

**LICENSING OF ALCOHOL AND GAMBLING  
SUB-COMMITTEE**

**TUESDAY 29 JANUARY 2013 AT 14:30 PM**

**COUNCIL CHAMBER, 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), Conway and G Sutton

For further information, please contact Trudi Coston, Member Support Officer, on Tel: 01442 228226, or Email: [Trudi.Coston@dacorum.gov.uk](mailto:Trudi.Coston@dacorum.gov.uk). Information about the Council can be found on our website: [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## **PART I**

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## **1. INTRODUCTIONS**

## **2. MINUTES**

To confirm the minutes of the meeting held on 15 January 2013. To be circulated separately.

## **3. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

## **4. DECLARATIONS OF INTEREST**

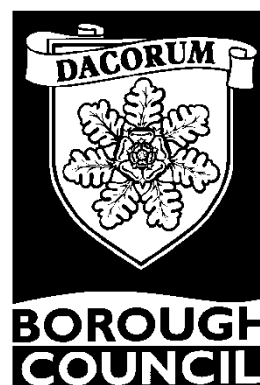
To receive any declarations of interest

A member with a disclosable pecuniary interest or a prejudicial 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
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

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

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



## AGENDA ITEM: 5

### SUMMARY

<b>Report for:</b>	<b>Licensing of Alcohol and Gambling Sub-Committee</b>
<b>Date of meeting:</b>	<b>29<sup>th</sup> January 2013</b>
<b>PART:</b>	1
If Part II, reason:	

<b>Title of report:</b>	<b>Application for Premises licence</b>
Contact:	Sally Taylor – Senior Assistant Licensing Officer
Purpose of report:	This report sets out details of applications in respect of premises licences or club premises certificates, which require consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application(s), and determine the application(s) in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	<p><u>Financial</u> None</p> <p><u>Value for Money</u> None</p>

Risk Implications	None
Equalities Implications	None
Health And Safety Implications	None
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.
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, April 2012)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, provision of facilities for 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. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. 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 determination of applications where representations have been received.

## 2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.

- 2.3. The applicant(s) and persons making representations have been given notice of the hearing in accordance with statutory requirements.

### **3. General principles to be followed when determining applications**

- 3.1. When considering applications, 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.
- 3.2. The licensing 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. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. 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 application 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. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

#### **4. Options available to the Sub-Committee**

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
  - (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) refuse to specify a person in the licence as the premises supervisor;
  - (d) reject the application.
- 4.2. When determining an application for a provisional statement (under section 29), the Sub-Committee must, on the basis of the relevant representations made in respect of that application and the application itself, take such of the steps set out at paragraph 4.1 as it considers appropriate for the promotion of the licensing objectives, if it had to decide whether to grant a premises licence in the same terms.
- 4.3. While considering an application for the variation of an existing licence, only the proposed variation(s) may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.
- 4.4. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - (a) modify the conditions of the licence (by way of alteration, omission or addition);
  - (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

- 4.5. When determining an application for the variation of a premises licence to specify an individual as designated premises supervisor (under section 37), or for transfer of a premises licence (under section 42), the Sub-Committee must, having regard to the police objection notice, reject the application if it considers it appropriate for the promotion of the licensing objectives to do so, or grant the application otherwise.
- 4.6. When determining an application for the review of a premises licence (under section 51), a summary review of a premises licence (under section 53A), or a review of a premises licence following a closure order (under section 167), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - (a) take no action;
  - (b) modify the conditions of the licence (by way of alteration, omission or addition);
  - (c) exclude a licensable activity from the scope of the licence;

- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period not exceeding three months;
- (f) revoke the licence.

4.7. When determining an application for the grant of a club premises certificate (under section 71), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the certificate subject to any applicable mandatory conditions, and conditions consistent with the club operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
- (c) reject the application.

4.8. When determining an application for the variation of a club premises certificate (under section 84), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the certificate (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

4.9. When determining an application for the review of a club premises certificate (under section 87), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) take no action;
- (b) modify the conditions of the certificate (by way of alteration, omission or addition);
- (c) exclude a qualifying club activity from the scope of the certificate;
- (d) suspend the certificate for a period not exceeding three months;
- (e) withdraw the certificate.

## 5. Details of application

5.1. The following application requires consideration and determination by the Sub-Committee. Further details on the application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Tring Supermarket, 37 Christchurch Road, Tring, Hertfordshire HP23 4EH	Grant of a premises licence (section 17)



## Application No 1

## APPENDIX A

**Applicants name** Mr Narinderjit Singh Ubhi and Mr Sarvdeep Singh Sagoo

**Name and address of premises** Tring Supermarket  
37 Christchurch Road  
Tring  
Hertfordshire  
HP23 4EH

**Ward** Tring West and Rural

### 1. Current Licence

- 1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.

