

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

Date of Hearing	Monday, 30 th July 2007
Members of Panel	Councillors T. Brindley, P. Clark & M. Weeks
Applicant(s) Name	Punch Taverns PLC
Premises Address	The Bull Public House, 34 High Street, Whitwell, Herts. SG4 8AG
Date of Application	1 st June 2007
APPLICATION FOR VARIATION OF PREMISES LICENCE	<p>This is an application for variation of a Premises Licence under Section 34 of the Licensing Act 2003, seeking to revise the plan attached to the licence to include a new smoking area.</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> <ol style="list-style-type: none"> 1. The application is <u>approved</u> subject to the conditions and hours as are set out below. <p>All licensable activities and times remain as previously granted by the Licensing Authority on 31 July 2005.</p>
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 they consider that it is necessary to impose conditions as a result of these representations.</p> <p>The Sub-Committee does not consider that any additional conditions are necessary for the promotion of the licensing objectives.</p>
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	<p>The following conditions have been recommended by the Environmental Protection Officer:</p> <ol style="list-style-type: none"> 1. The smoking area should be identified on the plans. <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> <ol style="list-style-type: none"> 2. There shall be no consumption of food and alcohol in the designated smoking area after 23:00 hours. <p>This condition is considered <u>unnecessary</u> to ensure the promotion of one of the four licensing objectives, namely the prevention of</p>

	<p>public nuisance.</p> <p>3. No external heaters shall be used in the designated smoking area after 23:00 hours.</p> <p>This condition is considered <u>unnecessary</u> to ensure the promotion of one of the four licensing objectives, namely the prevention of public nuisance.</p> <p>4. Signs shall be placed in the external smoking area requesting customers to be quiet.</p> <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>5. The designated smoking area shall not be used at all beyond the existing operating times.</p> <p>This condition is considered <u>unnecessary</u> to ensure 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>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<p>The Sub-Committee explained at the hearing 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. The applicant was not present at the hearing and the Sub-Committee therefore confirms the effect of failure to comply by way of this Decision Notice.</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</i></p>

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.

- 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.*

5. Licence Conditions

- 5.1 *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.*

- 5.2 *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.*

7. Licensing Hours

- 7.1 *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.*

- 7.2 *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.*

9. The Prevention of Public Nuisance

- 9.1 *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*

	<i>engaged in activities in the vicinity of a particular premises.</i>
RATIONALE FOR DECISION	<p>The Sub-Committee considers that the conditions imposed on this Licence as agreed by the Applicant in negotiation with the relevant Responsible Authority are necessary for the promotion of the licensing objective of the prevention of public nuisance.</p> <p>The Sub-Committee considered that, in relation to the unnecessary conditions, the issues were adequately addressed by the Premises Licence and other legislation.</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.