



LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

THURSDAY 11 DECEMBER 2014 AT 2.30 PM

BULBOURNE ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillors Mrs Green (Chairman), G Sutton and A Fantham

For further information, please contact Pat Duff, Member Support Officer on Tel: 01442 228558, or Email: pat.duff@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meetings held on 21 July 2014.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].



AGENDA ITEM: 5

SUMMARY

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	11 December 2014
PART:	1
If Part II, reason:	

Title of report:	Consideration of objection to temporary event notices:- Kebab Point, 16 High Street, Hemel Hempstead HP1 3AE
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of 2 temporary event notices which have been given to the licensing authority, in respect of which a responsible authority has given an objection notice. The objection must be considered by the Sub-Committee, in accordance with the adopted scheme of delegation.
Recommendations	That the notices set out in this report be considered, and that the Sub-Committee determine whether to take one of the actions available to them, as set out at para 5.1.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Consideration of temporary event notices is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	This matter is to be determined under existing policies. No new policy implications arise.

Consultees:	The police and environmental health authority are statutory consultees to temporary event notices. One or both have given objection notices to the proposed events.
Background papers:	Licensing Act 2003, and associated regulations Dacorum Borough Council's Statement of Licensing Policy Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, October 2014)
Glossary of acronyms and any other abbreviations used in this report:	TEN: Temporary event notice

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. For infrequent events with no more than 499 persons in attendance, premises users may give a temporary event notice (TEN). This is a 'light-touch' form of authorisation, and so long as the proposed event meets statutory criteria and the premises user has satisfied prescribed notification requirements, the event will automatically be deemed to be authorised. This authorisation may, however, be overridden if a counter-notice is issued by the licensing authority in respect of the event, either by virtue of a breach of the statutory limits, or as a result of objections raised by a consultee.
- 1.3. TEN's may be given in respect of stand alone events, or used in conjunction with a premises licence or club premises certificate to extend the scope of the permanent authorisation.
- 1.4. Standard TEN's may be given no later than 10 working days prior to a proposed event. When giving a TEN, the premises user must also serve copies on the relevant police and environmental health authorities (unless making an online application, in which case the licensing authority must fulfil this requirement), and those bodies may give notice of any objections to the proposed event within 3 working days of receipt. Where a valid objection to a standard TEN is received by a licensing authority, a hearing must be convened to consider the objection. The Act also provides for a smaller number of late TEN's to be given per year, no later than 5 working days prior to an event. An objection against a late TEN has the effect of an immediate veto to the proposed event.
- 1.5. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including consideration of temporary event notices with objections.

2. General principles to be followed

- 2.1. In common with other decision-making powers under the Licensing Act 2003, the licensing authority is required to carry out its functions with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.2. The authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Chapter 7 of the guidance contains specific provisions in respect of the consideration of temporary event notices. There is no corresponding section with the council's licensing policy, although the general principles set out therein should be followed unless there is good reason to depart.
- 2.3. The licensing authority's powers in respect of temporary event notices are not of grant or refusal, but rather of intervention and veto. The licensing authority may only intervene if objections around the effect of the event on the licensing objectives are raised and upheld by the authority, or if a proposed event would fall outside of the permitted statutory limits on temporary events, which are as follows:
- A premises may benefit from up to 12 TEN's per calendar year, having effect on no more than 21 days;
 - A TEN may have effect for up to 168 consecutive hours (7 days);
 - There must be at least 24 hours between TENs at a premises.
 - An individual may give up to 5 TEN's per year (50 if they hold a personal licence). This limit also applies across associated persons (e.g. family members, husband and wife, business partners);
 - An individual may give no more than 2 late TEN's per year (10 with a personal licence). Any late TEN's also count towards the above limits.
- 2.4. The authority **must** issue a counter-notice, which vetoes a proposed event, if the event would cause the above limits to be breached. A counter-notice **must** also be issued in respect of a late TEN where an objection has been given. The exercise of these powers has been delegated to officers.
- 2.5. The authority **may** issue a counter-notice, which vetoes a proposed event, if objections were raised by the police or environment health authorities to the event, and, having regard to that objection, the authority considers it appropriate for the promotion of a licensing objective to issue such a notice.
- 2.6. If the authority decides not to issue a counter-notice following objections, and the TEN relates to premises which are subject to a premises licence or club premises certificate, it **may** decide to impose one or more conditions from the licence or certificate upon the TEN, if this is considered appropriate for the promotion of the objectives.
- 2.7. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every matter should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Items must be considered with regard to the principles of fair process and the Human Rights Act.

- 2.8. It is considered inappropriate for licensing officers involved with the administration of TEN's to make recommendations. However responsible authority officers may raise objections in respect of temporary events where concerns arise.

3. Details of temporary event notice(s)

- 3.1. Two temporary event notices were served on the licensing authority on the 1st December 2014. Previous notices for the same events had been rejected by the licensing authority due to both forms being completed incorrectly, and incorrect service. Both notices were given by **Mr Abdul Cabbar Nas**, in respect of premises known as **Kebab Point**, situated at **16 High Street, Hemel Hempstead, HP1 3AE**, within the Hemel Hempstead Town ward.

- 3.2. The first temporary event notice relates to the following proposed event:

Event date:	Wednesday 25 th December 2014
Event time(s):	01.00 to 02.30 hours
Activities proposed:	Late night refreshment only
Expected attendance:	Max. 15 persons at any time

- 3.3. A copy of the first temporary event notice is appended as Annex A to this report.

- 3.4. An objection notice in respect of the first temporary event notice was received from Hertfordshire Constabulary on the 4th December 2014, citing concerns in respect of the crime and disorder prevention objective and the ability of the premises user to control any disorder that may arise at his premises. A number of specific incidents occurring in the vicinity of the premises are detailed. A copy of the police objection notice is appended as Annex B to this report.

- 3.5. The second temporary event notice relates to the following proposed event:

Event date:	Wednesday 1 st January 2015
Event time(s):	01.00 to 02.30 hours
Activities proposed:	Late night refreshment only
Expected attendance:	Max. 15 persons at any time

- 3.6. A copy of the second temporary event notice is appended as Annex C to this report.

