

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

Date of Hearing	Wednesday, 12 September 2007
Members of Panel	Councillors D. Barnard, T. Brindley & M. Kirkland
Applicant(s) Name	Punch Taverns PLC
Premises Address	The Globe, 10 Gernon Road, Letchworth Garden City, Herts. SG6 3DU
Date of Application	18 <sup>th</sup> July 2007
<b>APPLICATION FOR PREMISES LICENCE</b>	<p>This is an application for a Premises Licence made 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 as amended during the hearing 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      1100hrs to 0030hrs the following morning Friday &amp; Saturday to      1100hrs 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>• New Years Eve,</li> <li>• New Years Day,</li> </ul> <p>On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART I – Provision of Facilities for Making Music</li> <li>• PART J – Provision of Facilities for Dancing</li> <li>• PART L – Late Night Refreshment</li> <li>• PART M - Supply of alcohol</li> </ul>

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

**PART E – Live Music**

Sunday to Thursday 1100hrs to 2300  
Friday & Saturday to 1100hrs to 0000 midnight

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

- New Years Eve,
- New Years Day,

On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.

**PART F – Recorded Music**

Sunday to Thursday 1100hrs to 0000 midnight  
Friday & Saturday to 1100hrs to 0100hrs the following morning

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

- New Years Eve,
- New Years Day,

On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.

**PART I – Provision of Facilities for Music Making**

Sunday to Thursday 1100hrs to 0000 midnight  
Friday & Saturday to 1100hrs to 0100hrs the following morning

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

- New Years Eve,
- New Years Day,

On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.

**PART J – Provision of Facilities for Dancing**

Sunday to Thursday 1100hrs to 0000 midnight  
Friday & Saturday to 1100hrs to 0100hrs the following morning

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

- New Years Eve,
- New Years Day,

	<p>On all these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.</p> <p><b>PART L – Late Night Refreshment</b></p> <p>Sunday to Thursday      1100hrs to 0030hrs the following morning  Friday &amp; Saturday to      1100hrs 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>• New Years Eve,</li> <li>• New Years Day,</li> </ul> <p>On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.</p> <p><b>PART M - Supply of alcohol</b></p> <p>Sunday to Thursday      1100hrs to 0000 midnight  Friday &amp; Saturday to      1100hrs to 0100hrs 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>• New Years Eve,</li> <li>• New Years Day,</li> </ul> <p>On these days the hours will be from the start of the permitted hours on New Years Eve to the close of the permitted hours on New Years Day.</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 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 objectives referred to below:</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> <li>1. The applicant shall adopt and implement a system such as the Challenge 21 initiative or such other similar initiative and display appropriate notices accordingly.</li> </ol> <p>This condition is considered <u>necessary</u> for the promotion of one of the four licensing objectives, namely the protection of children from harm</p> <ol style="list-style-type: none"> <li>2. The Applicant shall reinstate all fire doors in accordance with</li> </ol>

	<p>the submitted application</p> <p>This condition is considered <u><b>necessary</b></u> for the promotion of two of the four licensing objectives namely public safety and the prevention of public nuisance</p> <p>3. Whenever live or recorded music is played the licensee shall monitor the level of noise arising from that regulated entertainment hourly from 2300 to ensure that the music will not be audible above background level at the perimeter of the boundary with the residential premises at 1 Gernon Road, Letchworth</p> <p>This condition is considered <u><b>necessary</b></u> for the promotion of one of the four licensing objectives namely the prevention of public nuisance</p> <p>4. All doors and windows to the Premises shall be kept shut after 2130hrs except to allow for egress and ingress and in the event of an emergency</p> <p>This condition is considered <u><b>necessary</b></u> for the promotion of one of the four licensing objectives namely the prevention of public nuisance</p> <p>5. Prominent, clear and legible notices shall be displayed at all exits requesting Patrons to respect the needs of local residents and to leave the premises and the area quietly</p> <p>This condition is considered <u><b>necessary</b></u> for the promotion of one of the four licensing objectives namely the prevention of public nuisance</p>
<p><b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b></p>	<p>The following conditions have been recommended by Hertfordshire Trading Standards:</p> <p>1. The applicant shall indicate the precautions they intend to take to avoid the sale of alcohol to those underage, for example, the forms of identification they are willing to accept as proof of age for those intending to purchase alcohol and any other steps they are intending to take.</p> <p>This condition is considered <u><b>necessary</b></u> for the promotion of one of the four licensing objectives, namely the protection of children from harm</p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></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>Plus:</p> <p>1. Drinks purchased by patrons for offsales shall not be</p>

	<p>removed from the Premises in open containers</p> <p>This condition is considered <b><i>necessary</i></b> for the promotion of one of the four licensing objectives, namely prevention of crime and disorder.</p> <p>2. The Applicant must submit a plan identifying the location of the Designated Smoking Area to the rear of the Premises within 7 days</p> <p>This condition is considered <b><i>necessary</i></b> for the promotion of one of the four licensing objectives namely the prevention of public nuisance</p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></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><b>STATEMENT OF LICENSING POLICY</b></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><b>4. Regulating Licensing</b></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><b>5. Licence Conditions</b></p> <p>5.1 <i>The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will</i></p>

	<p><i>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><b>7. Licensing Hours</b></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><b>9. The Prevention of Public Nuisance</b></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><b>10. Live Music, Dancing and Theatre</b></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>
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<p><b>RATIONALE FOR DECISION</b></p>	<p>The sub-committee has considered the evidence submitted by the Interested Parties and notes that this Premises is to operate adjacent to a residential area. The sub-committee considers that the conditions imposed will serve to promote the four licensing objectives.</p>
<p><b>COMMENCEMENT DATE</b></p>	<p>This licence will come into effect from the date of this decision.</p>
<p><b>RIGHTS OF REVIEW</b></p>	<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>