

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

Date of Hearing	Tuesday 31 <sup>st</sup> October 2006
Members of Panel	J. Cunningham, L. Kercher and J. Kirby.
Applicant(s) Name	Greene King Retailing Limited
Premises Address	The Boars Head, Market Hill, Royston, Herts. SG8 9JU
Date of Application	Wednesday 6 <sup>th</sup> September 2006
<b>APPLICATION FOR VARIATION</b>	<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> <p>1. 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>Sunday to Wednesday 1000hrs to 0030hrs the following morning  Thursday 1000hrs to 0130hrs the following morning  Friday and Saturday 1000hrs to 0230hrs the following morning</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> <li>• Xmas Eve,</li> <li>• Xmas Day,</li> <li>• Boxing Day,</li> <li>• Good Friday, Easter Saturday, Easter Sunday, Easter Monday</li> <li>• Spring and August Bank Holiday Mondays and the Friday, Saturday and Sunday preceding the Bank Holiday.</li> </ul> <p>On all these days the hours will be from 1000hrs to 0230hrs the following morning</p> <p>Also</p> <ul style="list-style-type: none"> <li>• New Years Eve/New Years Day</li> </ul> <p>On these days the permitted hours will extend from the standard terminal hour on New Years Eve until the standard terminal hour on New Years Day</p>

Plus

In the event of the transmission of any recognised international or national events, to open 30 minutes before the start of the event (the due kick off/start time) and close 30 minutes after the end of the event (the final whistle). The licensing authority note that the applicant has entered into a separate agreement with the police that the details are to be provided to the Police Licensing Department at Hitchin Police Station in writing 21 days in advance and agreed by the police in writing.

Plus

Local business networking breakfast club, one morning per month opening at 0700hrs.

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART E – Live Music
- PART F – Recorded Music
- PART M - Supply of Alcohol

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

### **PART E – Live Music**

Wednesday to Sunday            1200hrs to 2300hrs

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- Spring and August Bank Holiday Mondays and the Friday, Saturday and Sunday preceding the Bank Holiday.

On all these days the hours will be from 1200hrs to 2300hrs

Also

- New Years Eve

On this day the hours will be from 1200hrs to 0200hrs the following morning

## **PART F – Recorded Music**

Wednesday to Sunday      1200hrs to 2300hrs

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- Spring and August Bank Holiday Mondays and the Friday, Saturday and Sunday preceding the Bank Holiday.

On all these days the hours will be from 1200hrs to 2300hrs

Also

- New Years Eve

On this day the hours will be from 1200hrs to 0200hrs the following morning

## **PART M – Supply of Alcohol**

Sunday to Wednesday      1000hrs to 2400hrs

Thursday      1000hrs to 0100hrs the following morning

Friday and Saturday      1000hrs to 0200hrs the following morning

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- Spring and August Bank Holiday Mondays and the Friday, Saturday and Sunday preceding the Bank Holiday.

On all these days the hours will be from 1000hrs to 0200hrs

Also

- New Years Eve/New Years Day

On these days the permitted hours will extend from the standard terminal hour on New Years Eve until the standard terminal hour on New Years Day

Plus

In the event of the transmission of any recognised international or national events, to open 30 minutes before the start of the event (the due kick off/start time) and close 30 minutes after the end of the

	<p>event (the final whistle). The licensing authority note that the applicant has entered into a separate agreement with the police that the details are to be provided to the Police Licensing Department at Hitchin Police Station in writing 21 days in advance and agreed by the police in writing.</p> <p>Plus</p> <p>Local business networking breakfast club, one morning per month opening at 0700hrs.</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. 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 Sub-Committee does not consider that it is necessary to impose any additional conditions on the premises in order to promote the licensing objectives.</p>
<b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b>	<p>The following condition has been recommended by:</p> <p>Mr Mario Houska, Environmental Health Officer</p> <p>1. Live musical events shall only be carried out during December, January and February months.</p> <p>This condition is considered <u>unnecessary</u> to ensure the promotion of one of the four licensing objectives, namely the prevention of public nuisance.</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 P of their application.</p> <p>No additional conditions were offered by the applicant during the course of the hearing.</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>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>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</i></p>

	<p><i>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>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>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 date of this decision.
<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.