### 2. Application

- 2.1 An application has been made for the grant of a new premises licence under section 17 of the Licensing Act 2003.
- 2.2 The application initially requested the supply of alcohol for consumption off the premises between the hours of 08:00 and 23:00 Monday to Saturday, and 10:00 to 21:00 on Sundays. An error on the original application in respect of the closing times under section L 'Hours premises open to the public' which showed the closing time as 22:00 hours, was subsequently amended by e-mail by the applicant to bring the closing times into line with the supply of alcohol. The application in its original form is produced at Annex A.
- 2.3 Following the receipt of representations, the applicants amended the application to request the supply of alcohol for consumption off the premises between the hours of 08:00 and 20:00 Monday to Saturday and 10:00 hours to 20:00 hours on Sundays. The premises would close to the public in line with these amended times. Correspondence from the applicant requesting this amendment is produced at Annex B.
- 2.4 In addition, following discussions with the Police, further conditions relating to the provision of CCTV, implementation of the Challenge 21 protocol and other measures to minimise underage sales, and staff training were voluntarily added to the application by the applicant. Correspondence relating to these amendments is produced at Annexes C1 to C3.

- 2.5 A map of the area and plan of the premises are set out at Annex D1 and D2.

### 3. Details of Representations

- 3.1 Seven representations have been received from persons living in the vicinity of the premises. All have been notified in writing of the amendments that have been made to the application. These representations are produced at Annexes E1 to E7. The applicant had also expressed a wish to meet with those persons that had made representations to discuss the application, and was in the

process of organising this at the time the agenda was being produced.

- 3.2 The following responses were received from responsible authority officers in respect of the application:

Fire Officer: no relevant representations.

Police: See paragraph 2.4.

Environmental Health (Pollution): no relevant representations.

Environmental Health (Health and Safety): no relevant representations.

#### **4. Observations**

- 4.1 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex F.


## APPLICATION FORM

031619

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

Revised October 2012

## Application for a premises licence to be granted under the Licensing Act 2003

LICENSING DIVISION		 <b>DACORUM</b> <b>BOURGH</b> <b>COUNCIL</b>
APP	13 DEC 2012	
LEO	LEO	
COMPLAINTS	LEO	

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

WWe MR. NARINDERJIT SINGH UBHI & MR. SARVDEEP SINGH SAGAR  
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/We are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
TRINA SUPERMARKET 37 CHRISTCHURCH ROAD			
Post town	TRINA	Post code	HP23 4EH
Telephone number at premises (if any)		0144 2381591	
Non-domestic rateable value of premises		£ Exempt Small Business	

## Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

- a) an individual or individuals \*
- b) a person other than an individual \*
- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or

Please tick ✓ as appropriate

- ☐ please complete section (A)
- ☐ please complete section (B)
- ☒ please complete section (B)
- ☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
Surname		UBHI		
First names		NARINDERIT SINGH UBHI		
I am 18 years old or over		<input checked="" type="checkbox"/> Please tick ✓ yes		
Current postal address if different from premises address		[REDACTED]		
Post town		[REDACTED]	Post code	[REDACTED]
Daytime contact telephone number		[REDACTED]		
Email address (optional)		[REDACTED]		

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname		SAGOO	
First names		SARVDEEP SINGH	
I am 18 years old or over <input checked="" type="checkbox"/> Please tick ✓ yes			
Current postal address if different from premises address		[REDACTED]	
Post town		Post code	[REDACTED]
Daytime contact telephone number		[REDACTED]	
Email address (optional)		[REDACTED]	

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	[REDACTED]
Address	[REDACTED]
Registered number (where applicable)	[REDACTED]
Description of applicant (for example, partnership, company, unincorporated association, etc.)	[REDACTED]
Telephone number (if any)	[REDACTED]
Email address (optional)	[REDACTED]

### Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year  
01 01 2013

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year  
[ ][ ][ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)

The premises is located midway along Christchurch Road on its west side just south of Windmill Way. Please see attach Ordnance Survey map.

The premises comprised of retail unit on the ground floor with 2 bedroom residential accommodation above.

Total Floor area 600 sq feet, providing single door access to pedestrians off Christchurch Road. Has access to rear yard and parking.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

#### Provision of regulated entertainment

Please tick ✓ yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

#### Provision of late night refreshment (if ticking yes, fill in box I)

☐

#### Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 7)		On the premises <input type="checkbox"/>
Day	Start	Finish			Off the premises <input checked="" type="checkbox"/>
Mon	08:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		Both <input type="checkbox"/>
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	21:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	NARINDERJIT SINGH UZHI
Address	<div style="background-color: black; width: 100%; height: 1em;"></div> <div style="background-color: black; width: 100%; height: 1em;"></div> <div style="background-color: black; width: 100%; height: 1em;"></div>
Postcode	<div style="background-color: black; width: 100%; height: 1em;"></div>
Personal Licence number (if known)	<div style="background-color: black; width: 100%; height: 1em;"></div>
Issuing licensing authority (if known)	<div style="background-color: black; width: 100%; height: 1em;"></div>

