



LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

WEDNESDAY 22 MAY 2013 AT 2.30 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, G Chapman Conway and Lawson

(Membership subject to Annual Council on 15 May 2013)

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.

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166-168 Marlowes	
(formerly known as 'Indy Jax')	
Hemel Hempstead, Herts HP1 1BA	
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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meeting held on 29 January 2013.

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:	22nd May 2013
PART:	1
If Part II, reason:	

Title of report:	Premises licence application: 166-168 Marlowes (formerly known as 'Indy Jax') Hemel Hempstead, Herts HP1 1BA
Contact:	Sally Taylor – Senior Assistant Licensing Officer, Legal Governance
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"> 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 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.
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out within the report.
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 2012)

Glossary of acronyms and any other abbreviations used in this report:	
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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(s) 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 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.

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	166-168 Marlowes, Hemel Hempstead Herts HP1 1BA	Grant of a premises licence (section 17)

APPENDIX A

Applicants name	Ms C Kenyon, Mr K Pindred and Ms K Pindred t/a KKC Promotions Limited
Name and address of premises	166-168 Marlowes (formerly known as 'Indy Jax'), Hemel Hempstead, HP1 1BA
Ward	Hemel Hempstead Town

1. Current Licence

- 1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.
- 1.2 A previous premises licence authorised regulated entertainment, late night refreshment and the supply of alcohol, from 11:00 to 00:00 Monday to Thursday, 11:00 to 01:00 Friday to Saturday, and 11:00 to 23:00 Sunday. That licence lapsed upon the dissolution of the company holding the licence in August 2012.
- 1.3 The Licensing, Health & Safety and Enforcement Sub-Committee considered an application for the grant of a sex establishment licence for a sexual entertainment venue in respect of this premises on 12 February 2013. After considering the representations made, the Sub-Committee refused that application on the grounds that the location was inappropriate for premises of that type having regard to the character of the locality. That application was made by a different applicant to the current application.

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 regulated entertainment in the form of films, indoor sporting events, boxing and wrestling entertainment, live and recorded music and similar activities, together with the sale of alcohol and late night refreshment with varying start times, and a terminal hour of midnight Sunday to Wednesday, and 02:00 hours Thursday to Saturday. The terminal hour requested for live music was midnight seven days a week. In addition, infrequent adult entertainment and poker evenings (neither of which require licensing under the 2003 Act) had been referred to.
- 2.3 The applicant subsequently amended the application to make provision in section B for use of a television screen on the terrace during the summer months which would be switched off at 23:00 hours; remove sections C and D, indoor sporting events and boxing and wrestling entertainment; and also to remove section K, which made reference to adult entertainment and poker. The amended application is attached at Annex A.
- 2.4 Authorisation is now sought for the following licensable activities:

Films (indoors/outdoors)	
Sunday – Wednesday	10.00 to 00.00

Thursday - Saturday	10.00 to 02.00
Live music (indoors)	
Monday - Sunday	12.00 to 00.00
Recorded music (indoors)	
Sunday – Wednesday	10.00 to 00.00
Thursday - Saturday	10.00 to 02.00
Non-standard timings *	10.00 to 03.00
Entertainment similar to music/dance (indoors)	
Wednesday – Friday	18.00 to 00.00
Saturday - Sunday	10.00 to 00.00
Late night refreshment (indoors/outdoors)	
Sunday – Wednesday	23.00 to 00.00
Thursday - Saturday	23.00 to 02.00
Non-standard timings *	23.00 to 03.00
Supply of alcohol (for consumption on/off the premises)	
Sunday – Wednesday	10.00 to 00.00
Thursday - Saturday	10.00 to 02.00
Non-standard timings *	10.00 to 03.00
Hours premises may open to the public	
Sunday – Wednesday	10.00 to 00.30
Thursday - Saturday	10.00 to 02.30
Non-standard timings *	10.00 to 03.30

* Non-standard timings are sought for Christmas Eve, New Year's Eve, Easter Thursday, and Friday/Saturday/Sunday of bank holiday weekends

- 2.5 A plan of the premises and map of the area is set out at Annexes B1-B3
- 2.6 Following discussions with the Police, suggested amendments to the operating schedule were agreed by the applicant. Confirmation of this is set out at Annex C.

3. Details of Representations

- 3.1 Two representations have been received from persons living in the vicinity of the premises, one of these in the form of a petition containing 9 signatures, the other by e-mail from an individual. These are set out at Annexes D1 and D2. At the time of going to print, the applicant had expressed a wish to meet with the objectors to discuss their concerns.
- 3.2 A representation was received from Tracy Aldridge-Jones, of Dacorum's Environmental Health team, citing concerns relating to the public nuisance objective. A copy of this representation is attached at Annex E.
- 3.3 The following responses were received from responsible authority officers in respect of the application:

Police: See paragraph 2.6.
Fire Officer: no relevant representations.

Environmental Health (Pollution): relevant representation, see para 3.2.
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.