- 3.7. An objection notice in respect of the second temporary event notice was received from Hertfordshire Constabulary on the 4th December 2014, citing concerns in respect of the crime and disorder prevention objective and the ability of the premises user to control any disorder that may arise at his premises. A number of specific incidents occurring in the vicinity of the premises are detailed. A copy of the police objection notice is appended as Annex D to this report. The objection notice is substantially the same as that given for the first TEN.

- 3.8. No other TEN's have been given by the premises user or in respect of these premises in the respective calendar years. The proposed events therefore fall within the prescribed limits.
- 3.9. A map of the area in which the premises are situated, photos of the area, and a floor plan of the premises are appended at Annexes E, F and G respectively.
- 3.10. The premises user and the objecting responsible authority have been given notice of the hearing in accordance with statutory requirements.

4. Details of premises licence

- 4.1. The premises in respect of which the TEN's have been given is subject to a premises licence, number DAC007758, which is held by Mr Abdul Nas, and authorises the following licensable activities:

Supply of alcohol (for consumption on the premises only – currently prohibited due to absence of designated premises supervisor)

Monday to Saturday	11.00 to 00.00
Sunday	11.00 to 23.30

Late night refreshment

Sunday to Thursday	23.00 to 01.00
Friday to Saturday	23.00 to 02.30

Hours the premises may open to the public

Sunday to Thursday	07.00 to 01.00
Friday to Saturday	07.00 to 02.30

- 4.2. A schedule of the conditions imposed upon this licence is appended at Annex H.
- 4.3. The licence has had effect since November 2005 (upon commencement of the current legislation). Mr Nas has held the licence since March 2011.
- 4.4. An application for minor variation of the premises licence, seeking to extend the terminal hour for late night refreshment on Thursdays, Fridays and Saturdays to 03.30 hours was refused by officers under delegated powers in July 2012, following receipt of representations from Hertfordshire Constabulary in respect of the crime prevention objective.

5. Options available to the Sub-Committee

- 5.1. For each temporary event notice set out in this report, having considered the temporary event notice, the objection notice received from Hertfordshire Constabulary and any further representations made by parties to the hearing:
- a) The Sub-Committee must decide whether to give the premises user a 'counter-notice' under section 105(2) of the 2003 Act, if it is considered appropriate for the promotion of a licensing objective to do so, setting out the full reasons for this decision;
 - b) If a counter-notice is not given, the Sub-Committee may decide to impose one or more conditions from the premises licence for the site on the temporary event notice, by way of the issue of a notice and a 'statement of conditions' under section 106(3) of the 2003 Act, if it is considered appropriate for the promotion of the licensing objectives to do so. Conditions may only be imposed if they would not be inconsistent with the proposed event;
 - c) If neither a counter-notice nor a conditions notice are issued, then the Sub-Committee must resolve to take no action, and the deemed authorisation will permit the event to take place as proposed.
- 5.2. Full reasons must be given in support of any decision made by the Sub-Committee.
- 5.3. The premises user will have a right of appeal to a magistrates court against a decision to issue a counter-notice. The objecting responsible authority will have a right of appeal to a magistrates court against a decision not to issue a counter-notice. Any appeal must be brought within 21 days of notification of the decision, but no later than 5 working days prior to the first day of the proposed event.

Annexes attached to this report:

- Annex A – Temporary event notice 1 (25th December 2013)
- Annex B – Police objection notice 1
- Annex C – Temporary event notice 2 (1st January 2014)
- Annex D – Police objection notice 2
- Annex E – Map of area in which premises is situated
- Annex F – Photos of premises
- Annex G – Plan of premises
- Annex H – Conditions imposed on premises licence

Annex A – Temporary event notice 1 (25th December 2014)

PRE
BOTH/NO
15.0

POLICE AND SIS / G/R

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Revised October 2014

CIN 100048
58188

KEBAB POINT
25TH December 2014
01.00 - 02.30
- 1 DEC 2014
RECEIVED



Temporary Event Notice

EXTENSION OF HOURS
27/11/14 ----- M036715

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	Nas
Forenames	Abdul
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[Redacted Address]	
7. Other contact details	
Telephone numbers:	Daytime [Redacted]
	Evening (optional) [Redacted]
	Mobile (optional) [Redacted]
Fax number (optional)	
E-Mail Address (optional)	

8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond with you)

16 High Street (Kebab point)
old town
Hemel Hempstead

Post town Post code

9. Alternative contact details (if applicable)

Telephone numbers:	Daytime	
	Evening (optional)	
	Mobile (optional)	
Fax number (optional)		
E-Mail Address (optional)		

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

16 High Street
old town
Hemel Hempstead

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	DAC 007758
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

kebab shop

Please describe the nature of the event below. (Please read note 5)

late license, from 1am - 2.30am

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises: (please tick all the licensable activities you intend to carry on) (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
24-12-14 25-12-14 CB	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
1am - 2.30am	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
15	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both. (Please tick as appropriate) (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)	
<p><i>N.B. Relevant entertainment is defined as live displays of nudity or performances of a sexually stimulating nature, including but not limited to lap-dancing or pole-dancing. Only answer this question if you are providing entertainment of this type.</i></p>	

no alcohol


4. Personal licence holders <i>(Please read note 13)</i>				
Do you currently hold a valid personal licence? <i>(Please tick)</i>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below:				
Issuing licensing authority				
Licence number				
Date of issue		Date of expiry		
Any further relevant details				

5. Previous temporary event notices you have given <i>(Please read note 14 and tick the boxes that apply to you)</i>			
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices) you have given for events in that same calendar year:			
Have you already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			

6. Associates and business colleagues <i>(Please read note 15 and tick the boxes that apply to you)</i>			
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year:			
Has any associate of yours already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year:			
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			

7. Checklist (Please read note 16)	
I have:	(Please tick the appropriate boxes)
• Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
• Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
• Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
o If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
o If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
o If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
• Made or enclosed payment of the fee for the application	<input type="checkbox"/>
• Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	27-11-14
Name of Person signing	Abdul Nas

For completion by the licensing authority	
10. Acknowledgement <i>(Please read note 19)</i>	
I acknowledge receipt of this temporary event notice.	
Signature	<i>On behalf of the licensing authority</i>
Date	
Name of Officer signing	

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter-notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an "associate".