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p>
<p>N/A</p>

L

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)</p>			<p><b>State any seasonal variations</b> (please read guidance note 4)</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Mon	06:00	22:00	
Tue	06:00	22:00	
Wed	06:00	22:00	
Thur	06:00	22:00	
Fri	06:00	22:00	
Sat	07:00	22:00	
Sun	07:00	22:00	



M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We have been in this type Business for more than 24 years. We pride ourselves in promoting one Policy. "Do not sell Alcohol to any one under the age of 21 years". We train our staff with this motto so there are no mistakes made by anyone. We work very closely with local Communities & Strategic bodies.

b) The prevention of crime and disorder

Implementation of 24<sup>hr</sup> CCTV inside and outside of the store. THE FAMILY HAS BEEN IN THIS line of Business for more than 24 Years - always worked closely with the local community, Police, local Authorities in these matters.

c) Public safety

All spirits will be kept behind the counter. Appropriate Fire resistant hydrants will be located in accordance with BS standards in case of fire. Recommended bags, packaging be provided to customers with the sale of Alcohol. Recycling bins be located appropriately inside & outside of premises.

d) The prevention of public nuisance

We have a rule that no alcohol is sold to any one under the age of 21 years old. This normally keeps them just on the threshold of age (18) away from our store. Clear signs and guidance provided inside & outside of store stating "No Alcohol" to be consumed on & outside of the premises. Will be prosecuted.

e) The protection of children from harm

As mentioned above we have a policy not to sell Alcohol to any one under the age of 21. Refuse to sell alcohol to anyone who has been known to re-sell to underage. Train our staff with up to date legislation and dangers of alcohol especially to children.

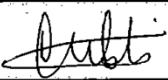
Please tick ✓ to indicate approval

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

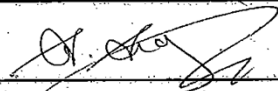
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	1 <sup>st</sup> of November 2012
Capacity	PARTNER

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	1 <sup>st</sup> of November 2012
Capacity	PARTNER

**Contact name (where not previously given) and address for correspondence associated with this application.** (please read guidance note 13)

[Redacted contact name and address]	
Telephone number (if any)	[Redacted telephone number]
If you would prefer us to correspond with you by email your email address (optional)	
[Redacted email address]	

ANNEX B

**REQUEST FROM APPLICANT TO AMEND PROPOSED HOURS FOR  
LICENSABLE ACTIVITIES AND OPENING HOURS FOLLOWING  
REPRESENTATIONS**

ANNEX B

**REQUEST FROM APPLICANT TO AMEND PROPOSED HOURS FOR  
LICENSABLE ACTIVITIES AND OPENING HOURS**

**Sally Taylor**

From: Licensing Mailbox  
Subject: FW: Tring Supermarket (Pauls Food Stores)

From: [REDACTED]  
Sent: 05 January 2013 23:08  
To: Licensing Mailbox  
Subject: Re: Tring Supermarket (Pauls Food Stores)

Dear Sally, thank you for your e-mail received yesterday regarding amendments to operational hours.

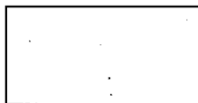
Can you please amend Section J on page 10 and Section L on page 11 of the Premises Licensing Application reference to operational hours, the opening hours from 23:00 to 20:00.

Thank you for your cooperation in this matter.

Regards

N S Ubhi & S S Sagoo

Sent from my iPhone



The information in this message should be regarded as confidential and is intended for the addressee only unless explicitly stated. If you have received this message in error it must be deleted and the sender notified. The views expressed in this message are personal and not necessarily those of Dacorum Borough Council unless explicitly stated. Please be aware that emails sent to or received from Dacorum Borough Council may be intercepted and read by the council. Interception will only occur to ensure compliance with council policies or procedures or regulatory obligations, to prevent or deter crime, or for the purposes of essential maintenance or support of the email system.

**LETTER TO APPLICANT FROM HERTFORDSHIRE CONSTABULARY  
SUGGESTING AMENDMENTS TO APPLICATION**



**HERTFORDSHIRE  
CONSTABULARY**

**3<sup>rd</sup> January 2013**

**Direct Line: 01442 271601**

**E.Mail: [Deborah.latto@herts.pnn.police.uk](mailto:Deborah.latto@herts.pnn.police.uk)**

**Licensing Act 2003 Premises Licence Application:  
Tring Supermarket, 37 Christchurch Road, Tring, HP23 4EH**

Police do not wish to make representations in respect of the above application subject to the proposed amendments (see below) being made to the operating schedule.

- The licence holder will 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.  
Convincing evidence is:
  1. A passport with photograph
  2. A photo driving licence
  3. A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
- A refusal book is to be maintained and staff are required to complete it when sales are refused to persons under the age of 18 years, or to those who fail to provide sufficient evidence of their age. The refusals book must be regularly checked, signed and dated by the Designated Premises Supervisor and made available to any visiting enforcement officer on request
- In addition to any other training all staff are to be trained to maintain the refusals book and monitored to ensure their training is put into practice. A written record is to be kept of all staff training.

**Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL  
Tel: 01442 271601 Fax: 01442 271604**

- Ensure all electronic tills automatically prompt the seller to check the age of the buyer when alcohol products are entered for sale into the till.
- People who appear intoxicated or who are known to cause anti-social behaviour when under the influence of alcohol will not be served and will be asked to leave the premises quietly. An entry will be made in the refusals book of any refusals of this nature.
- Every effort will be made to prevent the sale of alcohol to those purchasing alcohol on behalf of persons under the age of 18 years.
- The digital closed circuit television system shall be compatible with the requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition.
- The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
- A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised office recent data or footage with absolute minimum of delay when requested.

Yours sincerely

Deborah Latto 8964  
Assistant Investigator  
Community Safety Unit  
Hemel Hempstead Police Station

**Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL**  
**Tel: 01442 271601 Fax: 01442 271604**

ANNEX C2

**E-MAIL FROM APPLICANT TO POLICE AGREEING SUGGESTED  
AMENDMENTS****Sally Taylor**

---

From: Licensing Mailbox  
Subject: FW: Premises Licence Application - 37 Christchurch Road Tring

---

From: narinder ubhi [mailto: ]  
Sent: 03 January 2013 14:22  
To: Deborah.Latto@Herts.pnn.police.uk  
Cc: Licensing Mailbox  
Subject: Re: Premises Licence Application - 37 Christchurch Road Tring

Dear Miss Latto, further to our telephone conversation this afternoon and your subsequent below we confirm that all the suggested conditions listed in the schedule are acceptable to us and also confirm that they are to form part of the formal application currently with Dacorum Council's Licensing Department.

If you require any further information please do not hesitate to contact us.

Thanks  
Regards  
N S Ubhi & S S Sagoo

## ANNEX C3

E-MAIL FROM APPLICANT TO LICENSING CONFIRMING ADDITION OF  
SUGGESTED CONDITIONS

Sally Taylor

From: Licensing Mailbox  
 Subject: FW: Premises Licence Application - 37 Christchurch Road Tring

From: narinder ubhi [mailto:[narinder.ubhi@hertspolice.uk](mailto:narinder.ubhi@hertspolice.uk)]  
 Sent: 03 January 2013 14:33  
 To: Licensing Mailbox  
 Cc: Deborah.Latto@Herts.pnn.police.uk  
 Subject: Fw: Premises Licence Application - 37 Christchurch Road Tring

Dear Sir/Madam, Can you please amend our application for the above to include the conditions suggested by the Hertfordshire Police below:

Condition No.	Suggested Wording	Yes/No
1	The licence holder will 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. Convincing evidence is: 1. A passport with photograph 2. A photo driving licence 3. A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.	Yes
2	A refusal book is to be maintained and staff are required to complete it when sales are refused to persons under the age of 18 years, or to those who fail to provide sufficient evidence of their age. The refusals book must be regularly checked, signed and dated by the Designated Premises Supervisor and made available to any visiting enforcement officer on request.	YES
3	In addition to any other training all staff are to be trained to maintain the refusals book and monitored to ensure their training is put into practice. A written record is to be kept of all staff training.	YES
4	Ensure all electronic tills automatically prompt the seller to check the age of the buyer when alcohol products are entered for sale into the till.	YES
5	People who appear intoxicated or who are known to cause anti-social behaviour when under the influence of alcohol will not be served and will be asked to leave the premises quietly. An entry will be made in the refusals book of any refusals of this nature.	YES
6	Every effort will be made to prevent the sale of alcohol to those purchasing alcohol on behalf of persons under the age of 18 years.	YES
7	The digital closed circuit television system shall be compatible with the	YES

	requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition.	
8	The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.	YES
9	A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised office recent data or footage with absolute minimum of delay when requested.	YES

If you require any other information please do not hesitate to contact us.

Regards

N S Ubhi & S S Sagoo

This e-mail is subject to our Legal Notice which you can view here [Hertfordshire Constabulary's Legal Notice](#)

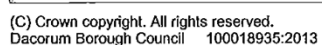
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## Regulatory Services

