

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

Date of Hearing	Tuesday 15 <sup>th</sup> November 2005
Members of Panel	P. Clark, A. Kingman and J. Kirby.
Applicant(s) Name	Greene King Brewing and Retailing
Premises Address	The Station, 1 Station Approach, Knebworth, Hertfordshire, SG3 6AT
Date of Application	Friday 29 <sup>th</sup> July 2005
<b>APPLICATION FOR VARIATION</b>	<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 <b>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Monday to Thursday 1100hrs to 2330hrs  Friday and Saturday 1100hrs to 0030hrs the following morning  Sunday 1100hrs 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"> <li>•☐☐☐ Christmas Eve,</li> <li>•☐☐☐ Christmas Day,</li> <li>•☐☐☐ Boxing Day,</li> <li>•☐☐☐ New Years Day,</li> <li>•☐☐☐ St Patrick's Day</li> <li>•☐☐☐ St. George's Day,</li> <li>•☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday,</li> <li>•☐☐☐ The Friday, Saturday, Sunday and Monday of all Bank Holiday weekends,</li> <li>•☐☐☐ The day proceeding and preceding all Bank Holidays.</li> </ul> <p>On these days the premises will be permitted to remain open for one additional hour to the standard terminal hour.</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 H – Anything of a Similar Nature – Parts E, F or G
- PART J – Provision of Facilities for Dancing
- 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**

### **PART H – Entertainment of a Similar Description**

### **PART J – Provision of Facilities for Dancing**

Monday to Thursday 1200hrs to 2300hrs  
Friday and Saturday 1200hrs to 2300hrs  
Sunday 1800hrs to 2300hrs

These hours are to apply each day of the year without exception.

### **PART F – Recorded Music**

Mon to Thursday 1200hrs to 2300hrs  
Friday and Sat 1200hrs to 2400hrs  
Sunday 1800hrs to 2300hrs

These hours are to apply each day of the year without exception.

*The Sub-Committee has refused the non-standard timings sought for recorded music. They have reached this decision after hearing evidence from the interested parties that noise from the premises causes public nuisance. They consider that granting these hours on the terms sought will not promote the licensing objective of the prevention of public nuisance.*

### **PART L – Late Night Refreshment**

Friday and Saturday 2300hrs to 2400hrs

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Day,
- St Patrick's Day
- St. George's Day,

- ☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday,
- ☐☐☐ The Friday, Saturday, Sunday and Monday of all Bank Holiday weekends.
- ☐☐☐ The day proceeding and preceding all Bank Holidays.

On these days the premises will be permitted to provide late night refreshment from 2300hrs to the terminal hour for the supply of alcohol.

**PART M - Supply of Alcohol**

Monday to Thursday 1100hrs to 2300hrs  
 Friday and Saturday 1100hrs to 2400hrs  
 Sunday 1100hrs 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,
- ☐☐☐ St Patrick’s Day
- ☐☐☐ St. George’s Day,
- ☐☐☐ Good Friday, Easter Saturday, Easter Sunday, Easter Monday,
- ☐☐☐ The Friday, Saturday, Sunday and Monday of all Bank Holiday weekends,
- ☐☐☐ The day proceeding and preceding all Bank Holidays.

On these days the premises will be permitted to supply alcohol for one additional hour to the standard terminal hour.

AND

The premises will retain their existing New Year’s Eve hours.

**CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

The Sub-Committee recognises that conditions will only 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.

The following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of prevention of public nuisance.

1. 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.
2. 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

	<p>quietly.</p> <p>3. The licence holder or his/her representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for the provision of regulated entertainment and shall take steps to reduce the noise where it is likely to cause a disturbance to local residents.</p>
<b>CONDITIONS PROPOSED BY APPLICANT</b>	<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>1. The outside area shown on the plan of the premises, attached to the application, will not be used at any time for the playing or performance of regulated entertainment.</p> <p>2. The outside area shown on the plan of the premises, attached to the application, will be closed to customers of the premises after 2300hrs in the evening.</p>
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	<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>
<b>REMOVAL OF PRE-EXISTING CONDITIONS</b>	<p>The applicant seeks the removal of the following conditions:</p> <p>1. No fly-posting of events to be advertised outside of the licensed premises.</p> <p>2. The electrical installation must be inspected at least every 5 years by a competent electrical engineer and a certificate of condition must be forwarded to the Council.</p> <p>3. Removal of restrictions relating to the protection of persons under the age of 18 years, as set out in s168 of the Licensing Act 1964.</p> <p>The Sub-Committee allows this request.</p>
<b>STATEMENT OF LICENSING POLICY</b>	<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><b>4. Regulating Licensing</b></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</i></p>

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 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**

	<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><b>10. Live Music, Dancing and Theatre</b></p> <p>10.1 <i>The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.</i></p> <p>10.2 <i>Only necessary, proportionate and reasonable licensing conditions will be imposed on relevant licences so as not to discourage the promotion of entertainment. Conditions will relate to the promotion of the Licensing Objectives.</i></p> <p>10.3 <i>The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a substantial nature.</i></p>
<b>COMMENCEMENT DATE</b>	This licence will come into effect from the second appointed day, namely the 24 <sup>th</sup> of November 2005.
<b>RIGHTS OF REVIEW</b>	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.