Annex A: Premises Licence (with initial amendments)

032258

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

Revised October 2012

LICENSING DIVISION		
HPP		
- 3 APR 2013		
LEO	SCU	LEO
COMPLAINTS	FEES	



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

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.

I/We CHERI KENYON, KENNETH PINDRED, KIRSTY KENYON
(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			
166 - 168 MARLOWES (INDY JAX) HEMEL HEMPSTEAD, HERTS, HP1 1BA			
Post town	HEMEL HEMPSTEAD	Post code	HP1 1BA.
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 33,001 - 187,000	

Part 2 – Applicant Details

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

- Please tick ✓ as appropriate*
- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | <input checked="" type="checkbox"/> please complete section (B) |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> 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:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or Please tick ✓ yes
- 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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)	
Surname	
First names	
I am 18 years old or over <input type="checkbox"/> Please tick ✓ yes	
Current postal address if different from premises address	
Post town	Post code
Daytime contact telephone number	
Email address (optional)	

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(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	CHERI KENYON, KENNETH PINDRED, ^{KIRSTY PINDRED}
Address	HIGH FIRS LODGE, WOODHALL LANE, HEMEL HEMPSTEAD, HERTS. HP2 5PS (ADDRESS SAME FOR EACH APPLICANT)
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association, etc.)	LIMITED COMPANY
Telephone number (if any)	██████████ / ██████████
Email address (optional)	██████████@██████████

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	05	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)

WE WOULD LIKE TO OPEN INDI JAX AS A LICENSED PREMISES (A BAR)
 THE PROPERTY IS A FIRST FLOOR FORMER BAR/ RESTAURANT APPROXIMATELY 1543 SQ FT INCLUDING ONE BAR, LADIES AND GENTS TOILETS, AN OUTSIDE TERRACE WHICH WE WOULD LIKE TO BE LICENSED, A FIRE ESCAPE AT THE END OF THE TERRACE, CELLAR, KITCHEN AND ONE STAFF TOILET.
 WE WOULD LIKE TO REOPEN THIS PROPERTY AS A BAR SELLING ALCOHOL, LATE NIGHT REFRESHMENTS AND FRESH FOOD WITH LIVE MUSIC AND SPORTS ON TV.

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

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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	00.00	Please give further details here (please read guidance note 3) AVAILABLE TO SHOW FILMS (RELEASED) TO CUSTOMERS WHEN THERE'S NO OTHER ENTERTAINMENT ON/IF APPROPRIATE	Both	<input checked="" type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	2.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) WE WOULD LIKE TO HAVE A SCREEN OUTSIDE IN THE SUMMER MONTHS THIS WILL BE SWITCHED OFF AT 11PM AT THE LATEST AND ANY LOUD CUSTOMERS WILL BE ASKED TO BE QUIET TO RESPECT NEIGHBOURS		
Sat	10.00	02.00			
Sun	10.00	00.00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12.00	00.00	Please give further details here (please read guidance note 3) LIVE MUSIC UNAMPLIFIED AND AMPLIFIED INCLUDING OPEN MICS, LIVE BANDS, JAZZ AND BLUES AND ACCOUSTIC + SINGING SOME DAY TIMES		
Tue	12.00	00.00			
Wed	12.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4) BANDS DURING THE DAY IN THE SUMMER MONTHS.		
Thur	12.00	00.00			
Fri	12.00	00.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12.00	00.00			
Sun	12.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	00.00	Please give further details here (please read guidance note 3) RECORDED MUSIC PLAYING THROUGH A STEREO AND SURROUND SOUND OR THE RADIO PLAYING THROUGH A STEREO AND SURROUND SOUND		
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10.00	02.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) CHRISTMAS EVE 10.00 - 03.00 NEW YEARS EVE 10.00 - 03.00 THURSDAY OF EASTER BANK HOLIDAY 10.00 - 03.00 ANY SUNDAY OF A BANK HOLIDAY 10.00 - 03.00 ANY FRIDAY AND SATURDAY OF A BANK HOLIDAY 10.00 - 03.00		
Sat	10.00	02.00			
Sun	10.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within e, f or g Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Will this entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon			POETRY AND COMEDY PERFORMANCES IN THE EVENINGS AND DURING THE DAY ON A SATURDAYS AND SUNDAYS	Both	<input type="checkbox"/>	
Tue				Please give further details here (please read guidance note 3)		
Wed	18.00	00.00				
Thur	18.00	00.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri	18.00	00.00				
Sat	10.00	00.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	10.00	00.00				

Where are the sections for 'Provision of facilities for making music and dancing'?

Changes under the Live Music Act mean that from the 1st October 2012, you no longer need a licence to provide facilities for making music, or facilities for dancing, or facilities for entertainment similar to music and dancing.

You will still need a licence if you are providing the entertainment, rather than simply providing facilities for use by customers.

