
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

22 MAY 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Conway and Mrs G Chapman

OFFICERS:

L Crowley	Solicitor Advocate
S Taylor	Senior Assistant Licensing Officer
R Mabbitt	Licensing Enforcement Officer
N Egerton	Environmental Health Team Leader
J Hewitt	Administration Officer
Paulette Tedd	Observing

Other Persons Present:

Item 5

Ms C Kenyon and Ms K Pindred for KKC Promotions Ltd, the applicant.

Item 8

Mr S B Applicant for personal licence

Sergeant 1991 Dean Hertfordshire Constabulary
D Latto Hertfordshire Constabulary

The meeting began at 2:30pm

1. INTRODUCTIONS

The Chairman introduced himself, 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 29 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

Chairman:

The Chairman declared that the premises was not in his ward, and that he had not visited the premises.

Councillor Mrs G Chapman declared that the premises was not in her ward, and that she had not visited the premises.

Councillor Conway declared that that the premises was not in her ward, and that she had not visited the premises.

5. LICENCE HEARING

The application was for:

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

The Chairman outlined the procedure for the meeting, as set out in the agenda and emphasised that all speakers were not permitted to introduce new information and there should be no repetition.

The Chairman asked the Members of the Sub-Committee if they had read the Agenda and all additional documents. Councillors Mrs G Chapman and Conway 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 then invited the applicants to make representations in support of their application to the Sub-Committee.

C Kenyon made the following comments in response to the objections received from local residents:

There would be a gate linked to the fire alarm on the service yard, with no access or egress through this gate other than in the event of a fire. C Kenyon explained that they felt with these gates in place there would be no problems with noise in the service area.

A noise limiting device was to be installed at the premises, as advised by the Environmental Health Department.

With reference to the terrace, C Kenyon said that she understood that there had been problems under previous management with people coming in and out, but they felt that the noise limiter and alarmed gate would solve these issues.

C Kenyon also confirmed that the outside terrace would be closed for all licensable activities at 23:30 hours, with access to smokers only after that time.

Councillor Chapman asked if the gate being closed and locked would constitute a risk in the event of a fire.

C Kenyon confirmed that the gate was linked to the fire alarm and would automatically open in the event of the alarm going off.

Chairman:

Councillor Conway asked how the applicant would address the possible problem of underage drinkers accessing the premises.

C Kenyon explained that there would be door supervisors who would check for identification, and that they would be operating Challenge 25 at the premises. Children would have to be accompanied by an adult, and no children would be allowed to remain on the premises after 20:00 hours.

The Chairman referred to the draft conditions that had been circulated, comprising conditions proposed by the applicant, those agreed between the applicants and the Police, and conditions suggested by Environmental Health, and asked the applicants if they had any issues they wished to raise in respect of any of the content set out in the draft document.

C Kenyon expressed concern that the limit of five smokers being allowed on the terrace after 23:30 hours was too small a number, and proposed a limit of 15 smokers, a figure that would obviously be dependent on the noise generated. Furthermore, this would be supervised by door supervisors at weekends, and C Kenyon during the week.

Councillor Chapman asked if it was a 'built' terrace.

K Pindred said that it was built structure, which had sides but no roof, and a fenced frontage which needed replacing. Their intention was to replace this fencing during renovation of the premises.

The Chairman asked if there was to be any type of screening or enclosure to minimise noise disturbance from the terrace.

K Pindred confirmed it was their intention to provide more sturdy fencing when the premises was renovated.

The applicants then confirmed they had no more comments in respect of the proposed conditions and were happy to comply with all of them.

N Egerton, Environmental Health Team Leader was then invited to make a statement.

N Egerton sought clarification as to whether all external activities on the terrace would cease at 23:30 hours.

C Kenyon confirmed that all activities would cease at 23:30 hours, with the exception of smokers using that area up until closing. Furthermore, they would endeavour to regulate the noise levels during that time.

N Egerton asked for confirmation that the licensing condition relating to the installation of a noise limiting device would also state that it would be set at a level agreed by the Environmental Health Department. Also, to confirm that as well as windows being kept closed when entertainment was taking place, to ensure that doors were also kept closed.

N Egerton expressed concern about the use of the terrace, in that the doors being continually opened to allow smokers access to and from the terrace would cause noise to escape from the premises during periods of entertainment. For this reason, Environmental Health felt that five smokers at any one time was an adequate number.