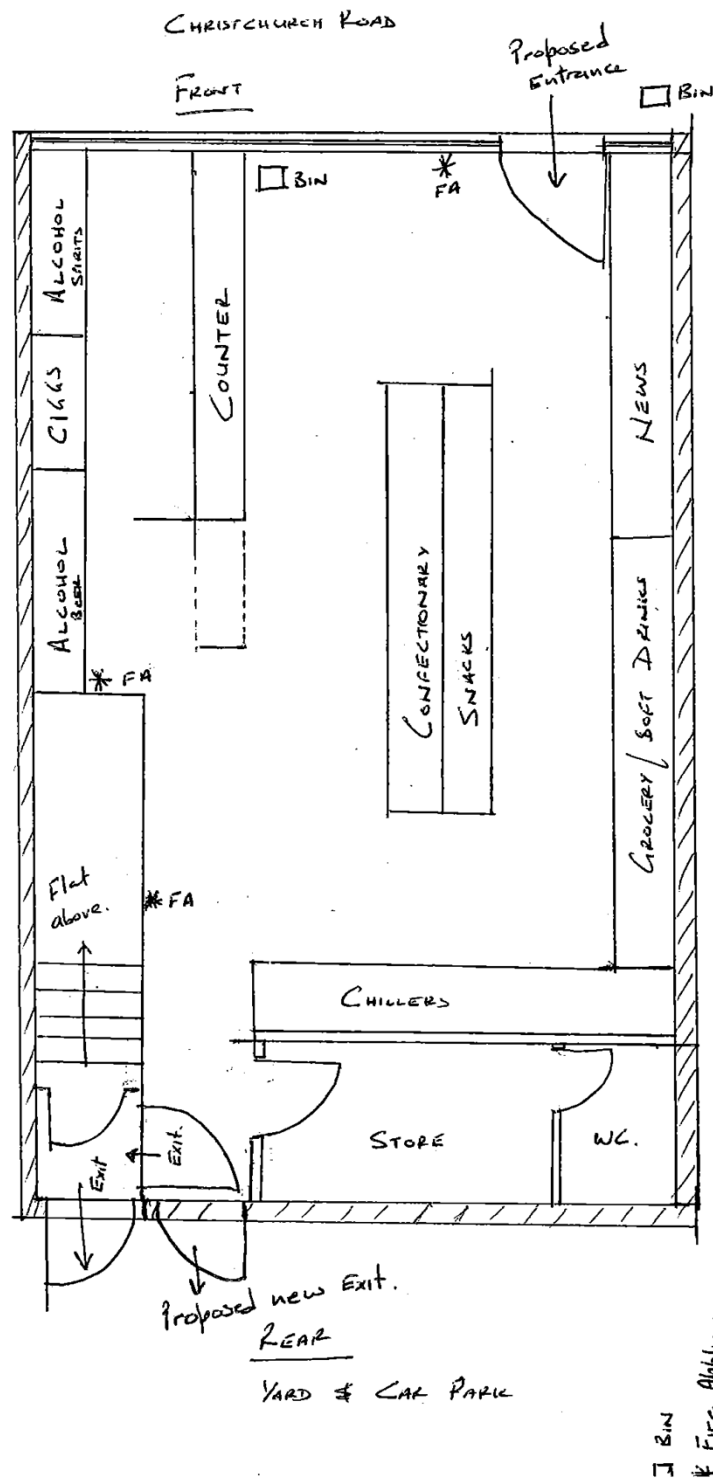
Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



Date:10/01/2013

Scale: 1:1250  
Date: 10/01/2013  
OS Tile: SP9111NE

## PLAN OF LAYOUT OF PREMISES



TRING LONDIS	
37 CHRISTCHURCH ROAD	
TRING HP23 4EH	
SCALE 1:50	DRAWN: NS4

- Notes
- ① Currently the internal layout of shops is different. This Plan shows the proposed layout.
  - ② We are in the process of purchasing The Business and will be operating ... later. Please Subscribe!

## REPRESENTATIONS RECEIVED FROM OTHER PERSONS

ANNEX E1

Denise Wills

---

From: [REDACTED]  
Sent: 26 December 2012 19:13  
To: Licensing Mailbox  
Subject: alcohol license application for 37 Christchurch Rd Tring

[REDACTED]  
Osmington Place  
Tring  
Herts  
HP23 4EG

Dear sir or madam

We formally wish to object to the licence application for 37 Christchurch Road, Tring. We feel this application is totally inappropriate in a completely residential area. Whilst we would all welcome these premises to continue as a corner shop stocking newspapers and daily essentials, the sale of alcohol is unnecessary. There are plenty of other retail premises where alcohol may be purchased in the near vicinity. Namely The Old Stables in Miswell Lane, newly opened Ocean Supplies in Frogmore St, Marks and Spencers in Dolphin Square. A little bit further afield the Co-Op in Rosebery Way and Tesco's on London Road. I understand that Jennifers News in Western Rd is also becoming an off licence. Several of these shops also have evening opening hours where unplanned purchases can be made.

We also feel that the availability of alcohol in our area may contribute to public nuisance incidents. These premises are next to a public footpath which leads to a recreation ground and sports field. Residents in our road have suffered from unsocial activities in the past where the Community Police Officers have been notified and involved. Some of these incidents we believe were attributed to youths leaving the football club following a social evening where alcohol would have been available. In our view therefore damage to our property has occurred as a result of the consumption of alcohol and fear this will be the case again.

Residents backing onto the field have had incidents of youths congregating on and around Tring Athletic Football Club Pavillion, which provides a sheltered area for the said youths to take part in anti social behaviour. Personally, our garden backs onto this footpath and occasionally still suffer night time disturbance from drunken pedestrians using this route, however the level of disturbance at the moment is tolerable and could be found on any thoroughfare. But we believe that the granting of an alcohol licence at these premises will be viewed as a convenient place for teenagers to purchase alcohol and take it into the field to consume.