Annex B – Police objection notice 1



**HERTFORDSHIRE
CONSTABULARY**

- **DACORUM**
- **LICENSING AUTHORITY**
- **Licensing Act 2003**



REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES.

Responsible Authority: Police - On behalf of The Chief Constable of Hertfordshire.

Your Name	PS Mike SAUNDERS
Job Title	Police Sergeant
Postal and email address	Community Safety Unit, County Police Station, Coombe Street, Hemel Hempstead, Herts. HP1 1HL. Mike.saunders@herts.pnn.police.uk
Contact telephone number	01442 271601

Name of the premises you are making a representation about	Kebab Point
Address of the premises you are making a representation about	16 High Street, Hemel Hempstead, Herts

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	See attached statement of Sgt SAUNDERS
Public safety	n/a	
To prevent public nuisance	n/a	
To protect children from harm	n/a	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
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Signed: Mike Saunders

Date: 3rd December 2014

Witness Statement

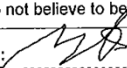
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [] [] [] []

Statement of: **Mike SAUNDERS**

Age if under 18 (if over insert "over 18"): _____ Occupation: **Police Sergeant**

This statement (consisting of3..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  PS 795 Date: **03/12/2014**

States,

I am a Police Sergeant at Hemel Hempstead Police Station and currently have supervisory responsibility for the Community Safety Unit. I am authorised under a delegated authority from the Chief Officer of Police to make representations against applications under the Licensing Act 2003 that are relevant to the Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This statement relates to two separate Temporary Event Notices made under the Licensing Act 2003, by Mr Abdul NAS of KEBAB POINT, 16 HIGH STREET, HEMEL HEMPSTEAD on Monday 1st December 2014

KEBAB POINT is a takeaway restaurant with a small seating area serving Turkish food, mainly kebabs and is currently licensed to serve late night refreshments from 23.00 to 01.00 Sunday to Thursday, and 23.00 to 02.30 on Fridays and Saturdays. Mr NAS has applied to extend his hours from 01.00 to 02.30 on Thursday 25th December 2014 and Thursday 1st January 2015.

The premises is situated on the corner of the HIGH STREET and QUEENSWAY and leads to surrounding residential areas and as such the area sees a high footfall of members of the public making their way to and from the night time economy. In the immediate area there are restaurants, public houses, other small businesses, and residential houses and flats. This is the only late night take away venue in this area. KEBAB POINT'S operating hours are typical of similar establishments in the main town centre, though many of the other establishments have specific conditions on their licence to aid them in promoting the licensing objectives.

Late night refreshment houses are well documented attractants of disorder and nuisance behaviour, particularly those that open until the early hours.

In the last six months between the hours of 2200 and 0500 hours the following crimes have occurred in relatively close proximity to KEBAB POINT:

Signature: _____ Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Mike SAUNDERS

- Common Assaults – 12
- Assault Occasioning Actual Bodily Harm – 11
- Grievous Bodily harm – 2
- Sexual Assault – 1
- Public Order Offences – 4

One of the above offences occurred on the premises of KEBAB POINT. In addition to this there were also a number of violence related incidents (9), one of which was a fight outside KEBAB POINT.

It is the experience of the Police that any premises open to and beyond the hours of the pubs in the area can become hotspots for crime and disorder and have a detrimental effect on the safe dispersal of the public from the night time economy. This is true of any premises – whether it be a takeaway, convenience store, off-licence and so forth. Where there is greater risk, heightened and proactive measures need to be implemented to avoid compromising the licensing objectives. The current licensing hours for KEBAB POINT have been granted with a view to encourage a staggered dispersal away from the OLD TOWN on a Friday and Saturday evening – it currently closes before the other licenced premises in the area with the largest capacity. For the dates of this application, two of the busiest nights of the year, based on the current licensing hours, KEBAB POINT will be open later than most of the other Public Houses in the HIGH STREET but the footfall will most probably double.

The fact that KEBAB POINT is the only premises providing late night take-away refreshment in that area, results in large numbers of people standing in the street either waiting to go into the shop or eating their purchase outside the shop. As mentioned the location of the shop is at the junction of a busy main road and people are often forced to walk into the road to negotiate the groups outside the shop. During my time as an Intervention Sergeant, prior to taking up my current role in June 2014, I was responsible for supervising Public Order foot patrols in the town centre and the OLD TOWN. I would regularly witness large numbers of people outside KEBAB POINT, as mentioned above, but I do not recall ever seeing any member of staff from KEBAB POINT leaving the shop and asking their patrons to move away to prevent becoming a public nuisance. The flow of traffic through the OLD TOWN on Christmas Eve and New Year's Eve is also likely to increase by a factor of two. The issue of increased footfall and increased traffic flow with the inherent problem of drunken behaviour and disorder is of great concern to the police.

I would also question Mr NAS's inclination to comply with the current licensing hours based on the following points. In December last year I witnessed KEBAB POINT serving customers in the front of the shop, outside of its licensed hours. In November 2013 an allegation was put to Mr NAS by PC Donna HORWOOD and Richard Mabbitt that he has shut up the front of the shop but then continued to serve customers from the rear of his shop.

For the reasons highlighted above, I would strongly urge that the application be rejected in full. Moreover the police, as a responsible authority, would seek to ensure that the current condition of the licence that relates to The Prevention of Public Nuisance namely that:

- Persons shall be asked to leave the area without congregating and causing any nuisance

Signature: _____ Signature Witnessed by: N/A

04/2013

Witness Statement

Continuation of Statement of **Mike SAUNDERS**

• People who appear intoxicated or who are known to cause anti-social behaviour shall not be served and should be asked to leave the premises

is positively enforced by Mr NAS and his staff at KEBAB POINT.

