

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

Date of Hearing	Monday, 6 February 2012
Members of Panel	Councillors P. Burt, D. Chambers and L. Kercher
Applicant(s) Name	Greene King Retailing Limited
Premises Address	The Orange Tree, Norton Road, Baldock, Herts. SG7 5AW
Date of Application	15 December 2011
<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 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><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Sunday to Thursday 0800hrs to 0030hrs the following morning Friday and Saturday 0800hrs to 0130hrs 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>• Christmas Eve,</li> <li>• Christmas Day,</li> <li>• Boxing Day,</li> <li>• New Years Day,</li> <li>• Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patrick's Day and St George's Day,</li> <li>• All publically declared holidays, including the day preceding a Bank Holiday,</li> </ul> <p>On all the above days the hours will be from 0800hrs to 0230hrs the following morning.</p> <p>Plus</p> <p>On the morning on which summer time begins, where the terminal hour is later than 0100hrs, the terminal hour shall be extended by one hour.</p> <p>Plus</p>

On New Year's Eve, the hours shall be from the end of the permitted hours to the start of the permitted hours the following day.

Plus

In the event of an International or National sporting event which falls outside of the standard hours, the hours shall commence one hour before the start of the event and end one after the finish of the event.

## **2. LICENSABLE ACTIVITIES**

The licensable activities applied for are:

- PART A – (Indoors) Plays
- PART B – (Indoors) Films
- PART C – Indoor Sporting Events
- PART E – (Indoors) Live Music
- PART F – (Indoors) Recorded Music
- PART G – (Indoors) Performance of a Dance
- PART H – (Indoors) Anything of a Similar Nature – Parts E, F or G
- PART I – (Indoors) Provision of Facilities for Making Music
- PART J – (Indoors) Provision of Facilities for Dancing
- PART K – (Indoors) Provision of Facilities for Entertainment of a Similar Description – Parts I or J
- PART L – (Indoors) Late Night Refreshment
- PART M – (On and Off Premises) Sale or Supply of alcohol

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

**PART A – (Indoors) Plays;**  
**PART B – (Indoors) Films;**  
**PART C - Indoor Sporting Events;**  
**PART E – (Indoors) Live Music;**  
**PART F – (Indoors) Recorded Music;**  
**PART G – (Indoors) Performance of a Dance;**  
**PART H – (Indoors) Anything of a Similar Nature to Parts E, F or G;**  
**PART I – (Indoors) Provision of Facilities for Music Making;**  
**PART J – (Indoors) Provision of Facilities for Dancing;**  
**PART K – (Indoors) Provision of Facilities to that within Parts I or J**

Sunday to Thursday 1100hrs to 12 Midnight

Friday and Saturday 1100hrs to 0100hrs the following morning

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Year's Eve,
- New Years Day,

- Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patrick's Day and St George's Day,
- All publically declared holidays, including the day preceding a Bank Holiday,

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

**PART L – (Indoors) Late Night Refreshment**

Sunday to Thursday 2300hrs to 12 Midnight  
 Friday and Saturday 2300hrs to 0100hrs the following morning

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

- Christmas Eve,
- Christmas Day,
- Boxing Day,
- New Years Day,
- Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patrick's Day and St George's Day,
- All publically declared holidays, including the day preceding a Bank Holiday,

On all the above days the hours will be from 0800hrs to 0200hrs the following morning.

Plus

On the morning on which summer time begins, where the terminal hour is later than 0100hrs, the terminal hour shall be extended by one hour.

Plus

On New Year's Eve, the hours shall be from the end of the permitted hours to the start of the permitted hours the following day.

Plus

In the event of an International or National sporting event which falls outside of the standard hours, the hours shall commence one hour before the start of the event and end one after the finish of the event.

**PART M – (On and Off the Premises) Sale or Supply of Alcohol**

Sunday to Thursday 1100hrs to 12 Midnight  
 Friday and Saturday 1100hrs to 0100hrs the following morning

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

- Christmas Eve,
- Christmas Day,

	<ul style="list-style-type: none"> <li>• Boxing Day,</li> <li>• New Years Day,</li> <li>• Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patrick's Day and St George's Day,</li> <li>• All publically declared holidays, including the day preceding a Bank Holiday,</li> </ul> <p>On all the above days the hours will be from 1100hrs to 0200hrs the following morning.</p> <p>Plus</p> <p>On the morning on which summer time begins, where the terminal hour is later than 0100hrs, the terminal hour shall be extended by one hour.</p> <p>Plus</p> <p>On New Year's Eve, the hours shall be from the end of the permitted hours to the start of the permitted hours the following day.</p> <p>Plus</p> <p>In the event of an International or National sporting event which falls outside of the standard hours, the hours shall commence one hour before the start of the event and end one after the finish of the event.</p> <p><b>3. <u>REMOVAL OF CONDITIONS ON EXISTING LICENCE</u></b></p> <p>The following conditions on the existing licence are removed:</p> <p>(b)(i) No more than one hundred (100) persons will be permitted within the premises at any one time; and</p> <p>(e)(i) Children under the age of sixteen (16) years will only be permitted to use the garden of the premises.</p> <p>Plus: the existing licence plan is replaced with the licence plan included as part of this variation application.</p>
<p><b>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></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><b>CONDITIONS PROPOSED BY THE RESPONSIBLE</b></p>	<p>Conditions proposed by Environmental Protection were agreed by the Applicant and form part of the application.</p>

<b>AUTHORITIES</b>	
<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, including the conditions agreed in advance between the applicant and the NHDC Environmental Protection Officer, as detailed in the report of the Senior Licensing &amp; Enforcement Officer.</p> <p>Plus the following conditions proposed by the Applicant during the hearing:</p> <ol style="list-style-type: none"> <li>1. There shall be no entry or re-entry to the premises after midnight.</li> <li>2. There shall be no external regulated entertainment.</li> <li>3. There shall be no karaoke.</li> <li>4. No later than ten working days prior to an International or National sporting event which falls outside the standard hours the licence holder shall contact the Licensing Authority to seek approval that the sporting event falls within the terms of the licence.</li> </ol>
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	<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>
<b>STATUTORY GUIDANCE CONSIDERATIONS</b>	<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 paragraphs to be of particular relevance in reaching this decision:</p> <p>Paragraphs 1.15, 1.16, 1.32, 2.4, 2.32, 2.33, 2.35, 2.36, 2.38, 10.12 and 10.20.</p>
<b>LICENSING POLICY CONSIDERATIONS</b>	<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>Paragraphs 5.1, 5.9, 9.1, 9.2, 9.3, 9.4, 9.5, 12.2, 14.1 and 14.2.</p>
<b>RATIONALE FOR DECISION</b>	<p>Having considered the evidence before it, including the Guidance and Council's Licensing Policy, the Sub-Committee note that the applicant is taking steps to address the concerns of local residents, including the further conditions offered during the course of the hearing. The Sub-Committee have decided to grant the application as applied for, save the additional hour on Friday and Saturday nights which the Sub-Committee considered to be the most noise sensitive periods for those living in neighbouring properties.</p> <p>The Sub-Committee has considered that the Applicant may wish to apply for the additional hour at some point in the future once he has operated the premises with the activities and times granted and can demonstrate no issues have arisen from the changes. The Sub-Committee is also mindful of the review mechanism in the event that the resident's concerns arise in the future.</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.