

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

Date of Hearing	Tuesday 15 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 Anchor PH, 84 Cambridge Road, Hitchin, Hertfordshire, SG4 0JH
Date of Application	Wednesday 3 rd August 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 opening hours are:</p> <p>Monday to Thursday 0800hrs to 2400hrs Friday and Saturday 0800hrs to 0030hrs the following morning Sunday 1000hrs 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 Eve, •☐☐☐ New Years Day, •☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday •☐☐☐ Friday, Saturday, Sunday and Monday of all Bank Holidays <p>On all these days the hours will be from 0800hrs to 0230hrs the following morning</p>

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART L – Late Night Refreshment
- PART M - Supply of Alcohol

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

PART E – Live Music

Friday and Saturday 1900hrs to 2330hrs

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Eve,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- Friday, Saturday, Sunday and Monday of all Bank Holidays

On all these days the hours will be from 1900hrs to 2330hrs.

PART F – Recorded Music

Monday to Thursday 2000hrs to 2400hrs

Friday and Saturday 2000hrs to 0030hrs the following morning

Sunday 1000hrs to 2300hrs

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Eve,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- Friday, Saturday, Sunday and Monday of all Bank Holidays

On these days the permitted hours will be determined by the day that the calendar event falls on, for example if Christmas Eve falls on a Monday the permitted hours will be from 2000hrs to 2400hrs.

PART L – Late night refreshment

Permission is granted to provide this activity on the following days:

- ☐☐☐ Christmas Eve,
- ☐☐☐ Christmas Day,
- ☐☐☐ Boxing Day,
- ☐☐☐ New Years Eve,
- ☐☐☐ New Years Day,
- ☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- ☐☐☐ Friday, Saturday, Sunday and Monday of all Bank Holidays

On these days the permitted hours will be from 2300hrs to the terminal hour for the supply of alcohol.

PART M – Supply of Alcohol

Monday to Thursday 1000hrs to 2330hrs
Friday and Saturday 1000hrs 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 Eve,
- ☐☐☐ New Years Day,
- ☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- ☐☐☐ Friday, Saturday, Sunday and Monday of all Bank Holidays

On all these days the hours will be from 1100hrs to 0200hrs the following morning

SPORTING EVENTS

The premises are permitted to open for extended hours to enable the live broadcast of the following sporting events;

1. World Cup Football
2. World Cup Rugby
3. World Cup Cricket
4. The Olympic Games
5. The Commonwealth Games

When these events take place outside of the standard permitted hours, the premises may 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, presentation of cup etc.)

When the premises is open to the public for these events the premises will also be permitted to provide the following licensable activities:

- ☐☐☐ PART L – Late Night Refreshment

	<p>•■■■ PART M - Supply of Alcohol</p>
<p>NOTICE TO POLICE</p>	<p>The Sub-Committee notes that on occasions when the premises intends to open outside the standard permitted hours; either for a notable calendar event or for the live broadcast of sporting events, the applicant has agreed to provide Hertfordshire Constabulary 21 days written notice of their intention. This notice shall contain the proposed timings and any other information that they consider relevant. Hertfordshire Constabulary will provide the premises with 7 days notice if they object to the event being held.</p>
<p>REMOVAL OF EMBEDDED RESTRICTIONS</p>	<p>The applicant has sought to have the conditions set out at part P of their application removed. The Sub-Committee allows this request.</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 prevention of public nuisance:</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. All doors and windows shall be kept closed after 2200hrs every evening except to allow egress and ingress to the premises and in the event of an emergency. 2. The outside area shown on the plan of the premises, described as beer garden, will not be used at any time for the playing or performance of regulated entertainment. 3. The outside area shown on the plan of the premises, described as beer garden, will be closed to customers from 2300hrs every evening. 4. 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. 5. The licence holder or his/her representative shall conduct regular assessments of the noise coming from the premises after 2200hrs 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.
<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> <p>The premises will open for extended hours on no more than 15 occasions in any calendar year. On these occasions the licence holder or designated premises supervisor will keep a written log of the event held and the times the premises opened and closed to the public. This log will be made available to the licensing authority at their request.</p>
<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 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</i></p>

	<p><i>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.