Signature: _____ Signature Witnessed by: N/A

No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
----	------	------	---------------	---------------	---------------	----------------



Premises:	High Street, Hemel Hempstead	PID:	
DPS:	Not applicable	LID:	
Premises Licence Holders or Owners:	Not applicable	OID:	

REPORTED INCIDENTS.						
No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
1	11/1/14	01:20	D1/14/202	Assault	Victim walking along the High Street when he was assaulted (No injury) Offender ran off	
2	24/1/14	00:40	D1/14/490	Public Order	Intoxicated male offender was warned regarding his behaviour & language but continued to use abusive language.	
3	02/2/14	02:00	D1/14/676	Theft from motor vehicle	Altercation between males in vehicles in the High Street. Offender leant into victims vehicle & stole a mobile phone	
4	09/2/14	01:40	D1/14/840	Robbery	Victim was waiting for a taxi in the High Street when he was approached by offender who demanded victim's wallet. Victim refused, offender struck victim with a bottle & a punch and took and ran off	
5	15/2/14	01:30	D1/14/965	Drink Drive	Offender was stopped driving a van in the High Street provided a positive specimen of breath	
6	22/2/14	03:08	D1/14/1141	Assault	Victim approached by four offenders & struck in the back of his head causing him to fall onto roadside furniture. Offenders made off	
7	22/2/14	03:08	D1/14/1142	Assault	(Linked to 6 above) Victim was punched in the face causing injuries	

No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
8	23/3/14	01:05	D1/14/1722	Public Order	Intoxicated male offender was ejected from the White Hart & was abusive towards staff. Despite being warned for his behaviour he continued to shout abuse	
9	23/3/14	01:05	D1/14/1723	Public Order	(Linked to 8 above) Intoxicated male offender was ejected from The White Hart & was abusive towards staff. Despite being warned he continued to shout & swear.	
10	03/5/14	02:45	D1/14/2640	Public Order	Drunk male offender was rude & abusive in the vicinity of The White Hart & in earshot of other members of the public. Despite being warned he continued his behaviour	
11	20/5/14	22:32	D1/14/2959	Public Order	Male & female under the influence of alcohol argue and assault each other in the High Street. Both arrested	
12	11/5/14	23:15	D1/14/2990	Assault	Victim was in the High Street when unknown offender approached him and punched him in the face causing injuries.	
13	15/6/14	22:00	D1/14/3578	Assault	Unknown Male offender grabbed victim around the throat and shook victims head violently causing injury	
14	19/7/14	01:20	D1/14/4298	Assault	Offender & victim arguing outside The White Hart during which offender head butted victim causing injury	
15	03/8/14	01:25	D1/14/4669	Criminal Damage	Whilst victims vehicle was parked in the High Street, offenders have damaged same.	
16	03/8/14	01:40	D1/14/4662	Criminal Damage (Kebab Point)	(Linked to 16 above) Offenders smashed two windows to shop & made off	
17	04/8/14	23:10	D1/14/4703	Assault	Unknown offenders have punched victim before running off	
18	09/8/14	01:35	D1/14/4804	Public Order	Drunk offenders seen by police in the High Street shouting and swearing in sight & sound of other members of the public. Warned on several occasions about their behaviour but continued	

No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
19	17/8/14	01:00	D1/14/4995	Assault	Victim was attacked outside a public house in the High Street by four offenders. He fell to the ground where he was kicked about the body, sustained cuts, bruises & broken leg	
20	31/8/14	02:30	D1/14/5314	Assault	Mother & Daughter arguing in street, both intoxicated. Mother strikes Daughter about the face.	
21	11/10/14	02:06	D1/14/6177	Assault	Large fight outside a public house, victim was assaulted a number of times by unknown offenders.	
22	21/10/14	22:36	D1/14/6437	Assault	Highly intoxicated male assaulted a police officer	
23	25/10/14	02:10	D1/14/6518	Assault	Male offender was highly intoxicated and having been refused entry to a public house, grabbed a member of staff and forced him into the road	
24						
25						
26						
27						
28						

Annex C – Temporary event notice 2 (1st January 2015)

PRE
only no
15

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Revised October 2014

KEBAB FBINT
1ST JANUARY 2015
01.00 - 02.30
EXTENSION OF HOURS

POLICE CHO SP BUS



Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	Nas
Forenames	Abdul
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
7. Other contact details	
Telephone numbers:	Daytime
	Evening (optional)
	Mobile (optional)
Fax number (optional)	
E-Mail Address (optional)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
16 High street old town Hemel Hempstead		(Kebab Point)	
Post town	Old Hemel, H.	Post code	HP13AE
9. Alternative contact details (if applicable)			
Telephone numbers:	Daytime	[REDACTED]	
	Evening (optional)		
	Mobile (optional)		
Fax number (optional)			
E-Mail Address (optional)			

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
16 High Street old town Hemel Hempstead	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	DAC 007758
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
kebab shop	
Please describe the nature of the event below. (Please read note 5)	
late license license from 1am - 2.30am	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises. <i>(Please tick all the licensable activities you intend to carry on) (Please read note 6)</i>	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? <i>(Please read note 7)</i>	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. <i>(Please read note 8)</i>	
31-12-14 1-1-15	
Please state the times during the event period that you propose to carry on licensable activities <i>(Please give times in 24 hour clock). (Please read note 9)</i>	
1am - 2.30am	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. <i>(Please read note 10)</i>	15
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both. <i>(Please tick as appropriate) (Please read note 11)</i>	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. <i>(Please read note 12)</i>	
<p><i>N.B. Relevant entertainment is defined as live displays of nudity or performances of a sexually stimulating nature, including but not limited to lap-dancing or pole-dancing. Only answer this question if you are providing entertainment of this type.</i></p>	

no alcohol

4. Personal licence holders <i>(Please read note 13)</i>				
Do you currently hold a valid personal licence? <i>(Please tick)</i>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below:				
Issuing licensing authority				
Licence number				
Date of issue		Date of expiry		
Any further relevant details				

5. Previous temporary event notices you have given <i>(Please read note 14 and tick the boxes that apply to you)</i>			
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices) you have given for events in that same calendar year:			
Have you already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			

6. Associates and business colleagues <i>(Please read note 15 and tick the boxes that apply to you)</i>			
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year:			
Has any associate of yours already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year:			
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?			

Temporary Event Notice

4

7. Checklist (Please read note 16)

I have:	(Please tick the appropriate boxes)
• Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
• Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
• Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
○ If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
○ If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
○ If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
• Made or enclosed payment of the fee for the application	<input type="checkbox"/>
• Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale, and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	[Redacted]
Date	27-11-14
Name of Person signing	abdul Nas

For completion by the licensing authority	
10. Acknowledgement <i>(Please read note 19)</i>	
I acknowledge receipt of this temporary event notice.	
Signature	<i>On behalf of the licensing authority</i>
Date	
Name of Officer signing	

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter-notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an "associate".