This situation can easily be seen where groups of youths regularly congregate outside the Co-Op in Rosebery Way and The Old Stables in Miswell Lane.

We feel that a relatively quiet residential area is not the place for this type of shop.

Click [here](#) to report this email as spam.

**Sally Taylor**

---

**From:** [REDACTED]  
**Sent:** 28 December 2012 17:31  
**To:** Licensing Mailbox  
**Subject:** Alcohol Licence representation

I have seen the notice regarding the following shop requesting a licence to sell alcohol shortly.

Tring Supermarket 37 Christchurch Road Tring Herts HP23 4EH.

We are strongly against this happening. There are already plenty of outlets supplying alcohol in Tring and this local area as well in Miswell Lane. We suffer enough with young people making a nuisance of themselves at night outside my house in Christchurch Road during the small hours, especially at weekends, and disturbing our sleep on a regular basis. This is just going to encourage more of the same behaviour and I believe it will make it worse for us living in the same road.

I thought the council/government were trying to discourage this sort of thing by increasing tax on it, rather than encourage it by giving out more and more licences to sell it. Please please don't allow this licence to go ahead.

Many thanks in advance.

Mr and Mrs [REDACTED]

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Sally Taylor

---

From: [REDACTED]  
Sent: 29 December 2012 10:57  
To: Licensing Mailbox  
Subject: Alcohol Licence Application - 37 Christchurch Road Tring

from [REDACTED]  
[REDACTED]  
Christchurch Road  
Tring  
Herts HP23 4EF

We wish to object to the above application to sell Alcohol at this local shop in an primarily residential area

In this small area of Tring we already have 7 off licence facilities at

The Stables Miswell Lane  
Village Wines Miswell Lane  
Best One ex Jennifers News Western Road - newly opened Tring Newsagents High Street Marks  
& Spencers Dolphin Square Oceans Off Licence Frogmore Street - newly opened Co-op Silk  
Mill Way

We already suffer from late night noise and nuisance from people making their way home the worse for drink, they tend to congregate opposite our home on the corner of Little Hoo, and we have had cause to telephone the police on a number of occasions. In one instance a young man was crawling through my flower borders with his clothing removed.

I feel with alcohol available in yet another outlet, will only lead to more congregation and disturbance for residents

Please consider this representaton when considering the licensing application

Many thanks

Sally Taylor

---

From: [REDACTED]  
 Sent: 29 December 2012 15:18  
 To: Licensing Mailbox  
 Cc: Clerk Tring  
 Subject: Licence application 37 Christchurch Rd. Tring

Dear Sirs,

Premises: Tring Supermarket 37 Christchurch Rd. HP23 4EH

Please see below my representations & objections relating to the premises licence application at this location. I would be obliged if you could let me have your confirmation of having received this email.

Regards

[REDACTED]  
 [REDACTED] Christchurch Rd.  
 Tring HP23 4EH  
 [REDACTED]  
 [REDACTED]

**Re Licensing Act 2003: Premises Licence Application.  
 Premises 37 Christchurch Road, Tring Herts. HP23 4EH**

**Closing date for representations 10th January 2013**

As a local resident living approximately 15 metres from the premises at 37 Christchurch Road, I am very concerned to learn of the application that has been submitted for a Premises Licence to permit the sale of alcohol at the above shop on seven days a week until 11.00pm.

After reviewing the Dacorum Borough Licensing Authority's Statement of Licensing Policy, I wish to record my objection to this application under The Prevention of Public Nuisance, and the Public safety criteria, and in support of my objections I would refer to the following paragraphs which are extracted verbatim from the current Statement of Licensing Policy:

*6.6 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas.*

These premises are located in the middle of a 99% residential area. There is a hairdressing salon adjacent operating from 8.00am until 6.30pm, Monday to Saturday, but there are no other shops or businesses of any kind within approximately half a mile of 37 Christchurch Road. Currently 'Tring Supermarket' operates between the hours of 6.30am and 2.00pm Monday to Saturday, and 6.30am to midday on Sundays. Presumably the shop is permitted to remain open for trade until later in the evening, however an extension of operating hours until 11.00pm will inevitably result in a significant increase in noise and night time disturbance being imposed upon all of the adjacent residents.

*11.10 The Council regard licensing as a key means of controlling nuisance and antisocial behaviour and part of the holistic approach to the management of the evening and night time economy.*

There have been several instances of night time anti-social behaviour in Christchurch Road and the immediate vicinity by young persons during the past 12-18 months. These incidents have included aggressive behaviour and damage to property.

**13.1** When considering applications and reviews the Licensing Authority will give consideration to:-

- Whether the premises make or will make a significant contribution to levels of crime and disorder;
- Whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the grant of the application has been carried out by the applicant.

