

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

Date of Hearing	Tuesday, 22 November 2011
Members of Panel	Councillors D. Barnard, L. Courts and A. Millard
Applicant(s) Name	Sharron Margaret Fletcher
Premises Address	The Club Room, Church End Lane, Barley, Herts. SG8 8JW
Date of Application	27 September 2011
APPLICATION FOR GRANT	<p>This is an application for the grant of a Premises Licence under Section 17 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>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 0900hrs to 1800hrs</p> <p>These hours are to apply each Monday to Saturday of the year with the exception of:</p> <p>Occasional tasting events (no more than 2 per calendar month), when the time of closure will be no later than 2200hrs.</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART M - Supply of alcohol</p> <p>Monday to Saturday 0900hrs to 1800hrs</p> <p>These hours are to apply each Monday to Saturday of the year with the exception of:</p>

	Occasional tasting events (no more than 2 per calendar month), when the licensable activity will cease no later than 2200hrs.
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<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 following conditions are each considered necessary by the Sub-Committee to promote the licensing objective of Prevention of Public Nuisance.</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. No smoking shall be permitted other than in a designated smoking area to be agreed with the Licensing Authority and NHDC Environmental Protection. 2. There shall be no consumption of alcohol outside the front of the building on Church Lane. 3. When an event is held which will finish after 6pm signs shall be displayed at the exits of the building asking patrons to leave quietly and respect the rights of people living nearby to a peaceful night.
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	None.
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, including the conditions agreed in advance with Hertfordshire Constabulary and NHDC Environmental Protection.
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>Paragraph Nos. 1.16, 2.4 and 2.39</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>Paragraph Nos. 5.1, 5.4, 5.6, 5.9, 8.1, 9.1, 12.1 and 12.2</p>
RATIONALE FOR DECISION	<p>Having considered the evidence before it, including the Guidance and Council's Licensing Policy, the Sub-Committee consider that the applicant is taking appropriate steps to address the concerns of local residents. The Sub-Committee has imposed additional conditions on the applicant in order to reduce the potential for public nuisance to occur.</p> <p>The Sub-Committee was reassured by the applicant's commitments made during the hearing that the premises will only supply wine, that delivery times will be limited in consultation with the school and steps will be taken to manage any potential parking issues. The Sub-Committee is mindful of the review mechanism in the event that the resident's concerns arise in the future.</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>