non-standard timings for Easter weekend and all Bank Holiday Mondays.
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.</i></p>

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 Objectives.*

9. The Prevention of Public Nuisance

- 9.1 *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.*

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.