

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

Date of Hearing	Tuesday, 12 February 2008
Members of Panel	Councillors P. Clark. J. Cunningham & M. Kirkland
Applicant(s) Name	Priory Barn Ltd.
Premises Address	The Priory, Priory Lane, Little Wymondley, Herts. SG4 7HD
Date of Application	13 December 2007
APPLICATION FOR PREMISES LICENCE	<p>This is an application for a Premises Licence under Section 17 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>1. 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>Friday & Saturday - 1100hrs to 0030hrs the following morning Sunday – 1100hrs to 2330hrs</p> <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 • 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 M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART E – Live Music</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p>

	<p>PART F – Recorded Music</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART G – Performance of a Dance</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART H – Anything of a Similar Nature – Parts E, F or G</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART I – Provision of Facilities for Making Music</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART J - Provision of Facilities for Dancing</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART K – Provision of Facilities for Entertainment of a Similar Description – Parts I or J</p> <p>Friday & Saturday - 1100hrs to 0000hrs (12 Midnight) Sunday - 1100hrs to 2300hrs</p> <p>PART M - Supply of Alcohol</p> <p>Friday & Saturday - 1100hrs to 2345hrs Sunday - 1100hrs to 2245hrs</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 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 condition(s) are:</p> <ol style="list-style-type: none"> 1. The Applicant shall ensure that the doors to the Premises are kept shut after 2200 hrs save for use for ingress and egress 2. The Applicant shall not enable or permit the use of amplified instruments or music in any external areas.

CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	No conditions have been recommended by the Responsible Authorities.
CONDITIONS PROPOSED BY APPLICANT	<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> <p>The Applicant confirmed during the course of the hearing that the following condition shall be removed from the application due to concern over the enforceability of the condition: Guests do not leave the premises by foot, only by vehicle at the end of the function.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	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.
STATEMENT OF LICENSING POLICY	<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>RATIONALE FOR DECISION</p>	<p>The sub-committee has considered the licensing objective of the prevention of public nuisance. The sub-committee has considered that there have been no representations from responsible authorities. The sub committee is mindful of the representations it has heard from the interested parties. The sub-committee is aware that other legislation exists to address noise and public nuisance issues.</p>
<p>COMMENCEMENT DATE</p>	<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>
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