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	00.00	Please give further details here (please read guidance note 3) SERVE HOT DRINKS AND FOOD IN THE EVENINGS	Both	<input checked="" type="checkbox"/>
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	02.00			
Fri	23.00	02.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) CHRISTMAS EVE 23.00-03.00 NEW YEARS EVE 23.00-03.00 THURSDAY OF EASTER BANK HOLIDAY 23.00-03.00 ANY SUNDAY OF A BANK HOLIDAY 23.00-03.00 ANY FRIDAY AND SATURDAY OF A BANK HOLIDAY 23.00-03.00		
Sat	23.00	02.00			
Sun	23.00	06.00			

J

Supply of alcohol 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 checked="" type="checkbox"/>	
					Off the premises <input type="checkbox"/>	
					Both <input checked="" type="checkbox"/>	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	10.00	00.00				
Tue	10.00	00.00				
Wed	10.00	00.00				
Thur	10.00	02.00	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	10.00	02.00	CHRISTMAS EVE 10.00 - 03.00 NEW YEARS EVE 10.00 - 03.00			
Sat	10.00	02.00	THURSDAY OF EASTER BANK HOLIDAY 10.00 - 03.00 ANY SUNDAY OF A BANK HOLIDAY 10.00 - 03.00			
Sun	10.00	00.00	ANY FRIDAY AND SATURDAY OF A BANK HOLIDAY 10.00 - 03.00			

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

Name	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	AWAITING CRB CHECK
Issuing licensing authority (if known)	AWAITING CRB CHECK

K

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)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	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) CHRISTMAS EVE 10.00 - 03.30 NEW YEARS EVE 10.00 - 03.30 THURSDAY OF EASTER BANK HOLIDAY 10.00 - 03.30 ANY SUNDAY OF A BANK HOLIDAY 10.00 - 03.30 ANY FRIDAY AND SATURDAY OF A BANK HOLIDAY WEEKEND 10.00 - 03.30
Mon	10.00	00.30	
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	2.30	
Fri	10.00	2.30	
Sat	10.00	2.30	
Sun	10.00	00.30	

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)

OBEY AND WORK WITHIN THE LICENSING LAW
EMPLOY SECURITY STAFF AT THE WEEKENDS/BANK
HOLIDAYS/SPECIAL EVENTS
TRAINING STAFF
BECOME PUB WATCH MEMBERS
SECURITY CAMERAS
A BAN ON CHILDREN ON THE PREMISES AFTER
8PM/CLOSE REAR EXIT FROM TERRACE AT 11PM

b) The prevention of crime and disorder

EMPLOY SECURITY STAFF AT THE WEEKENDS/BANK
HOLIDAYS/SPECIAL EVENTS
BECOME MEMBERS OF PUB WATCH
SECURITY CAMERAS
STAFF TRAINING/KEEP INFORMATION IN AN INCIDENT BOOK
CHALLENGE 25/ANTI-DRUG POLICIES
BARR ANY NUISANCE CUSTOMERS

c) Public safety

EMPLOY SECURITY STAFF AT THE WEEKENDS/BANK
HOLIDAYS/SPECIAL EVENTS
BECOME MEMBERS OF PUB WATCH
FIRE SAFETY - KEEPING FIRE EXITS CLEAR, RISK
ASSESSMENTS ETC
KEEP INFORMATION IN AN INCIDENT BOOK
STRICT ANTI-DRUG POLICIES
ADHERE TO FOOD SAFETY REGULATIONS

d) The prevention of public nuisance

KEEP SIGNS INSIDE AND OUTSIDE THE PROPERTY -
REMINDING PEOPLE TO KEEP THE NOISE DOWN.
ASK CUSTOMERS TO KEEP THE NOISE DOWN AS THEY LEAVE.
KEEP WINDOWS CLOSED DURING REGULATED ENTERTAINMENT.
HAVE A SOUND LIMITER FITTED.
KEEP RUBBISH BINS AT THE REAR OF THE PREMISES.
NOT EMPTY BOTTLES BETWEEN 23.00 - 07.00.
ALL LIVE ENTERTAINMENT TO BE FINISHED BY 00.00.

e) The protection of children from harm

CHALLENGE 25
~~A RESTRICTION ON~~
A BAN ON CHILDREN ON THE PREMISES AFTER 8PM
STAFF TRAINING
STRICT ANTI-DRUG POLICIES


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	01/04/13
Capacity	

For joint applications signature of 2nd applicant or 2nd 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	01/04/13
Capacity	

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

Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	

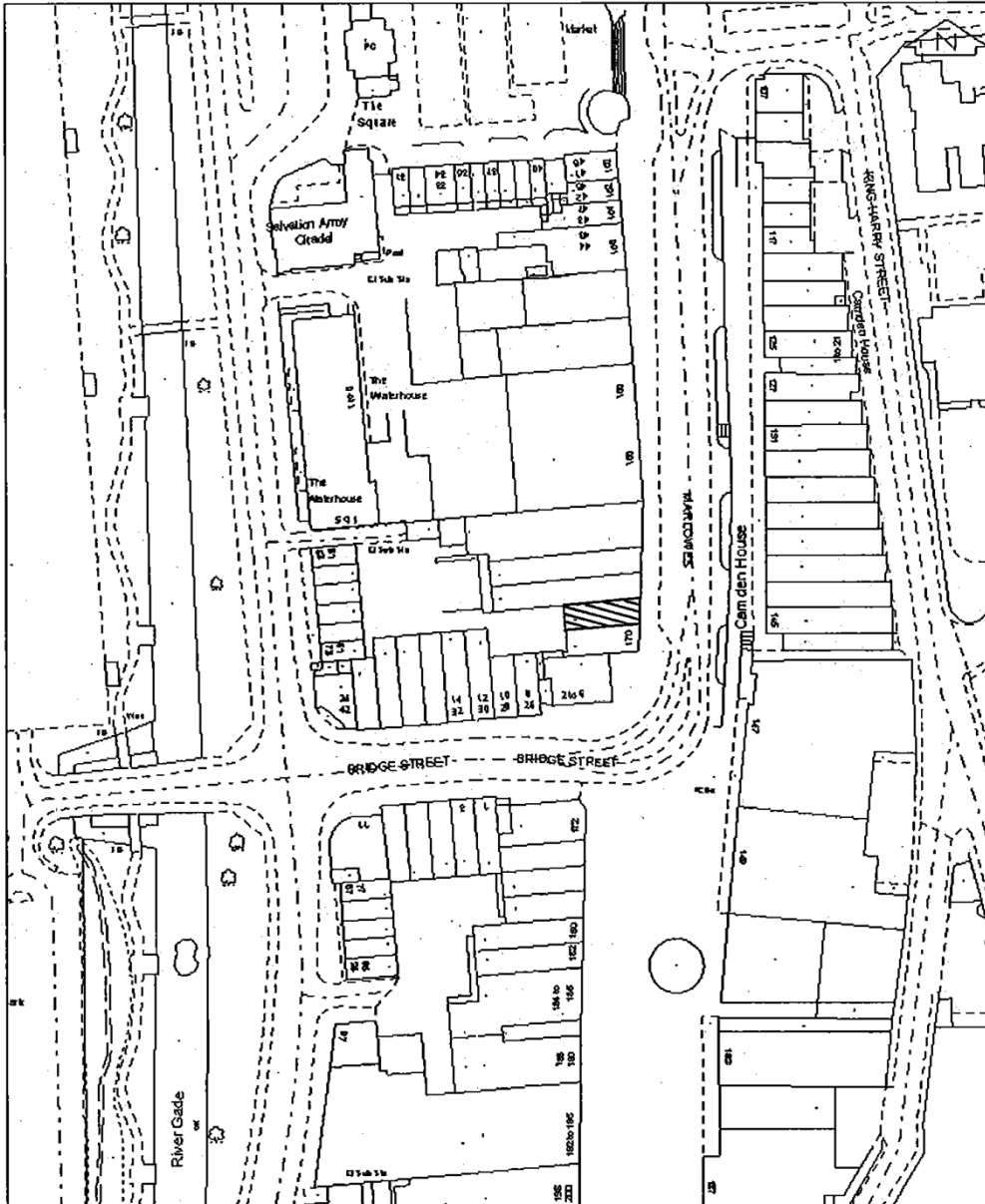
Annex B: Plan of Premises and map of area



Dacorum Borough

Regulatory Services

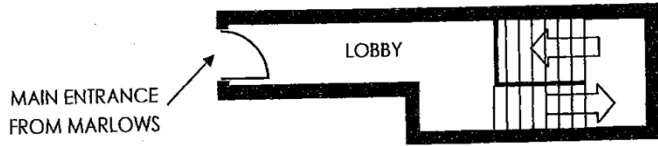
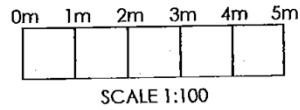
Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