Chairman:

The Chairman then asked the applicants if they wished to make any further comments or statement in support of the application.

The applicants said they were happy to negotiate the closing time of the premises, and offered a proposed closing time of 01:00 hours Thursday to Saturday.

Having examined comparable operating times for similar businesses in the locality, the Chairman commented that these businesses had operating times until 02:00 hours.

Councillor Conway said that if similar premises were operating at these times, she had no objection to this premises having the same hours.

Councillor Chapman felt there should be some rationalisation to the operating hours and Olly's and the Full House were currently operating until 02:00 hours.

The Sub-Committee therefore agreed that the closing time for the premises should be midnight Sunday to Wednesday and 02:00 hours Thursday to Saturday.

Non standard timings would remain as set out in the application.

The use and limits on the terrace was then discussed.

N Egerton requested that no more than five persons be allowed out on the terrace to smoke at any one time. However, the applicants were concerned with this limit, and proposed 15 persons.

The Sub-Committee considered the issue, and agreed to a limit of 10 smokers. N Egerton was asked if that would be a suitable number.

N Egerton confirmed that he could accept this revised number, and if there were issues in the future, the matter could be referred back to the Sub-Committee.

Therefore it was agreed that the terrace close to all activities at 23:30 hours on any day, with a limit of 10 smokers allowed into that area at any one time.

S Taylor asked for clarification as to whether the outside terrace was to be shut completely at 23:30 hours, or open for 10 smokers after that time and up until closing time, as stated in the Environmental Health representation on page 33 of the Agenda.

The Sub-Committee confirmed that all licensable activity on the terrace would cease at 23:30 hours, but a maximum of 10 smokers at any one time would be allowed access to the terrace after that time and up until closing time.

The Applicants then agreed that they were happy with all the other conditions as set out.

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to the guidance issued under section 182 of the National Guidance and 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, in accordance with the reasoning indicated above, unanimously agreed to grant a new premises licence under section 17 of the Licensing Act 2003 as follows:

Chairman:

Hours Premises open to the public

Day	Proposed Opening Hours
Monday	10:00 – 00:00
Tuesday	10:00 – 00:00
Wednesday	10:00 – 00:00
Thursday	10:00 – 02:00
Friday	10:00 – 02:00
Saturday	10:00 – 02:00
Sunday	10:00 – 00:00

Non standard timings:

Christmas Eve: 10:00 – 03:30

New Year's Eve 10:00 – 03:30

Thursday before Easter Bank Holiday 10:00 – 03:30 hours

All Bank Holiday Fridays, Saturdays and Sundays 10:00 – 03:30 hours

Sale by Retail of alcohol (For consumption both on and off the premises)

Day	Proposed Hours
Monday	10:00 – 00:00
Tuesday	10:00 – 00:00
Wednesday	10:00 – 00:00
Thursday	10:00 – 02:00
Friday	10:00 – 02:00
Saturday	10:00 – 02:00
Sunday	10:00 – 00:00

Christmas Eve: 10:00 – 03:00

New Year's Eve 10:00 – 03:00

Thursday before Easter Bank Holiday 10:00 – 03:00 hours

All Bank Holiday Fridays, Saturdays and Sundays 10:00 – 03:00 hours

Films (Both indoors and outdoors)

Day	Proposed Hours
Monday	10:00 – 00:00
Tuesday	10:00 – 00:00
Wednesday	10:00 – 00:00
Thursday	10:00 – 02:00
Friday	10:00 – 02:00
Saturday	10:00 – 02:00
Sunday	10:00 – 00:00

Screen on terrace, to be switched off at 23:00 hours.

Chairman:

Live Music (indoors only)

Day	Proposed Hours
Monday	12:00 – 00:00
Tuesday	12:00 – 00:00
Wednesday	12:00 – 00:00
Thursday	12:00 – 00:00
Friday	12:00 – 00:00
Saturday	12:00 – 00:00
Sunday	12:00 – 00:00

Recorded Music (Indoors only)

Day	Proposed Hours
Monday	10:00 – 00:00
Tuesday	10:00 – 00:00
Wednesday	10:00 – 00:00
Thursday	10:00 – 02:00
Friday	10:00 – 02:00
Saturday	10:00 – 02:00
Sunday	10:00 – 00:00

