

North Hertfordshire District Council
Licensing Act 2003
Decision Notice

Date of Hearing	Wednesday 19 th July 2006
Members of Panel	A. Bardett, S. Bloxham & J.Cunningham

Applicant(s) Name	McMullen & Sons Ltd
Premises Address	The Globe Public House, 115 High Street, Codicote, Herts. SG4 8UA
Date of Application	Thursday 4 th May 2006
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence, 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> and the licence is varied as set out below subject to modified conditions</p> <p>1. <u>OPENING HOURS</u></p> <p>The varied permitted opening hours are:</p> <p>Sunday to Thursday 1000 – 2330 Friday & Saturday 1000 – 0030 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">• Xmas Eve, <p>On this day the hours will be from 1000 to 0130 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 B – Films• PART C – Indoor Sporting Events• PART E – Live Music• PART F – Recorded Music• PART H – Anything of a Similar Nature – Parts E, F or G• PART I – Provision of Facilities for Making Music• PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J

	<ul style="list-style-type: none"> • PART L – Late Night Refreshment • PART M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>All regulated entertainment (Part B, Part C, Part E, Part F, Part H, Part I, & Part K) will be permitted under the terms of this varied licence for the following hours</p> <p>Sunday to Thursday 1000 – 2300 Friday & Saturday 1000 – 2330</p> <p>Part L – Late night refreshment will be permitted for the following hours:</p> <p>Sunday to Thursday 1000 - 2330 Friday & Saturday 1000 – 0030 the following morning</p> <p>In addition the hours permitted for Part B, Part K and Part L on Xmas Eve will be from 1000 to 0130 the following morning</p> <p>And for Part E, Part F and Part I on Xmas eve the hours will be permitted from 1000 to 0030 the following morning</p> <p>And on New Years Eve the hours permitted for Part E, Part F, Part I and Part L are 1000 to 0130 the following morning</p> <p>Part M – the supply of alcohol</p> <p>The hours the supply of alcohol may take place are:</p> <p>Sunday to Thursday 1000 – 2300 Friday and Saturday 1000 – 0000 the following morning</p> <p>On Xmas Eve the permitted hours will be from 1000 to 0100 the following morning</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 modified as follows:</p> <p>‘The windows and doors will be kept closed during the performance of any regulated entertainment under Part E, Part F, Part I and Part K except for the ingress and egress of customers’</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><i>4.2 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><i>4.3 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>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>
RATIONALE FOR DECISION	The Sub-Committee has received relevant representations that there was noise nuisance being caused to the objector during the period of February to May 2006 when the applicant was operating in good faith for longer permitted hours. The Committee is satisfied that restricting the hours and modifying the condition will prevent the likely nuisance and will promote the licensing objective of the prevention of public nuisance
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.