

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

Date of Hearing	Friday, 25 March 2011								
Members of Panel	Councillors D. Barnard, T. Brindley and D. Chambers								
Applicant(s) Name	Greene King Retailing Ltd.								
Premises Address	The Victoria PH, 1 Ickleford Road, Hitchin, Herts. SG6 3JF								
Date of Application	28 January 2011								
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 considered to all the evidence and submissions. The Sub-Committee has taken into account the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>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> <table style="margin-left: 20px;"> <tr> <td>Monday to Wednesday</td> <td>0800hrs to 2330hrs</td> </tr> <tr> <td>Thursday</td> <td>0800hrs to 2300hrs</td> </tr> <tr> <td>Friday and Saturday</td> <td>0800hrs to 0130hrs the following morning</td> </tr> <tr> <td>Sunday</td> <td>1000hrs to 2330hrs</td> </tr> </table> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Xmas Eve, • Xmas Day, • Boxing Day, • New Years Day, • Good Friday, Easter Saturday, Easter Sunday, Easter Monday • All Bank Holidays and the day preceding a Bank Holiday <p>On all these days the hours will be from 0800hrs to 0130hrs the following morning.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART A – Plays • PART B – Films • PART C – Indoor Sporting Events 	Monday to Wednesday	0800hrs to 2330hrs	Thursday	0800hrs to 2300hrs	Friday and Saturday	0800hrs to 0130hrs the following morning	Sunday	1000hrs to 2330hrs
Monday to Wednesday	0800hrs to 2330hrs								
Thursday	0800hrs to 2300hrs								
Friday and Saturday	0800hrs to 0130hrs the following morning								
Sunday	1000hrs to 2330hrs								

- PART E – Live Music
- PART F – Recorded Music
- PART G – Performance of a Dance
- 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 licensable activities may take place are:

PART A – Plays

Sunday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 12 Midnight

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All Bank Holidays and the day preceding a Bank Holiday

On all these days the hours will be from 1100hrs to 0030hrs the following morning.

On New Years Eve, the hours will be from 1100hrs to 0130hrs the following morning.

Outdoors, for events such as festivals on Friday to Monday Bank Holiday weekends only, the hours shall be from 12 Noon to 2000hrs.

PART B - Films

Sunday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 0100hrs the following morning

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All Bank Holidays and the day preceding a Bank Holiday

On all these days the hours will be from 1100hrs to 0100hrs the following morning.

On New Years Eve, the hours will be from 1100hrs to 0130hrs the following morning.

PART C – Indoor Sporting Events

Sunday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 0100hrs the following morning

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Eve,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All Bank Holidays and the day preceding a Bank Holiday

On all these days the hours will be from 1100hrs to 0100hrs the following morning.

PART E – Live Music

[As per Section A above.]

PART F – Recorded Music

[As per Section A above.]

PART G – Performance of a Dance

[As per Section A above.]

PART I – Provision of Facilities for Music Making

Sunday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 12 Midnight

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All other Bank Holidays

On all these days the hours will be from 1100hrs to 0030hrs the following morning.

On New Years Eve, the hours will be from 1100hrs to 0130hrs the following morning.

On special occasions (eg. weddings), the hours will be from 1100hrs to 0030hrs the following morning.

Outdoors, for events such as festivals on Friday to Monday Bank Holiday weekends only, the hours shall be from 12 Noon to 2000hrs.

PART J – Provision of Facilities for Dancing

Sunday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 12 Midnight

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All other Bank Holidays

On all these days the hours will be from 1100hrs to 0030hrs the following morning.

On New Years Eve, the hours will be from 1100hrs to 0130hrs the following morning.

On special occasions (eg. weddings), the hours will be from 1100hrs to 0030hrs the following morning.

PART L – Late Night refreshment

Friday and Saturday 2300hrs to 0100hrs the following morning

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

- Xmas Eve,
- Xmas Day,
- Boxing Day,
- New Years Eve,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday
- All Bank Holidays and the day preceding a Bank Holiday

On all these days the hours will be from 2300hrs to 0100hrs the following morning

On New Years Eve, the hours will be from the beginning of the normal licensed hours to the beginning of normal licensed hours the following day.

PART M - Supply of alcohol

Monday to Thursday 1100hrs to 2300hrs

Friday and Saturday 1100hrs to 0100hrs the following morning

Sunday 1000hrs to 2300hrs

	<p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • Xmas Eve, • Xmas Day, • Boxing Day, • New Years Eve, • New Years Day, • Good Friday, Easter Saturday, Easter Sunday, Easter Monday • All Bank Holidays and the day preceding a Bank Holiday <p>On all these days the hours will be from 1000hrs to 0100hrs the following morning.</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 (as amended following agreement with the applicant) 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. The Designated Premises Supervisor or some other responsible person shall manage, where necessary, the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented and therefore noise disturbance to local residents is minimised. 2. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to respect the needs of local residents and to leave the premises quickly and quietly. 3. All windows and doors to the internal areas of the premises (including the barn) shall be closed after 23:00 on Fridays and at all times whilst live and recorded music is taking place, except for ingress/egress and in the case of an emergency. 4. The premises will enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of this agreement. 5. Deliveries and waste collections relating to premises shall only take place between 0800 and 2000, Monday to Sunday. 6. No glass bottles shall be emptied into the waste bins at the premises between 2100 and 0800, Monday to Sunday.

	<p>7. Regulated entertainment shall only be permitted in the external areas of the premises on Bank Holiday weekends during Easter, May and August (Friday to Monday) between 1200 and 2000. Such regulated entertainment shall only occur on a maximum of two days per Bank Holiday weekend and for a maximum of six days per calendar year.</p> <p>8. Regulated entertainment shall only be permitted in the barn area of the premises between 1100 and 2200, Sunday to Thursday and between 1100 and 2300 on Fridays and Saturdays.</p> <p>9. Live and recorded music shall only be permitted in the barn area of the premises on a maximum of twelve days per calendar year and on no more than two days per calendar month.</p> <p>10. The Designated Premises Supervisor shall keep a record of the events detailed in Conditions 7 and 9 along with details of any complaints received by the Designated Premises Supervisor from residents regarding these events. This record should be made available to the Environmental Protection Team at the Council upon request.</p> <p>11. For outdoor events detailed in Condition 7, the Designated Premises Supervisor shall notify immediate neighbours of such events via letter at least two weeks before the proposed event date. This letter shall contain a contact telephone number of the Designated Premises Supervisor or other responsible person so they can be contacted during an event should any issues arise.</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, plus the condition agreed with NHDC Environmental Protection set out above.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<p>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>STATUTORY GUIDANCE CONSIDERATIONS</p>	<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>Sections 1.16, 2.32, 2.33, 2.34, 2.35, 2.36, 5.9, 9.1 and 9.2</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>Sections 5.1, 9.3, 9.4, 9.5, 12.2, 12.7, 14.1, 14.2, 14.3 and 16.6</p>
RATIONALE FOR DECISION	<p>There were no objections to this application that could not be satisfied by conditions.</p>
COMMENCEMENT DATE	<p>This licence will come into effect from the date of this decision.</p>
RIGHTS OF REVIEW	<p>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>