Christmas Eve: 10:00 – 03:00

New Year's Eve 10:00 – 03:00

Thursday before Easter Bank Holiday 10:00 – 03:00 hours

All Bank Holiday Fridays, Saturdays and Sundays 10:00 – 03:00 hours

Anything of a similar description to Live and Recorded Music, and Performance of Dance (Indoors only)

Day	Proposed Hours
Monday	
Tuesday	
Wednesday	18:00 – 00:00
Thursday	18:00 – 00:00
Friday	18:00 – 00:00
Saturday	10:00 – 00:00
Sunday	10:00 – 00:00

Late Night Refreshment (Indoors and outdoors)

Day	Proposed Hours
Monday	23:00 – 00:00
Tuesday	23:00 – 00:00
Wednesday	23:00 – 00:00
Thursday	23:00 – 02:00
Friday	23:00 – 02:00
Saturday	23:00 – 02:00
Sunday	23:00 – 00:00

Chairman:

Operating Schedule

GENERAL STATEMENT OF LICENSING OBJECTIVES

There shall be a personal licence holder on the premises at all times when the premises are licensed to sell alcohol.

The Licence holder shall ensure that all staff undertake appropriate training.

THE PREVENTION OF CRIME AND DISORDER

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 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 the Police or an 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 officer recent data or footage with absolute minimum of delay when requested.

A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until at least 15 minutes after closing time every Friday, Saturday, bank holiday and special event.

In addition when regulated entertainment is provided or when significant sporting events are to be shown at the premises, the Licence holder shall carry out a documented risk assessment of the need for door staff. This risk assessment shall be available to the Police or authorised officers from the local authority.

All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.

The premises shall be a member of Pubwatch or a similar local scheme.

The premises operate a zero tolerance of drugs and notices will be displayed on the premises to this effect.

The toilets shall be regularly checked by staff and a record of those checks shall be maintained on the premises. These checks shall be carried out hourly during normal opening times, and increasing to half hourly during peak times on Fridays and Saturdays from 20:00 hours 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.

Patrons wishing to smoke shall be directed to the terrace at the rear of the premises and not permitted to congregate outside the main entrance to the premises for the purpose of smoking.

Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Chairman:

An incident log shall be kept at the premises, and made available on request to the Police or 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
- Any visit by the emergency services or a relevant authority.

PUBLIC SAFETY

The Licence holder shall ensure that all fire exits are kept clear, and that there is a suitable fire risk assessment in place.

THE PREVENTION OF PUBLIC NUISANCE

The hours for use for the patio for licensable activities shall be restricted from 10:00 hours to 23:30 hours every day including Bank Holidays. No ingress or egress from the terrace shall be permitted outside of these times, except for smoking.

When customers are using the patio/outside terrace to smoke no more than ten patrons at any one time shall be permitted. The numbers of customers outside shall at all times be regulated by a door supervisor to ensure nearby residents are not disturbed by noise nuisance.

Notices shall be prominently displayed at all exits and any area used for smoking, requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

All windows and doors shall be closed during regulated entertainment.

A noise limiting device will operate at the premises, at a level agreed with the Environmental Health Department.

No waste or recyclable materials, including bottles, shall be moved, removed, or placed in outside areas between 23:00 hours and 08:00 hours.

The Licence holder shall ensure that all live entertainment will be finished by 00:00 hours.

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.

Chairman:

THE PROTECTION OF CHILDREN FROM HARM

The licence holder will adhere to the Challenge 25 protocol, seeking identification from everyone who appears to be under 25, 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.

No children shall be allowed on the premises after 20:00 hours.

6. EXCLUSION OF THE PUBLIC

Agreed:

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 was 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 an individual which would be likely to reveal his identity.

7. APPLICATION FOR PERSONAL LICENCE WITH POLICE OBJECTION

The application was for the grant of a personal licence.

Full details are in the Part II minute.

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to Section 120 of the Licensing Act and Dacorum Borough Council's own Statement of Licensing Policy, and having taken into account oral and written representations from both the applicant and Hertfordshire Constabulary, unanimously agree to grant a new personal licence under Part 6 of the Licensing Act 2003.

The application was approved with a warning that the Sub-Committee was putting their faith in Mr B and expected their faith to be recognised. Any further trouble would be taken very seriously.

The meeting finished at 3.19pm

Chairman: