

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

Date of Hearing	Friday 10 th February 2006
Members of Panel	S. Bloxham, P. Clark and L. Kercher
Applicant(s) Name	Kim Trading Ltd.
Premises Address	99-100 Ickleford Road, Hitchin, Herts. SG5 1TL
Date of Application	Monday 19 th December 2005
APPLICATION FOR PREMISES LICENCE	<p>This is an application for a Premises Licence under 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 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 Sunday 0001hrs to 2400hrs (24 hour opening)</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PART L – Late Night Refreshment • <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PART M - Supply of Alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART L – Late Night Refreshment</p> <p>Friday and Saturday 2300hrs to 2400hrs</p> <p>PART M - Supply of Alcohol (Off-Sales only)</p> <p>Monday to Thursday 0600hrs to 2300hrs Friday and Saturday 0600hrs to 2400hrs Sunday 0600hrs to 2300hrs</p>

<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.</p> <p><u>Plus:</u></p> <ol style="list-style-type: none"> 1. All spirits will only be displayed behind the till counter. 2. No more than 25% of shop shelf space is to be dedicated to alcohol sales. 3. The till counter is to be staffed at all times that alcohol is on sale or display. 4. There shall be placed at all exits from the premises in a place where they can be seen and easily read signs requesting customers to dispose of their rubbish responsibly and leave the premises and the area quietly. 5. A notice shall be displayed at the point of purchase that it is unlawful for persons under the age of 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age. 6. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of one of the following: <ul style="list-style-type: none"> •<input type="checkbox"/> Photo driving licence •<input type="checkbox"/> Passport •<input type="checkbox"/> A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS) •<input type="checkbox"/> Citizen card supported by the Home Office •<input type="checkbox"/> Official ID card issued by HM Forces or European Union bearing a photograph and birth date of the holder.
<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</i></p>

	<p>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.</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>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 Wednesday 1 st March 2006.
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.