

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

Date of Hearing	Tuesday, 11 January 2011
Members of Panel	Councillors T. Brindley, L. Kercher and M. Rice
Applicant(s) Name	Mr Hing Lun (Alun) Lau
Premises Address	Dragon Inn, London Road, St. Ippolyts, Herts. SG4 7NL
Date of Application	17 November 2010
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 has read the material presented to it and has 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 <u>approved</u> 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 Saturday 0700hrs to 12 Midnight Sunday 0700hrs to 2330hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART E – Live Music • PART F – Recorded Music • PART G – Performance of a Dance • 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 K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J • PART L – Late Night Refreshment <p>The hours during which the licensable activities may take place are:</p> <p>PART E – Live Music PART F – Recorded Music PART G – Performance of a Dance PART H – Anything of a Similar Nature – Parts E, F or G</p>

	<p>PART I – Provision of Facilities for Making Music PART J – Provision of Facilities for Dancing PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J</p> <p>Monday to Saturday 2000hrs to 2345hrs Sunday 2000hrs to 2315hrs</p> <p>PART L – Late Night Refreshment</p> <p>Monday to Saturday 2300hrs to 2345hrs Sunday 2300hrs to 2315hrs</p> <p>Additionally the Sub-Committee has decided to vary the hours during which the following licensable activity may take place</p> <p>PART M – Sale or Supply of Alcohol (On and Off Premises)</p> <p>Monday to Saturday 1000hrs to 2345hrs Sunday 1200hrs to 2315hrs</p> <p>Christmas Day 1200hrs to 2330hrs New Years Eve 1000hrs to 2400hrs New Years Day 0000hrs to 2300hrs Good Friday 1000hrs to 2330hrs</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 it considers that it is necessary to impose conditions as a result of these representations.</p> <p>The Sub-Committee has decided not to impose any conditions of its own volition.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following conditions have been recommended by NHDC Environmental Protection and are considered necessary for the promotion of one of the four licensing objectives, namely the prevention of public nuisance</p> <ol style="list-style-type: none"> 1. No regulated entertainment or music shall be played, relayed or amplified outside the premises at any time. 2. Windows to the restaurant to be shut at 22.00hrs when regulated entertainment is taking place. 3. The entrance lobby doors shall be fitted with self-closing devices. The self-closing device must be properly maintained to ensure the doors close properly after being opened. 4. The entrance door to the premises shall remain closed whilst regulated entertainment is taking place, except for the ingress and egress of patrons and in the case of an emergency.

	<p>5. Clearly visible signs must be placed prominently at the exits. The signs must request patrons to consider the neighbours and should advise them to leave quickly and quietly.</p> <p>6. The designated smoking area is immediately to the rear of the premises. A maximum of 10 people are permitted to smoke in this area.</p> <p>7. A clearly visible sign must be displayed in the smoking area requesting patrons to consider the neighbours and that a maximum of 10 people are permitted to smoke in the area at any one time.</p> <p>8. The Designated Premises Supervisor or some other person shall manage the dispersal of patrons from the premises so as to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised.</p>
CONDITIONS PROPOSED BY APPLICANT	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.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO 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.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (October 2010 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>1.16, 2.4, 2.34 and 2.35</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>5.9, 9.3, 12.7, 16.6</p>
RATIONALE FOR DECISION	<p>The Sub-Committee has made its decision taking into account the evidence placed before it, the Guidance, the Council's Statement of Licensing Policy and the steps necessary to promote the licensing objectives. It considers its decision will allow the business to function whilst respecting the requirements of the Licensing Act 2003.</p> <p>The following remarks are for information only and do not form part of the decision. It was apparent from the Applicant's case that they may not have completed the variation application as they intended, specifically in relation to the four named public holidays and the hours open to the public in section O. The Sub-Committee only</p>

	considered the application before it. If the Applicant wishes to change the hours to match their intention this will require a separate application which will be separately considered.
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.