Annex D – Police objection notice 2



HERTFORDSHIRE
CONSTABULARY

- DACORUM
- LICENSING AUTHORITY
- Licensing Act 2003



REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES.

Responsible Authority: Police - On behalf of The Chief Constable of Hertfordshire.

Your Name	PS Mike SAUNDERS
Job Title	Police Sergeant
Postal and email address	Community Safety Unit, County Police Station, Coombe Street, Hemel Hempstead, Herts. HP1 1HL. Mike.saunders@herts.pnn.police.uk
Contact telephone number	01442 271601

Name of the premises you are making a representation about	Kebab Point
Address of the premises you are making a representation about	16 High Street, Hemel Hempstead, Herts

<i>Which of the four licensing Objectives does your representation relate to?</i>	Yes Or No	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	See attached statement of Sgt SAUNDERS
Public safety	n/a	
To prevent public nuisance	n/a	
To protect children from harm	n/a	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
--	--

Signed: Mike Saunders

Date: 3rd December 2014

Witness Statement

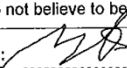
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [] [] [] []

Statement of: **Mike SAUNDERS**

Age if under 18 (if over insert "over 18"): _____ Occupation: **Police Sergeant**

This statement (consisting of3..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  PS 795 Date: **03/12/2014**

States,

I am a Police Sergeant at Hemel Hempstead Police Station and currently have supervisory responsibility for the Community Safety Unit. I am authorised under a delegated authority from the Chief Officer of Police to make representations against applications under the Licensing Act 2003 that are relevant to the Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This statement relates to two separate Temporary Event Notices made under the Licensing Act 2003, by Mr Abdul NAS of KEBAB POINT, 16 HIGH STREET, HEMEL HEMPSTEAD on Monday 1st December 2014

KEBAB POINT is a takeaway restaurant with a small seating area serving Turkish food, mainly kebabs and is currently licensed to serve late night refreshments from 23.00 to 01.00 Sunday to Thursday, and 23.00 to 02.30 on Fridays and Saturdays. Mr NAS has applied to extend his hours from 01.00 to 02.30 on Thursday 25th December 2014 and Thursday 1st January 2015.

The premises is situated on the corner of the HIGH STREET and QUEENSWAY and leads to surrounding residential areas and as such the area sees a high footfall of members of the public making their way to and from the night time economy. In the immediate area there are restaurants, public houses, other small businesses, and residential houses and flats. This is the only late night take away venue in this area. KEBAB POINT'S operating hours are typical of similar establishments in the main town centre, though many of the other establishments have specific conditions on their licence to aid them in promoting the licensing objectives.

Late night refreshment houses are well documented attractants of disorder and nuisance behaviour, particularly those that open until the early hours.

In the last six months between the hours of 2200 and 0500 hours the following crimes have occurred in relatively close proximity to KEBAB POINT:

Signature: _____ Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Mike SAUNDERS

- Common Assaults – 12
- Assault Occasioning Actual Bodily Harm – 11
- Grievous Bodily harm – 2
- Sexual Assault – 1
- Public Order Offences – 4

One of the above offences occurred on the premises of KEBAB POINT. In addition to this there were also a number of violence related incidents (9), one of which was a fight outside KEBAB POINT.

It is the experience of the Police that any premises open to and beyond the hours of the pubs in the area can become hotspots for crime and disorder and have a detrimental effect on the safe dispersal of the public from the night time economy. This is true of any premises – whether it be a takeaway, convenience store, off-licence and so forth. Where there is greater risk, heightened and proactive measures need to be implemented to avoid compromising the licensing objectives. The current licensing hours for KEBAB POINT have been granted with a view to encourage a staggered dispersal away from the OLD TOWN on a Friday and Saturday evening – it currently closes before the other licenced premises in the area with the largest capacity. For the dates of this application, two of the busiest nights of the year, based on the current licensing hours, KEBAB POINT will be open later than most of the other Public Houses in the HIGH STREET but the footfall will most probably double.

The fact that KEBAB POINT is the only premises providing late night take-away refreshment in that area, results in large numbers of people standing in the street either waiting to go into the shop or eating their purchase outside the shop. As mentioned the location of the shop is at the junction of a busy main road and people are often forced to walk into the road to negotiate the groups outside the shop. During my time as an Intervention Sergeant, prior to taking up my current role in June 2014, I was responsible for supervising Public Order foot patrols in the town centre and the OLD TOWN. I would regularly witness large numbers of people outside KEBAB POINT, as mentioned above, but I do not recall ever seeing any member of staff from KEBAB POINT leaving the shop and asking their patrons to move away to prevent becoming a public nuisance. The flow of traffic through the OLD TOWN on Christmas Eve and New Year's Eve is also likely to increase by a factor of two. The issue of increased footfall and increased traffic flow with the inherent problem of drunken behaviour and disorder is of great concern to the police.

I would also question Mr NAS's inclination to comply with the current licensing hours based on the following points. In December last year I witnessed KEBAB POINT serving customers in the front of the shop, outside of its licensed hours. In November 2013 an allegation was put to Mr NAS by PC Donna HORWOOD and Richard Mabbitt that he has shut up the front of the shop but then continued to serve customers from the rear of his shop.

For the reasons highlighted above, I would strongly urge that the application be rejected in full. Moreover the police, as a responsible authority, would seek to ensure that the current condition of the licence that relates to The Prevention of Public Nuisance namely that:

- Persons shall be asked to leave the area without congregating and causing any nuisance

Signature: _____ Signature Witnessed by: N/A

04/2013

Witness Statement

Continuation of Statement of **Mike SAUNDERS**

• People who appear intoxicated or who are known to cause anti-social behaviour shall not be served and should be asked to leave the premises

is positively enforced by Mr NAS and his staff at KEBAB POINT.

Signature: _____ Signature Witnessed by: N/A

No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
----	------	------	---------------	---------------	---------------	----------------



Premises:	High Street, Hemel Hempstead	PID:	
DPS:	Not applicable	LID:	
Premises Licence Holders or Owners:	Not applicable	OID:	

REPORTED INCIDENTS.						
No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
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3	02/2/14	02:00	D1/14/676	Theft from motor vehicle	Altercation between males in vehicles in the High Street. Offender leant into victims vehicle & stole a mobile phone	
4	09/2/14	01:40	D1/14/840	Robbery	Victim was waiting for a taxi in the High Street when he was approached by offender who demanded victim's wallet. Victim refused, offender struck victim with a bottle & a punch and took and ran off	
5	15/2/14	01:30	D1/14/965	Drink Drive	Offender was stopped driving a van in the High Street provided a positive specimen of breath	
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No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
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13	15/6/14	22:00	D1/14/3578	Assault	Unknown Male offender grabbed victim around the throat and shook victims head violently causing injury	
14	19/7/14	01:20	D1/14/4298	Assault	Offender & victim arguing outside The White Hart during which offender head butted victim causing injury	
15	03/8/14	01:25	D1/14/4669	Criminal Damage	Whilst victims vehicle was parked in the High Street, offenders have damaged same.	
16	03/8/14	01:40	D1/14/4662	Criminal Damage (Kebab Point)	(Linked to 16 above) Offenders smashed two windows to shop & made off	
17	04/8/14	23:10	D1/14/4703	Assault	Unknown offenders have punched victim before running off	
18	09/8/14	01:35	D1/14/4804	Public Order	Drunk offenders seen by police in the High Street shouting and swearing in sight & sound of other members of the public. Warned on several occasions about their behaviour but continued	

No	Date	Time	URN/CRIME No.	Incident Type	Circumstances	Result/Outcome
19	17/8/14	01:00	D1/14/4995	Assault	Victim was attacked outside a public house in the High Street by four offenders. He fell to the ground where he was kicked about the body, sustained cuts, bruises & broken leg	
20	31/8/14	02:30	D1/14/5314	Assault	Mother & Daughter arguing in street, both intoxicated. Mother strikes Daughter about the face.	
21	11/10/14	02:06	D1/14/6177	Assault	Large fight outside a public house, victim was assaulted a number of times by unknown offenders.	
22	21/10/14	22:36	D1/14/6437	Assault	Highly intoxicated male assaulted a police officer	
23	25/10/14	02:10	D1/14/6518	Assault	Male offender was highly intoxicated and having been refused entry to a public house, grabbed a member of staff and forced him into the road	
24						
25						
26						
27						
28						

Annex E – Map of area in which premises is situated



Dacorum Borough Council

Licensing

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



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Dacorum Borough Council 100018935: 2014

Scale: 1:500
Date: 03/12/2014
OS Tile: TL0507NE

Annex F – Photos of premises



Front of premises



Looking south-west from premises, along Queensway



Looking north from premises, along High Street

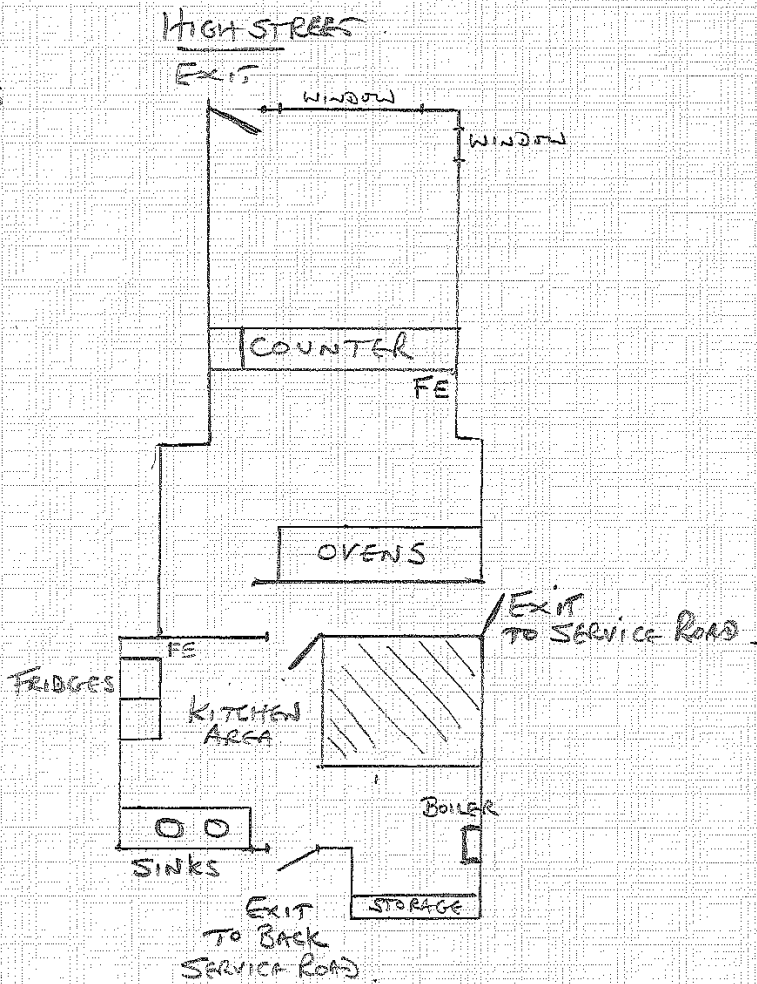
Annex G – Plan of premises

PLAN VIEW OF: - KEBAB POINT
16. HIGH ST.
HEMEL HEMPSTRAAD
HPI 3AE

July 05

SCALE
1:100 CM

FIRE EXTINGUISHERS
= FE



Annex H – Conditions imposed on premises licence

Mandatory Conditions

No supply of alcohol may be made under this licence:

- A1.** a) At a time when there is no designated premises supervisor in respect of the premises licence; or
b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- A2.** Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- A3.** (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- A4.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the

premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

A5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- A6.**
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- (2) In this condition:—

- (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where—

- A7.**
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a

- licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

- (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Operating Schedule Conditions

PUBLIC SAFETY

Fire extinguishers shall be regularly maintained and fire procedures put in place.
No smoking shall be permitted in the building

THE PREVENTION OF PUBLIC NUISANCE

Persons shall be asked to leave the area without congregating and causing any nuisance.

People who appear intoxicated or who are known to cause anti social behaviour shall not be served and should be asked to leave the premises quietly.

THE PROTECTION OF CHILDREN FROM HARM

The licence holder shall adhere to the Challenge 21 protocol, seeking identification from everyone who appears to be under 21, to prove they are 18 years of age prior to the sale of alcohol.

