

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

Date of Hearing	Tuesday 9 th May 2006
Members of Panel	P. Burt, J. Cunningham and S. Wren
Applicant(s) Name	Mr Ian McGuire & Mrs Kimberley McGuire
Premises Address	The Sailor, 95 Woolgrove Road, Hitchin, Hertfordshire SG4 8AU
Date of Application	Friday 24 th February 2006
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under 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> <ol style="list-style-type: none"> 1. The application for variation is approved subject to the conditions and hours as set out below. 2. That Live music be licensed on: <ul style="list-style-type: none"> Wednesday & Thursday 2000hrs to 2300hrs <p>That Anything of similar description to parts E, F or G (on the application form), specifically, occasional quiz evenings be licensed on:</p> <ul style="list-style-type: none"> Monday to Sunday from 2000hrs to 2300hrs <p>That the Provision of facilities for dancing be licensed on:</p> <ul style="list-style-type: none"> Wednesday and Thursday from 2000hrs to 2300hrs <p>That Late Night Refreshment be licensed on:</p> <ul style="list-style-type: none"> Monday, Thursday and Sunday from 2300hrs to 0030hrs <p><u>And</u></p> <ul style="list-style-type: none"> Fridays and Saturdays 2300hrs to 0130hrs <p>That the present hours for the activities on the Premises Licence remain.</p>

3. The operating schedule conditions presently on the existing Premises Licence remain except for the following condition that:

There has been no history of complaints concerning the music played in the premises.

The Sub-Committee are of the opinion that other conditions currently imposed on the licence cannot be removed as a result of the proposed variation sought by the Applicant.

1. OPENING HOURS

The permitted opening hours are:

Monday to Thursday 1100hrs to 0030hrs the following morning
Friday and Saturday 1100hrs to 0130hrs the following morning
Sunday 1100hrs to 0030hrs the following morning

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

- Christmas Eve
- Boxing Day
- St. Valentines Day
- St. Patrick's Day
- St. George's Day
- Good Friday, Easter Saturday, Easter Sunday
- The Saturday, Sunday and Monday of the May, Spring and August Bank Holidays
- Halloween

On all these days the hours will be from 1100hrs to 0130hrs the following morning

And

The premises will retain the existing New Year's Eve permitted hours

And

The premises will be allowed to open for extended hours on 12 occasions in any one calendar year. These special events are in addition to the stated calendar dates set out above. On these days, the premises are permitted to open between the hours of 1100hrs and 0130hrs the following morning. On these special events, a written log is to be kept by the licensee of the event held and will be made available to the Licensing Authority at their request.

2. LICENSABLE ACTIVITIES

The licensable activities applied for are:

- PART E – Live Music
- PART H – Anything of a Similar Nature to that falling within Parts E, F and G, specifically, occasional quiz evenings.
- PART J – Provision of Facilities for Dancing
- PART L – Late Night Refreshment

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

PART E – Live Music

Wednesday and Thursday 2000hrs to 2300hrs
Friday and Saturday 2000hrs to 2400hrs

PART H – Anything of a similar description falling within E, F or G specifically occasional quiz evenings

Monday to Sunday 2000hrs to 2300hrs

PART J – Provision of Facilities for Dancing (Indoors)

Wednesday and Thursday 2000hrs to 2300hrs
Friday and Saturday 2000hrs to 2400hrs

PART L – Late Night Refreshment

Monday to Thursday 1100hrs to 0030hrs the following morning
Friday and Saturday 1100hrs to 0130hrs the following morning
Sunday 1100hrs to 0030hrs the following morning

EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT

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.

STATEMENT OF LICENSING POLICY

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.

4. *Regulating Licensing*

4.1 *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.

- 4.2 *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.*

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

- 9.1 *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.*

10. Live Music, Dancing and Theatre

- 10.1 *The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.*

- 10.2 *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.*

- 10.3 *The Council will avoid any measure, which deters live music, dancing and theatre by imposing indirect costs of a*

	<i>substantial nature.</i>
RATIONALE FOR DECISION	The decision to reduce the hours applied for to 2000hrs to 2300hrs on the additional days of Wednesday and Thursday and to retain all but one of the existing operating schedule conditions has been made on the grounds of preventing public nuisance.
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
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.