

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

Date of Hearing	Tuesday 22 nd November 2005
Members of Panel	J. Cunningham, J. Kirby and M. Muir.
Applicant(s) Name	Mrs Johanna Martin
Premises Address	Shorty's Sports Bar, 29 Queen Street, Hitchin, Hertfordshire, SG4 9TN
Date of Application	Monday 26 th September 2005
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence Section 34 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 permitted opening hours are:</p> <p>Monday to Thursday 1100hrs to 2400hrs Friday and Saturday 1100hrs to 0030hrs the following morning Sunday 1100hrs to 2400hrs</p> <p>These hours are to apply each day of the year with the exception of the following notable calendar events:</p> <ul style="list-style-type: none"> •□□□ Christmas Eve, •□□□ Boxing Day, •□□□ Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, •□□□ The Friday, Saturday and Sunday and Monday of all Bank Holiday weekends. <p>On these days the premises will be permitted to remain open for one additional hour to the standard permitted terminal hour.</p> <p><u>AND</u></p> <p>The premises will retain their pre-existing New Year's Eve/New Year's Day hours.</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 K – Provision of Facilities for Entertainment
- 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**
- PART K – Provision of Facilities for Entertainment**

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2230hrs

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

- Christmas Eve,
- Boxing Day,
- Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday,
- The Friday, Saturday and Sunday and Monday of all Bank Holiday weekends.

On these days the premises will be permitted to provide these licensable activities for one additional hour to the standard permitted terminal hour.

AND

All stated licensable activities will be permitted during the pre-existing New Year's Eve/New Year's Day permitted hours.

PART M – Supply of Alcohol

Monday to Thursday 1100hrs to 2330hrs
Friday and Saturday 1100hrs to 2400hrs
Sunday 1100hrs to 2330hrs

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

- Christmas Eve,

	<ul style="list-style-type: none"> • Boxing Day, • Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, • The Friday, Saturday and Sunday and Monday of all Bank Holiday weekends. <p>On these days the premises will be permitted to supply alcohol for one additional hour to the standard permitted terminal hour.</p> <p><u>AND</u></p> <p>The premises will be permitted to supply alcohol during the pre-existing New Year's Eve/New Year's Day permitted hours.</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 condition is considered necessary by the Sub-Committee to promote the licensing objective of the prevention of public nuisance</p> <ul style="list-style-type: none"> • 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>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 P of their application, with the exception of the offer that a member of staff will stand at the exit door to ensure that customers depart in a quiet and orderly manner.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. The premises will be permitted to open outside of the standard permitted hours for a maximum of 20 occasions in one calendar year. These occasions will be restricted to either for a notable calendar event or for the live broadcast of sporting events. 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. 2. 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. 3. During events where regulated entertainment is provided all windows will be kept closed. 4. At all times regulated entertainment is provided at the premises a

	<p>noise-limiting device will be utilised.</p> <p><i>The Sub-Committee notes the applicant's willingness for the limiting device to be set at a level determined by and to the satisfaction of an Environmental Health Officer of North Hertfordshire District Council.</i></p>
SPORTING EVENTS	<p>The premises are permitted to open for extended hours to enable the live broadcast of sporting events. The premises will not be permitted to open earlier than 7:00am and the premises may not remain open later than 1:30am. On any day the premises opens for extended hours to enable the live broadcast of sporting events the premises will not be permitted to open earlier than the standard permitted hours in the morning as well as opening later than the standard permitted hours in the same evening.</p> <p>When the premises is open to the public for these events the premises will also be permitted to supply alcohol.</p>
NOTICE TO POLICE	<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 14 days written notice of their intention. This notice shall contain the proposed timings and any other information that they consider relevant.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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	<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</i></p>

	<p><i>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 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>
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.