No alcohol shall be supplied otherwise than with substantial food.

6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.

9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

21 JULY 2014

Present –

MEMBERS:

Councillors Mrs Green (Chairman), G Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader/Barrister
S Taylor	Lead Licensing Officer
P Duff	Member Support Officer

Other Persons Present:

Mr G Patel	Applicant
Mr S Kandaswamy	Leasee of 29 Lawn Lane
Inspector G Holland	Hertfordshire Constabulary
M Ward	Licensing Investigator, Hertfordshire Constabulary

The meeting began at 2.30 pm

1. INTRODUCTIONS

The Chairman introduced herself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The minutes of the meetings held on 2 June and 9 June 2014 were agreed by the Members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

No interests were declared.

The Chairman informed the Sub-Committee that she was the Ward Councillor for Berkhamsted West and she had not visited the premises.

Councillor Sutton declared that he was the Ward Councillor for Leverstock Green, he knew of the premises but had not visited them.

Councillor Taylor declared that he was the Ward Councillor for Gadebridge, he knew of the premises but had not visited them.

5. LICENCE HEARING

The application was for the variation of a premises licence:

Lawn Lane News
26 Lawn Lane
Hemel Hempstead
Hertfordshire

The Chairman asked the Members of the Sub-Committee to confirm that they had read the agenda. Councillors Sutton and Taylor confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with. The Legal Governance Team Leader confirmed that they had.

The Chairman asked if any further information had been received. The Lead Licensing Officer advised that no further information had been received.

Timescales for submissions were discussed and it was agreed that all parties would have 5 minutes to make a statement.

The Chairman then invited the Review applicants to make representations to the Sub-Committee.

Mr Patel made the following statement:

- He was the premises licence holder.
- Mr Kandaswamy, who was the Leasee stayed on the premises.
- The premises had a link to the Police via the panic alarm.
- There was new CCTV and an updated computer system.
- The area around the premises has street lighting..
- Mr Kandaswamy, would give his reasons for wanting to increase the trading hours.

The Chairman asked Mr Kandaswamy to make his statement.

Mr Kandaswamy made the following statement:

- He would like a slight increase in the business.
- Town centre competition was too much.
- They were trying to make a good business on all goods sales.
- They would like to sell alcohol throughout their opening hours.
- The Tesco store was two minutes away, had a 24 hour licence and was open until midnight.
- Sainsbury had a 24 hour licence and was open until 23.00 hours.
- The Shell garage had a 24 hour licence and he had purchased alcohol from them after midnight.
- The pub next door opened until midnight on weekdays and until 02.00 hours at weekends.
- They had trained staff who would not sell to people who had already consumed alcohol.

- The shop would be closed before the pub had closed so there should not be an issue of customers purchasing alcohol after leaving the pub.

The Chairman asked Inspector Holland to make his statement.

Inspector Holland made the following statement:

- The Police had serious concerns regarding the application.
- To extend the opening hours of the off-licence within the convenience store would be likely to lead to an increased level of anti-social behaviour, crime and disorder.
- From Police records there was no off-licence within Dacorum with opening hours after 23.00 hours, including all retail outlets.
- Some retail outlets had 24 hour opening but shut the licensed section at 23.00 hours. The reason off-licences closed at 23.00 hours was to prevent a retail establishment becoming a hot spot for crime and disorder.
- It was likely if the variation was granted, the majority, if not all, potential customers entering this store after 23.00 hours would be intoxicated and it would be an offence for the designated premises supervisor, personal licence holder or a member of their staff to sell alcohol to these individuals.
- If staff refused to sell alcohol to intoxicated individuals this would likely lead to disorder and anti-social behaviour.
- The premises was located within 50 yards of the Queen's Head public house and those customers may frequent the store which was located near to residential premises. If it became an area for youths to congregate, it would become a public nuisance and would lead to an increase in drink driving.
- From a policing point of view with regard to the location of Hemel town centre and the footfall at the present moment, the Police managed to keep violence and disorder to an acceptable level.
- Where Lawn Lane was situated, it was likely as people left the licensed premises, if they knew there was an off-licence open past 23.00 hours, they would frequent that area.
- There was fear of an increase in crime, an increase in disorder and an increase in anti-social behaviour.

The Chairman asked the Sub-Committee members if they had any questions for the Licence Holder, the Leasee or the Police.

Councillor Sutton asked how many people lived on the premises who were of the correct age to sell alcohol.

Mr Kandaswamy advised there were four people.

Councillor Taylor asked how many staff were trained and what they were trained in.

Mr Kandaswamy said staff were trained in the law of alcohol sales, who they can sell to, judge if the customer had consumed too much alcohol and how to politely refuse to serve them with alcohol.

Councillor Taylor asked who conducted the training.

Mr Kandaswamy advised it was internal training. Two members of staff had obtained licences and two were waiting to get a personal licence.

Councillor Taylor asked if Mr Patel was the responsible person.

Mr Kandaswamy said two members of staff held licences and two had applied for licences. The Police had said that nobody sold alcohol after 23.00 hours. He had purchased alcohol recently at 23.35 hours at Tesco and again at 00.30 hours at the Shell garage.

Mr Patel said the emphasis was being put on the possibility of serving alcohol to people who were drunk but consideration should be given to people who work late. It was not true that everyone came in drunk after 23.00 hours.

The Chairman asked if there were many entries in the refusal book.

Mr Kandaswamy said the entries were mainly under age customers. Most customers were regulars. It was rare that an unknown customer came into the shop. If a customer looked under 25 they were asked for ID. Mr Kandaswamy kept copies of their licence if they were regulars.

Councillor Sutton said that Mr Kandaswamy had said the application was a small variation in time but it added up to an extra 30.5 hours extra licensing time. This was over an extra day in sales which was not a small adjustment.

Mr Patel suggested amending the variation to 24.00 hours Sunday – Thursday and to 01.00 hours Friday and Saturday.

The Chairman asked for confirmation that Mr Patel was offering to apply for a licence until 24.00 hours Monday – Thursday and 01.00 hours Friday and Saturday.

Mr Kandaswamy said he may not open all those hours but wanted to have the opportunity to open. The costs were more than his earnings.