The operator of the premises at 37 Christchurch Rd. resides several miles away, in Hemel Hempstead and is therefore unaffected by any night-time anti-social behaviour occurring in the vicinity of 37 Christchurch Road. Accordingly it is very unlikely that the individual who is applying for this Premises Licence has any experience of night time activity in this vicinity, and is very unlikely to be able to conduct any meaningful risk assessment into the likelihood of crime and disorder at this location.

I have no objections whatsoever for the shop at 37 Christchurch Road to continue to operate as it has done for many years, and from a perspective of commercial viability I fully appreciate that any shop operator would quite reasonably want to remain open until 8.00 or 9.00pm. However I feel very strongly that extending the opening hours until 11.00pm on every night of the week, in an area that is effectively wholly residential is quite unreasonable, and the resulting levels of night time noise and disturbance that would inevitably be imposed upon such a quiet residential area, is in direct conflict with the Councils stated policy of stricter control in the case of premises that are situated in largely residential areas.

Yours faithfully,

██████████  
● Christchurch Rd.  
Tring. Herts HP23 4EH  
██████████

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**Sally Taylor**

---

**From:** [REDACTED]  
**Sent:** 01 January 2013 18:01  
**To:** Nicholas A Hollinghurst; Denise Mary Rance; Licensing Mailbox;  
[REDACTED]  
**Subject:** Licence Application - Tring Supermarket, 37 Christchurch Road Tring HP23 4EH

Re the above application, we would like to oppose the licence on the following grounds:

The shop is a small unit currently selling newspapers, magazines, cards and limited groceries in a residential area with limited on road parking.

It currently opens until 5pm Monday to Saturday and to 12pm on a Wednesday and Sunday.

Therefore to have a licence to sell alcohol until 11pm Monday to Saturday and until 9pm on Sundays is a significant change to the current operation.

The shop is surrounded by housing (except the hairdressers next door) with no other retail units in the vicinity. However with numerous licensed stores in Tring including an off-licence and general store in Miswell Lane and new shops on Western Road and Frogmore Street and the newsagents on the High Street which are all open late there cannot be demand for a further shop selling alcohol.

Christchurch Road and the surrounding area are quiet residential roads with numerous families living there and the licence application is out of keeping with the area. With the limited parking there is potential for additional traffic and noise in the evening disrupting the current quiet environment.

Please can you bear these comments in mind when considering the application.

[REDACTED]  
● Christchurch Road  
Tring  
HP23 4EH

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[REDACTED]  
Christchurch Road  
Tring  
HP23 4EF

Licensing Department,  
Dacorum Borough Council.

Email: [REDACTED]  
[REDACTED]  
5/1/13

Dear Sir,

RE License application ,Tring Supermarket,Ref MA031619

37 Christchurch Road HP23 4EH

We live next door to the above shop and are concerned about the likely impact of selling alcohol between 8am and 11 pm seven days of the week.

There is a path between the shop and our house that goes directly to the playing field, and this area has been the site of a number of incidents of bad behaviour including damage to the sports pavilion there. The area is now quiet but making alcohol available next to it could very likely trigger a return to the nuisance behaviour.

Also Christchurch Road has no car park and the shop is on a dangerous corner which has been the scene of an accident recently.

We have raised our concerns with our local councillor, Nigel Nutkins

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

LICENSING DIVISION	
HPP	
- 9 JAN 2013	
LEO	FOUO
COMPLAINTS	12-15

**Denise Wills**

---

From: [REDACTED]  
 Sent: 10 January 2013 23:57  
 To: Licensing Mailbox  
 Subject: Licence application; Tring Supermarket, Christchurch Road, Tring

Dear Sirs,

We wish to make the following representations as to why a licence allowing the retail sale of alcohol for consumption off the premises by Tring Supermarket, 37 Christchurch Road, Tring HP23 4EH should not be granted.

**Protection of Children**

The availability and consumption of alcohol by children is extremely dangerous to their health, safety and development. I am not suggesting that it is easy to protect children from alcohol but another offence in Tring will just make matter worse.

There are already more than sufficient numbers of establishments selling off licence sales of alcohol in Tring. I am not aware of any of them selling alcohol directly to children but if you take a walk around Tring in the early evening you are very likely to encounter a group of young people between the ages of 10 and 15 years "hanging around" outside the smaller off licences and you are just as likely to be approached with money by these youngsters and a request to buy alcohol for them. Some people oblige, personally I do not, but an approach by a larger group can seem a intimidating.

I am sure that if a licence is granted this shop which is located very close to an alleyway leading to a secluded playing field and football ground with little used clubhouse where alcohol can be consumed unseen will immediately become an attraction for these children.

**Public Safety.**

The location of this supermarket is on blind double bend followed immediately by a very slightly staggered cross road. All of these roads have a 30 mph speed limit but as the approaches from all directions are straight, traffic is often travelling at speeds obviously in excess of the limit. There is no offroad parking provision.

