

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

Date of Hearing	Wednesday 23 <sup>rd</sup> November 2005
Members of Panel	J. Kirby, M. Muir and S. Wren.
Applicant(s) Name	Mr John Truscott
Premises Address	The Boot PH, 64 High Street, Kimpton, Hertfordshire, SG4 8PT
Date of Application	Wednesday 13 <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><u>approved</u></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 0030hrs the following morning  Friday and Saturday 1100hrs to 0130hrs the following morning  Sunday 1200hrs to 2400hrs</p> <p>These hours are to apply each day of the year with the exception of the following notable calendar dates. On these dates the permitted hours will be as follows:</p> <p>New Year's Eve 1200hrs to 0315hrs the following morning</p> <p>'Bank Holiday Weekends'* 1000hrs to 0115hrs the following morning</p> <p>Christmas Eve 1000hrs to 0115hrs the following morning</p> <p>Boxing Day 1000hrs to 0115hrs the following morning</p> <p><i>* Bank Holiday Weekends includes the Friday, Saturday, Sunday and Monday of the Holiday weekend.</i></p>

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART B – Films
- PART C – Indoor Sporting Events
- PART E – Live Music
- PART F – Recorded Music
- PART H – Anything of a Similar Nature – Parts E, F or G
- PART I – Provision of Facilities for Making Music
- PART J – Provision of Facilities for Dancing
- PART L – Late Night Refreshment
- PART M - Supply of Alcohol

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

### **PART M - Supply of Alcohol**

Monday to Thursday	1100hrs to 2400hrs
Friday and Saturday	1100hrs to 0100hrs the following morning
Sunday	1200hrs to 2330hrs

These hours are to apply each day of the year with the exception of the following notable calendar dates. On these dates the permitted hours will be as follows:

New Year's Eve	1200hrs to 0300hrs the following morning
Bank Holiday weekends	1000hrs to 0100hrs the following morning
Christmas Eve	1000hrs to 0100hrs the following morning
Boxing Day	1000hrs to 0100hrs the following morning

### **PART B – Films**

### **PART C – Indoor Sporting Events**

### **PART E – Live Music**

### **PART F – Recorded Music**

### **PART H – Anything of a Similar Nature – Parts E, F or G**

### **PART I – Provision of Facilities for Making Music**

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

Monday to Thursday	1100hrs to 2400hrs
Friday and Saturday	1100hrs to 0100hrs the following morning
Sunday	1200hrs to 2330hrs

These hours are to apply each day of the year with the exception of the following notable calendar dates. On these dates the permitted hours will be as follows:

New Year's Eve	1200hrs to 0300hrs the following morning
Bank Holiday weekends	1000hrs to 0100hrs the following morning
Christmas Eve	1000hrs to 0100hrs the following morning

	<p>Boxing Day 1000hrs to 0100hrs the following morning</p> <p><b>PART E – Live Music</b></p> <p>On all days that this activity will terminate at 2330hrs.</p> <p><b>PART F – Recorded Music</b></p> <p>On all days that this activity will terminate at 2400hrs.</p> <p>The hours during which the following licensable activity may take place are:</p> <p><b>PART L – Late night refreshment</b></p> <p>Monday to Thursday 2300hrs to 2400hrs  Friday and Saturday 2300hrs to 0100hrs the following morning  Sunday 2300hrs to 2330hrs</p> <p>These hours are to apply each day of the year with the exception of the following notable calendar dates. On these dates the permitted hours will be as follows:</p> <p>New Year's Eve 2300hrs to 0300hrs the following morning  Bank Holiday weekends 2300hrs to 0100hrs the following morning  Christmas Eve 2300hrs to 0100hrs the following morning  Boxing Day 2300hrs to 0100hrs the following morning</p>
<p><b>15 SPECIAL OCCASIONS</b></p>	<p>In addition to the stated calendar dates set out above, the premises will be entitled on 15 special occasions in any calendar year to hold the following licensable activities;</p> <ul style="list-style-type: none"> <li>• PART B – Films</li> <li>• PART C – Indoor Sporting Events</li> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART H – Anything of a Similar Nature – Parts E, F or G</li> <li>• PART I – Provision of Facilities for Making Music</li> <li>• PART J – Provision of Facilities for Dancing</li> <li>• PART L – Late Night Refreshment</li> <li>• PART M - Supply of Alcohol</li> </ul> <p>On these special occasions the permitted hours are the start of standard permitted hours to 0100hrs the following morning. On these special occasions the premises will close no later than 1:15am.</p> <p>On these special occasions a written log is to be kept by the licensee of the event held and the hours the premises was open. This log will be made available to the licensing authority at their request.</p>
<p><b>NOTIFICATION TO POLICE</b></p>	<p>The Sub-Committee notes that on occasions when the premises intends to open outside the standard permitted hours; for one of the</p>

	<p>15 special occasions, 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.</p>
<b>REMOVAL OF EMBEDDED RESTRICTIONS</b>	<p>The applicant has applied to have all embedded restrictions as set out at Part P of his application form dated 13/07/05 (p17) removed. The Sub-Committee allows this request.</p>
<b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b>	<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.</p> <p>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. In particular the Sub-Committee is concerned that without these conditions the noise nuisance created to the interested parties would be unreasonable and therefore would not promote the licensing objective of the prevention of public nuisance.</p> <ol style="list-style-type: none"> <li>1. The outdoors area of the premises will not be used after 2230hrs at any time for the playing or performance of regulated entertainment.</li> <li>2. The outdoors area of the premises will be closed to the public after 2400hrs every evening.</li> <li>3. There shall be placed at all exits from the premises notices requiring the customers to leave the premises and the area quietly.</li> <li>4. During events where regulated entertainment is provided inside the premises all doors and windows will be kept closed after 2230hrs.</li> </ol>
<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 (p18).</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> <li>1. The applicant will be permitted to provide the licensable activities set out at parts E,I,J both indoors &amp; outdoors.</li> <li>2. The applicant will be permitted to provide the licensable activities set out at parts B,F,H,L indoors only.</li> </ol>
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS</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>

EXPLAINED TO APPLICANT	
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><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 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><b>5. Licence Conditions</b></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><b>7. Licensing Hours</b></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</i></p>

	<p><i>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><b>9. The Prevention of Public Nuisance</b></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>
<p><b>COMMENCEMENT DATE</b></p>	<p>This licence will come into effect from the second appointed day, namely the 24<sup>th</sup> of November 2005.</p>
<p><b>RIGHTS OF REVIEW</b></p>	<p>The Sub-Committee has received numerous representations from interested parties expressing their concerns that if the premises came under new management the premises may cause a public nuisance. The Sub-Committee accepts that these are valid concerns. The Sub-Committee are however obliged to consider this application solely on the way in which the premises are currently being managed.</p> <p>The Sub-Committee reminds all parties of their rights of review under the new licensing regime. 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.</p>