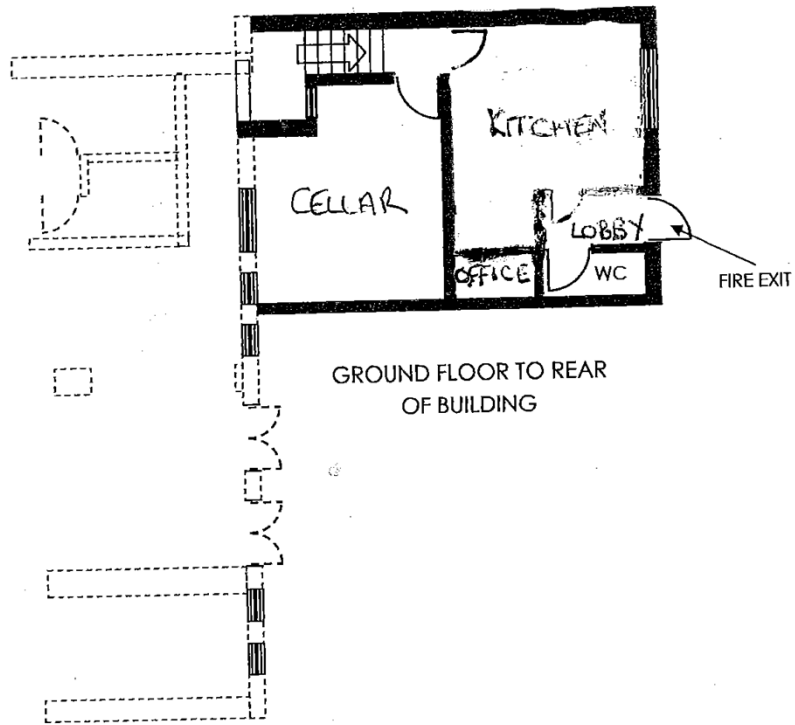
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Dacorum Borough Council 100018935:2013

Date:02/05/2013

Scale: 1:1250
Date: 02/05/2013
OST file: TL0506NE

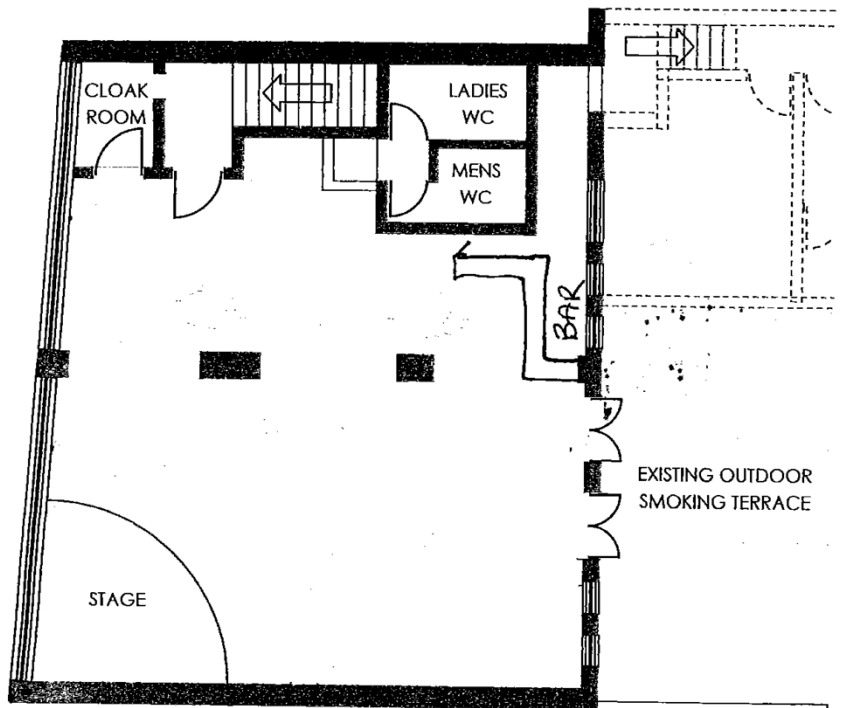
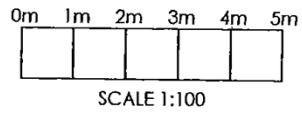


GROUND FLOOR ENTRANCE



GROUND FLOOR TO REAR OF BUILDING

GROUND FLOOR PLAN, 166 MARLOWS, HEMEL HEMPSTEAD, HP1 1BA



FIRST FLOOR PLAN, 166 MARLOWS, HEMEL HEMPSTEAD, HP1 1BA

Annex C1: Correspondence from the Police



**HERTFORDSHIRE
CONSTABULARY**

1st May 2013

Direct Line: 01442 271601

E.Mail: Deborah.latto@herts.pnn.police.uk

**Licensing Act 2003 Premises Licence Application:
166 – 168 Marlowes, Hemel Hempstead, HP1 1BA**

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 as agreed with the applicant Cheri Kenyon.

1. 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.
2. A minimum of 3 SIA licensed door supervisors shall be on duty at the premises from 20.00 until at least 15 minutes after closing time every Friday and Saturday. Door supervisors will also be on duty when the non-standard timings are used. In addition when regulated entertainment is provided or when significant sporting events are to be shown at the premises, management will carry out a documented risk assessment of the need for door staff. This risk assessment should be available to the Police or authorised officers from the local authority.
3. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
4. The premises will be a member of Pubwatch or a similar local scheme.

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

5. The premises operate a zero tolerance of drugs and notices will be displayed on the premises to this effect.
6. The toilets will be regularly checked by staff and a record of those checks will be maintained on the premises. These checks should be carried out hourly during normal opening times and increased to half-hourly during peak times on Fridays and Saturdays from 20.00 until close. The records must be kept up-to-date and be available for inspection at any time by police or an authorised officer from the local authority
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. Patrons wishing to smoke will be directed to the terrace at the rear of the premises and will not be permitted to congregate outside the main entrance to the premises for the purpose of smoking.
9. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
10. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff, so as to ensure that there is no public nuisance or obstruction to the public highway.
11. 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:
 - A passport with photograph
 - A photo driving licence
 - A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
12. An incident log shall be kept at the premises, and made available on request to the Police or to an authorised officer, which will record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusals of the sale of alcohol

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

- Any visit by the emergency services or a relevant authority
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and businesses in the vicinity.
 14. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
 15. There shall be a personal licence holder on the premises at all times when the premises are licensed to sell alcohol.

Yours sincerely

Deborah Latta 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: Confirmation of acceptance of police conditions

18/04/2013

Dear Sally,

Please find enclosed
the guidance conditions
for pubs, bars and clubs.

After meeting with
Debbie Latta and
Richard Mabbitt, they
passed on the guidance
notes. We fully agree
to comply to the above.

Many Thanks,

Cheri Kenyon.
CKENYON.

Annex D1

Representations from persons living within vicinity of premises

RECEIVED
30 MAY 2011

Reference; Late night application for premises and alcohol license 168a The Marlowes HHH HP1 1BA

Dear Dacorum borough Council Licensing

Please see attached a list of tenants who have signed our Petition for THE OBJECTION of the above application.

Reason for the Objection;

Previous History of Late Night noise disturbance from this bar and loud Music in a residential Area, causing late night disruption to our home life, childrens welfare and living.

We are not objecting to the bar being open just the lateness of the bar. The application until 2am if considered will cause noise pollution until 3-4am. This is a situation that we as residents have experienced before and complained about. The back patio area is also of great concern as the noise travels directly across to our homes. It was not bearable when the license was 1am.

Many of us have children and this caused mass disruption to our personal lives. We have enjoyed getting back to normal living since the bar has not been in operation.

Please feel free to contact any of our petitioners to discuss matters further.

I hope that this petition is taken with great consideration as this affects all concerned.

Thanks

Residents of Bridge Street and Waterhouse Street Flats

Licence Application for Petition to close before 1AM

Name	Address	Reasons for objection	Date and signature
[Redacted]	BRIDGE STREET	noise + young children	29-4-2013, NIK [Signature]
[Redacted]	BRIDGE STREET	noise + Trunks	29.4.2013, SK [Signature]
[Redacted]	Waterhouse Street	Disturbance	29.4.2013 [Signature]
[Redacted]	Waterhouse St	Noise	29.4.2013, A [Signature]
[Redacted]	BRIDGE STREET	Noise Dogging Music	29.4. [Signature]
[Redacted]	BRIDGE STREET	noise, Trunks, disturbance	29/04/13 [Signature]
[Redacted]	BRIDGE STREET	Noise	30/04/13 [Signature]
[Redacted]	BRIDGE STREET	Noise	30/04/13 [Signature]
[Redacted]	WATERHOUSE STREET	Noise + Trunks + Disturbance	30/04/2013 [Signature]

Annex D2

Denise Wills

From: [REDACTED]
Sent: 30 April 2013 22:11
To: Licensing Mailbox
Subject: concern license application

RECEIVED
30 APR 2013

Importance: High

To whom it may concern ,

I am contacting you regarding following license application:

166-168 Marlowes Hemel Hempstead The application is for the sale by retail of alcohol, late night refreshment and licensable activity in the form of live and recorded music and similar entertainment, and exhibition of films between 10am and midnight Sunday to Wednesday and 10am and 2am Thursday to Saturday. The applicants wish to operate the premises as a bar with hot food sales

I live in neighbouring block of flats in Bridge Street and have some concerns regarding this license application.

When this premises was a venue for music, alcohol, late bar we have had problems with noise, disturbance, drugs in the service yard where the back exit of the premises is.

I work early mornings and there are also families with young children living here.

I am not happy with a license till 2 am , specially week days. The latest at the weekend i would be ok with is 1 am.

I would also appreciate some control on the noise and disturbance as this was not really the case with the last venue and very disturbing for the residents here.

I hope you will take these concerns in consideration and I am happy to discuss further by phone or in person if needed.

Regards
[REDACTED]
[REDACTED]

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

**Annex E
Representation from Environmental Health (Pollution)**



RECEIVED
30 APR 2013

Response in Relation to Consultation

Under the Licensing Act 2003

From Environmental Health

SRU:365379

Officer: Tracy Aldridge-Jones

Date: 23 April 2013

Application: Indy Jax, 168 Marlôwes, Hemel Hempstead, Herts, HP1 1BA

History:

A noise complaint was received in August 2007 relating to music from both inside and outside the premises. This complaint was not substantiated. In August 2001 a noise complaint from Karaoke on Tuesdays, was a problem but this complaint was not substantiated. In 1996 a Notice was served on this premise in respect of a statutory nuisance which was namely the playing of amplified music.

There have been no complaints received regarding these premises in the recent past.

Comments or Observations Relating to the Application:

Additional steps proposed by the applicant to prevent a public nuisance from inside the premises state that a noise limiter device will be fitted. Environmental Health will need to set the appropriate levels to help prevent a nuisance or a disturbance occurring to neighbouring properties.

I would like to recommend that on days when entertainment is occurring that all windows and doors are kept closed to ensure that noise does not penetrate the fabric of the building.

I have concerns about the impact of the proposed hours and activities on the patio area for the residents of neighbouring properties. The area is surrounded by residential properties and I note from the application that the patio area will be open until the close of business, the latest time being 02:30 and 03:30 on Bank Holidays.

Specific Objection / Representation:

I do not believe that the patio/outside terrace can be used for people to be entertained/ drink/smoke until the close of business without it causing a nuisance to surrounding residents.

Suggested Remedy to Address the Objection:

1. The hours of use for the patio to be restricted from 10:00 to 23:30 every day including Bank Holidays. No ingress or egress from the terrace shall be permitted outside of these times, except for smoking.
2. When customers are using the patio/outside terrace to smoke no more than five patrons at any one time should be permitted. The number of customers outside shall at all times be regulated by a door supervisor to ensure nearby residents are not disturbed by noise nuisance.

I trust this information is of use to you. If I can be of any further assistance, please contact me.



**Tracy Aldridge-Jones
Environmental Health Officer
Environmental Health**

ANNEX F LOCAL POLICY CONSIDERATIONS

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

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.

10. Licence Conditions

10.1 The Licensing Authority will avoid imposing disproportionate conditions on premises. It will only impose conditions that are necessary in order to promote the licensing objectives and are in themselves reasonable and proportionate.

10.2 In the case of an unopposed application the Licensing Authority has the discretion only to apply conditions that are consistent with the operating schedule. Where there are relevant representations and these are upheld by the Licensing Authority's Licensing Committee, further conditions may be attached to a licence in pursuance of the promotion of the licensing objectives.

10.3 Where appropriate the Licensing Authority will attach conditions from the model pool of conditions issued by the Home Office depending on the circumstances of each individual case.

10.4 The Council will seek to avoid attaching conditions to licences unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation (as indicated in paragraph 13.9 of the Secretary of State's Guidance). It is not the Licensing Authority's intention to duplicate existing legislation and regulatory

regimes that already place obligations on employers and operators e.g. The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

19. 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

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. 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.

Public Nuisance

2.18 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.

2.19 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. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the

prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation 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.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. 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.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 Beyond the immediate area surrounding the premises, these are matters for the 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.

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 (see paragraphs 9.4 to 9.10 below). 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.

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and

proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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;
- this Guidance;
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within five 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

10.8 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

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 disclosure of exempt information relating to an individual which would be likely to reveal his identity.

Local Government Act 1972, Part 1, Schedule 12A.

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

29 JANUARY 2013

Present –

MEMBERS:

Councillors Mrs Green (Chairman), Conway and G Sutton

OFFICERS:

B Lisgarten	Legal Governance Team Leader
S Taylor	Senior Assistant Licensing Officer
T Coston	Member Support Officer
P Duff	Member Support Officer

Other Persons Present:

Mr N Ubhi	Applicant
Mr S Sagoo	Applicant
Mr P Lloyd	Solicitor Representing Mr Ubhi and Mr Sagoo

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 meeting held on 15 January 2013 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

Councillor Conway declared that the supermarket was in her ward but she did not know either of the applicants.

5. APPLICATION FOR PREMISES LICENCE

The application was for:

Tring Supermarket
37 Christchurch Road

Tring
Hertfordshire
HP23 4EH

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

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

Councillor Conway declared that she was Ward Councillor for Tring West and Rural, and that she had visited the premises.

The Chairman asked the Members of the Sub-Committee if they had read the Agenda and all additional documents. Councillors Conway and Sutton confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with.

S Taylor confirmed that they had.

The Chairman asked if anybody wished to ask any questions of officers.

There were no questions.

The Chairman invited Mr Lloyd to make representations on behalf of the applicants.

Mr Lloyd made a statement, the main points of which are detailed:

- Mr N Ubhi would be the Designated Premises Supervisor and had held a Personal Licence since his Justices Licence Off Licence was converted in 2005.
- The Ubhi family had been trading in a licensed convenience store in Milton Keynes for 25 years during which time all Licensing Regulations had been maintained and there were no recorded incidents of any infringements.
- The premises were being developed in conjunction with Londis who operated to very high standards.
- The staff training schemes were for all staff to enable them to trade within the confines of the regulations governing retail sales.
- Due Diligence Procedures would be in place before trading in alcohol;
 - Challenge 21 Policy with specified ID
 - 'No ID, No Sale' policy with specified ID
 - All staff to use 12 months refusal book to record all refusal of sales
 - Other relevant age prohibition signage
 - All staff to be trained in requirements of the 2003 Licensing Act
 - Till prompts will be installed
 - No sales to any person who was intoxicated
 - No sales to under 18s
 - Digital CCTV system compatible with the Hertfordshire Constabulary
 - CCTV images will be available to the Police and retained for 31 days
 - A staff member with knowledge of the CCTV system to always be available.
- Following concerns raised by objectors to the application the hours applied for had been reduced to 08.00 to 20.00.

- The applicants had offered to meet with all objectors to mediate but without success
- Other sales staff would take their Award for Personal Licence Holders course
- All sales staff would undertake the Londis course for non-Personal Licence Holders before being allowed to sell alcohol unsupervised
- The Government guidelines for representations against a Premises Licence were detailed.
- The objections as detailed in the report were referred to:
 - Objection Nos. 1, 2, 3, 6 and 7 – Need/public nuisance incidents. The reduction in hours and due diligence measures proposed should alleviate any concerns
 - Objection No. 4 was withdrawn following consultation with the applicants
 - Objection No. 5 and 6 – Residential area with limited parking/need//traffic noise – the development was designed for the local community and, with the earlier closure time, noise would be minimal
 - Objection No. 7 – public safety/increased traffic/traffic hazard/noise/abuse/minor crime – pure conjecture and offered without any evidence against the applicants or their premises.
- The Police and other responsible authorities had not made any representation or comment on the matters raised by the objectors
- This was a very positive strong application made by a licensee with a lot of experience and the sub-committee was asked to grant the licence on the terms requested.

The Chairman asked if there had been any complaints made in the past relating to this particular property.

S Taylor replied that there had been no recorded complaints.

Councillor Sutton said the application was a very thorough one made by two very professional people and asked what the staffing levels would be in the premises.

Mr Ubhi said there would always be two people on the premises. Local people would be employed and adequate training would be provided for all employees to ensure they worked within licensing requirements.

Councillor Conway said she knew the area well and asked if the premises would have alarms as well as CCTV.

Mr Ubhi said having an alarm system was a mandatory requirement and it would be linked to a monitoring service. The store was being developed resulting in a lot more stock. There would be increased security on site.

The Chairman said, bearing in mind the applicants had bent over backwards to address the objectors concerns by reducing the hours and that the a request made by the Police Authority regarding CCTV and the availability of the CCTV images for 31 days had been complied with, she felt the applicants had done all they could to help progress the application.

The sub-committee was asked if they felt they could grant the application, bearing in mind the reduction in hours and the compliance with Police requests.

Agreed:

That the Licensing of Alcohol and Gambling Sub-Committee, having had regard to the guidance issued under Section 182 of the Licensing Act 2003, Dacorum Borough Council's own Licensing Policy and the four Licensing Objectives of the Licensing Act 2003, and having taken into account all oral and written representations, and for the reasons indicated above, unanimously agreed to grant the premises licence for Tring Supermarket, 37 Christchurch Road, Tring HP23 4EH, subject to the amendment to the hours for sale of alcohol proposed by the applicants, and inclusion of the additional conditions agreed between the applicants and the Police, as set out below

Hours Premises open to the public

Day	Proposed Hours
Monday	06.00 – 20.00
Tuesday	06.00 – 20.00
Wednesday	06.00 – 20.00
Thursday	06.00 – 20.00
Friday	06.00 – 20.00
Saturday	07.00 – 20.00
Sunday	07.00 – 20.00

Supply of Alcohol – for consumption off the premises

Day	Proposed Hours
Monday	08.00 – 20.00
Tuesday	08.00 – 20.00
Wednesday	08.00 – 20.00
Thursday	08.00 – 20.00
Friday	08.00 – 20.00
Saturday	08.00 – 20.00
Sunday	10.00 – 20.00

General Statement of Licensing Objectives

1. The Licence Holder will undertake to maintain staff training and promotion of their Age Policy.
2. The Licence Holder will establish and maintain communication with the local authority and responsible bodies.

Public Safety

The Licence holder will ensure that the fire extinguishers will be located in accordance with British Standards.

The Prevention of Public Nuisance

The Licence holder shall display notices both inside and outside the premises to request that no purchased alcohol is consumed either on or in the vicinity of the premises.

Additional conditions agreed between the applicants and Police

The Prevention of Crime and Disorder

3. 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.
4. 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 the Police or authorised officer throughout the preceding 31 day period.
5. 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 officer recent data or footage with absolute minimum delay when requested.

The Prevention of Public Nuisance

6. 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.

The Protection of Children from Harm

7. 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:
 - A passport with photograph
 - A photo driving licence
 - A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
8. 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.
9. 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.
10. The Licence holder shall ensure that all electronic tills automatically prompt the seller to check the age of the buyer when alcohol products are entered to sale into the till.
11. 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 meeting finished at 2.50 pm.