This supermarket currently closes at or before 2 pm every day and only does a very minimal trade selling just a few newspapers and very little else. It therefore sees a minimal number of customers, even so it creates traffic chaos every morning and regular near misses, with just one or two cars parked immediately outside it.

If the license to sell alcohol is granted then one could expect the numbers of vehicles parking outside the premises to increase dramatically, particularly in the evening and after dark. Because of the road layout as stated above this will cause a very serious traffic safety hazard with the danger of a collision between vehicles passing parked cars with vehicles travelling in the opposite direction, emerging from the two side roads or even with pedestrians crossing the road.

**Preventing crime and disorder. Public nuisance**

For many years there has been noise, abuse, minor crime and vandalism centred on the football ground club house in the playing field close to the location of the shop in question but affecting all who live within the area. This culminated with attempted arson when there was a serious attempt to set the clubhouse on fire. I am sure that the police records will confirm this as there were many calls for them to attend.

The problem was caused by young teenagers who used the are of the clubhouse to consume alcohol.

Another source of alcohol will only make matters worse.

Whilst not wishing to limit anyones business ambitions we believe that the above is sufficient justification to refuse this licence application and we hope that you will agree.

Mr and Mrs [REDACTED]  
 [REDACTED]  
 Christchurch Road  
 Tring  
 Herts HP23 4EF

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**LOCAL POLICY CONSIDERATIONS**

**It is considered that the following policies have a bearing on the application:**

The Council has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives, as follows: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

1.5 Nothing in this Statement of Licensing Policy prevents applications being considered on their own merits, nor will it undermine the right of any person applying for a variety of permissions under the Act.

1.7 In addressing these matters the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its policy statement, and any statutory guidance under the Act, it is also bound by the Human Rights Act 1998. The Licensing Authority must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 as follows: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

3.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

3.4 The Licensing Authority expects applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable any Responsible Authority or Interested Party to assess whether the steps taken to promote the licensing objectives are satisfactory.

**Cumulative Impact**

5.1 The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the Licensing Authority can take into account. This should not, however, be confused with any question of 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of 'need' is a matter for the market to decide and does not form part of this policy statement.

5.2 The Licensing Authority may receive representations from either a Responsible Authority or an Interested Party, that the cumulative impact of new licenses is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of

disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.

5.3 The Licensing Authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

5.4 In determining whether to adopt a special policy for a particular area the Licensing Authority may, among other things:-

- identify concern about crime and disorder or public nuisance;
- consider whether there is good evidence that crime and disorder or public nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- identify the boundaries of the area where the problems are occurring;
- consult with those specified in section 5(3) of the 2003 Act;
- include and publish details of any special policy in their Policy Statement.

5.5. Having considered the available evidence and undertaken consultation, the Licensing Authority considers that there is no particular part of Dacorum causing a cumulative impact on the promotion of any of the licensing objectives at the present time.

### **Licensing Hours**

6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance.

6.6 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas.

### **Children and Licensed Premises**

7.1 The Licensing Authority expects that issues in respect of the protection of children from harm will be addressed in the operating schedule.

7.8 One of the mandatory conditions that came into force in October 2010 specifies that the premises licence or club premises certificate holder must operate an age verification policy in relation to alcohol sales. This requires individuals that appear to be under 18 (or such older age as may be specified in the policy) to produce identification which bears their photograph, date of birth and a holographic mark.

### **Administration, Exercise and Delegation of Functions**

19.3 Applications where there are relevant representations will be dealt with by a Sub-Committee of the Licensing Authority, as will any application for review of a licence.

19.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants should make themselves aware of this Policy, and in particular the issues that will need to be addressed in formulating the operating schedule.

## **NATIONAL GUIDANCE**

### **Each application on its own merits**

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

### **Avoiding duplication of other legal requirements**

1.17 The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

### **Public Nuisance**

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. ....Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises.....

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.....In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

### **Protection of Children from Harm**

2.45 Licensing authorities and responsible authorities should expect applicants , when preparing an operating schedule ..... to set out the steps to be taken to protect children from harm when on the premises.

### **Determining Applications**

#### **Where representations are made**

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Section 182 Guidance issued by the Home Office
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

### **Imposed Conditions**

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

## **6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE**

### **Introduction**

The four licensing objectives, as established by the Licensing Act 2003, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance and
- the protection of children from harm.

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- the merits of the application;
- the promotion of the four licensing objectives;
- the policy of the Licensing Authority, a copy of which can be obtained from the Council's Licensing Officer;
- the guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport in July 2004, as amended in July 2006 and as further amended in June 2007.

### **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 and any Interested Party (in that order, except in the case of a Review where the order will be: the Interested Party or Responsible Authority which has made the application for Review, the Licence-Holder and any Interested Party and/or Responsible Authority which has not made the application for Review). 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 Interested Party, any Responsible Authority and the Applicant (in that order, except in the case of a Review where the order will be: any Interested Party and/or any Responsible Authority which has not made the application for Review, the Licence-Holder and the Interested Party or Responsible Authority which has made the application for 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: