

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

Date of Hearing	Monday 11 th September 2006
Members of Panel	A. Bardett, P. Clark, J. Kirby.

Applicant(s) Name	David John Dent								
Premises Address	The Bucks Head, Stevenage Road, Little Wymondley, Hertfordshire. SG4 7HY								
Date of Application	19 th July 2006								
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 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>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><tr><td>Monday to Thursday</td><td>11:00 – 00:30 the following morning</td></tr><tr><td>Friday</td><td>11:00 – 01:30 the following morning</td></tr><tr><td>Saturday</td><td>10:00 – 01:30 the following morning</td></tr><tr><td>Sunday</td><td>10:00 – 23:00</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">• New Years Eve - the hours will be extended from the end of opening hours on New Year Eve to the start of the permitted hours on New Years Day• Christmas Day – the hours will be 12:00 to 15:00 and again from 19:00 to 22:30hrs• Good Friday – the hours will be 10:00 to 22:30hrs <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	Monday to Thursday	11:00 – 00:30 the following morning	Friday	11:00 – 01:30 the following morning	Saturday	10:00 – 01:30 the following morning	Sunday	10:00 – 23:00
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Friday	11:00 – 01:30 the following morning								
Saturday	10:00 – 01:30 the following morning								
Sunday	10:00 – 23:00								

- 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
- PART M - Supply of alcohol

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

REGULATED ENTERTAINMENT (OUTDOORS)

- PART E – Live Music (outdoors)**
- PART F – Recorded Music (outdoors)**
- PART G – Performance of dance (outdoors)**
- PART I – Provision of facilities for making music (outdoors)**
- PART J – Provision of facilities for dancing (outdoors)**

Monday to Friday	11:00 – 23:00
Saturday	10:00 – 23:00
Sunday	10:00 – 22:30

REGULATED ENTERTAINMENT (INDOORS)

- PART E – Live Music (indoors)**
- PART F – Recorded Music (indoors)**
- PART G – Performance of dance (indoors)**
- PART H – Anything of a similar description to that falling within E, F or G (indoors)**
- PART I – Provision of facilities for making music (indoors)**
- PART J – Provision of facilities for dancing (indoors)**
- PART K – Provision of facilities for entertainment of a similar description to that falling within I or J (indoors)**

Monday to Thursday	11:00 – 00:00 the following morning
Friday	11:00 – 01:00 the following morning
Saturday	10:00 – 01:00 the following morning
Sunday	10:00 – 22:30

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

- New Years Eve - the hours will be extended from the end of opening hours on News Year Eve to the start of the permitted hours on New Years Day

PART L – Late Night Refreshment (indoors)

Monday to Thursday	23:00 – 00:30 the following morning
Friday & Saturday	23:00 – 01:30 the following morning

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

	<ul style="list-style-type: none"> • New Years Eve - the hours will be extended from the end of opening hours on News Year Eve to the start of the permitted hours on New Years Day <p>PART M – SALE OR SUPPLY OF ALCOHOL</p> <p>Monday to Thursday 11:00 – 00:00 the following morning Friday 11:00 – 01:00 the following morning Saturday 10:00 – 01:00 the following morning Sunday 10:00 – 22:30</p> <p>These hours are to apply each day of the year with the exception of:</p> <ul style="list-style-type: none"> • New Years Eve - the hours will be extended from the end of opening hours on News Year Eve to the start of the permitted hours on New Years Day • Christmas Day – the hours will be 12:00 to 15:00 and again from 19:00 to 22:30hrs • Good Friday – the hours will be 10:00 to 22:30hrs
<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 they consider 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 the prevention of public nuisance</p> <p>The conditions are:</p> <ol style="list-style-type: none"> 1. During events where regulated entertainment is provided all doors and windows will be kept closed, except to allow for egress and ingress and in the event of an emergency 2. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring the customers to leave the premises and the area quietly 3. The licence holder or his/her representative shall conduct regular half hourly assessments from neighbouring residential properties of the noise coming from the premises on every occasion the premises are used for regulated entertainment and if noise is audible at the boundaries to the premises the volume must be reduced. 4. Where noise is created by taxis attending the premises and that noise is likely to cause a disturbance to local residents the licence holder or his/her representative will ask the taxi driver to turn off their vehicle engine until their customer’s are ready to leave.

<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following condition(s) has been recommended by the Fire Authority:</p> <ol style="list-style-type: none"> 1. Inadequate Means of Escape <ol style="list-style-type: none"> i) The fire exit opening from the restaurant area to open air should be reinstated and fitted with a single exit device only conforming to BS1125 ii) The exit door in the over spill restaurant room should be fitted with a single exit device only conforming to BS 1125 iii) The fire resisting door separating the bar and kitchen areas should be fitted with an overhead self-closing device. 2. Inadequate Means of Detection and Giving Warning in case of Fire <p>A manual electric fire alarm system conforming to BS 5839 Part .2002 should be provided.</p> <p>Consideration should be given to the installation of automatic fire detection to (give warning of fire to) first floor occupants.</p> 3. Insufficient Emergency Lighting <p>Emergency lighting should be installed throughout the ground floor in accordance with BS 5266 (current edition) including maintained illuminated exit signs positioned above all final fire exit doors.</p> 4. Insufficient fire signage <p>“Push Bar to Open” signage should be provided on doors fitted with push bar exit devices.</p> <p>These conditions are considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely public safety</p> <p>The following condition has been recommended by the Police:</p> <ol style="list-style-type: none"> 1. Live music (indoors and outdoors) under Part E and Part F will not exceed more than 5 hours duration in any one day <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the prevention of public nuisance</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.</p> <ol style="list-style-type: none"> 1. Any regulated entertainment outdoors will terminate at 23:00 hours. 2. Live music will not exceed 5 hours duration.

	<p>3. Recorded music will not exceed 5 hours in duration.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<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>
<p>STATEMENT OF LICENSING POLICY</p>	<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>4. Regulating Licensing</p> <p>4.1 <i>Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council may attach conditions to licences issued under the Act and these must be focussed on matters, which are within the control of the individual licence holders and others in possession of relevant authorisations.</i></p> <p>4.2 <i>Licensing law is not a mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises or event and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in North Hertfordshire.</i></p> <p>4.3 <i>In addressing these matters the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or otherwise engaged in activities in the vicinity.</i></p> <p>5. Licence Conditions</p> <p>5.1 <i>The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will 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>7. Licensing Hours</p> <p>7.1 <i>The Council recognises that fixed and overly restrictive opening times can lead to peaks of disorder and disturbance on the streets due to large numbers of people leaving licensed premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. Longer licensing hours with regard to the sale of alcohol are an important factor in reducing these concentrations and the resulting crime and disorder.</i></p> <p>7.2 <i>The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the Licensing Objectives.</i></p> <p>9. The Prevention of Public Nuisance</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>10. Live Music, Dancing and Theatre</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>
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.