Councillor Taylor said he thought the licensee was Mr Patel.

Mr Kandaswamy said that he was the one on the premises.

The Chairman asked Mr Patel if he left everything to Mr Kandaswamy.

Mr Patel said he left it mainly to Mr Kandaswamy but he would be called in if Mr Kandaswamy was short staffed.

The Chairman asked Inspector Holland for any observations.

Inspector Holland said he was not concerned with the store opening later to sell convenience foods, the issue for the Police was selling alcohol and the type of people that would attract. If this variation was granted, the leasee would not have a clue who some of those customers were. With that type of issue there should be approved door staff to prevent disorder. There were lots of family members on site but none had been trained in conflict resolution in how to prevent this type of disorder. The major concern was the disorder and anti-social behaviour that could be caused.

The Chairman said without any history of incidents the Sub-Committee had no background to refer to. They had to note the advice of the Police and try to reach an accommodation between the two parties. The Council did not want trouble in Lawn Lane.

Inspector Holland said the fact that there had been hardly any incidents at all showed how successful the 23.00 hours cut off point was. Anything after that was likely to

encourage crime. A lot of licensed premises had to spend a lot of money to have approved door staff.

The Chairman asked how long CCTV records were kept.

Mr Kandaswamy said it was kept for 40 days. SRS was there to prevent an incident happening inside the store. What was going to happen outside was going to happen.

Councillor Taylor said he had not been convinced there was any reason the licence should be increased an extra two hours morning and night. Was the fact that there was no evidence of major problems at these premises because the licence had been set at the right level? If the opening hours were increased, would there be more anti-social behaviour as intimated by the reports from the Police and Environmental Health? Councillor Taylor said he was happy with the licensing hours currently held and the licensee was maintaining a good organisation. He did not feel convinced that the licence should be extended to 06.00 hours to 01.00 hours.

The Legal Governance Team Leader said she had looked at the current case law and referred to a case called Thwaites.

The Chairman asked for confirmation there had been no representations from neighbours.

The Lead Licensing Officer confirmed there had been no representations other than the one from the Police.

Mr Patel said he would be happy to extend the closing to 12.00 hours and keep the morning opening to 08.00 hours as a trial period to see if there were any objections.

The Chairman asked the other two members of the Sub-Committee for their views, bearing in mind the licensing objectives.

Councillor Sutton said he would give this consideration as he could not see any point in opening at 06.00 am.

The Legal Governance Team Leader said if the Police and the applicant were in agreement a decision could be made.

The Chairman said this would be a compromise and asked the Lead Licensing Officer for confirmation that a trial period could be granted.

The meeting was adjourned at 3.00 pm for the proposals to be examined,

The meeting was reconvened at 3.10 pm.

The Chairman asked both parties to sum up their statements.

Inspector Holland said the following:

“I have been in community safety for 14 years. One of the major concerns is alcohol and the problems it causes under the licensing objectives about the prevention of crime and safeguarding children. I worked in South Oxhey where there were a lot of issues around domestic violence and injury to children through alcohol.

My view is by extending the licence past 23.00 hours it would be likely to cause significant issues for the Police in the future through anti-social behaviour and failure to

comply with the licensing objectives and the hidden crimes of, domestic violence and abuse. This would be the only premises in Dacorum to sell alcohol after 23.00 hours.

Since the new Licensing Act has been in place the hours for off-licences have worked. The amount of anti-social behaviour around off-licences has reduced because everyone has more or less complied with the same structure and hours. This could open the floodgates for lots of premises in Dacorum to increase their hours and give an increased burden on Police resources in Dacorum. I would not be in favour of extending the hours at all.“

The Chairman said the Sub-Committee took note of what the Police had to say. It was important to try and accommodate their issues. On the other hand there was no evidence to work with. The Sub-Committee had been assured by the licence holder and the people who resided at the premises and would be running the shop that they were convinced they would be able to manage the premises properly.

Mr Patel had offered to compromise on the application, keeping the Sunday hours as at present for one year in the first instance. The Chairman asked members of the Sub-Committee if they felt able to accept that.

The Lead Licensing Officer advised that within the Licensing Act there was no provision to grant a trial period. Once the application was granted it was granted. Should Mr Patel wish to increase the hours at a later date, he would need to put in another variation application. In addition, the Police could seek a review of the premises if there was evidence of problems.

The Chairman said if there were any problems the licence could be called in the next day. The Chairman then asked members of the Sub-Committee for their thoughts on extending the alcohol licence from 08.00 hours until 24.00 hours for five days with Sundays kept as at present.

Councillor Taylor said he was originally in agreement with a temporary trial alcohol licence of 08.00 – 24.00 Monday to Saturday and 10.00 – 22.30 on Sundays and public holidays for a year. When confirmation was given by the Lead Licensing Officer that there was no provision in the Licensing Act to grant a trial licence, and Inspector Holland had made his statement, Councillor Taylor said he was tending to agree with Inspector Holland. With the situation as it was at the moment he did not think he could go against the advice given by the Police, even though there was no evidence of problems with the premises.

Councillor Sutton expressed concern that the Council did not have the ability to offer a trial period. With that not being available, Councillor Sutton said he would go with the Police suggestion of keeping the licence as it was now.

Vote

Those who wish to keep the hours for opening and the sale by retail of alcohol for consumption off the premises as allowed by the current licence.

2 For, 0 Against and 1 Absention.

Whereupon it was

Agreed

The Sub-Committee resolved to refuse the application, having considered the written representation from Hertfordshire Constabulary, and verbal submissions from the applicant and the police.

In particular the Sub-Committee noted the absence of other premises licensed for off-sales of alcohol beyond 23:00 hours in the vicinity of the premises, and the police's concerns that to grant the application would result "in an increase of crime and disorder, drunken behaviour and public nuisance" as a result of the increased availability of alcohol to already-intoxicated persons, in light of the close proximity of a public house and late night refreshment outlets, customers from which disperse directly past the premises en route to nearby residential properties.

The Sub-Committee were not satisfied that the operating schedule measures offered by the applicant within the application would prevent these issues from arising.

The Sub-Committee therefore considered it appropriate for the promotion of the crime prevention and public nuisance licensing objectives to refuse this application outright.

The meeting finished at 3.40 pm