

LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

WEDNESDAY 2 OCTOBER 2013 AT 10.00 AM

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, Lawson (Chairman), G Sutton and Taylor

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

PART I

ITEM	PAGE
1. Introductions	2
2. Minutes	2
3. Apologies for Absence	2
4. Declarations of Interests	2
5. Licence Hearing Premises: 198-200 Marlowes Hemel Hempstead Herts HP1 1BH	3
6. Procedure for the Hearing	86
7. Exclusion of the Public	87
Appendix A Minutes from the Licensing of Alcohol and Gambling Sub-Committee meeting on 6 August 2013	88

PART II

Appendix B Part 2 minutes from the Licensing of Alcohol and Gambling Sub-Committee meeting on 6 August 2013	90
---	----

1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meeting held on 6 August 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:	2nd October 2013
PART:	1
If Part II, reason:	

Title of report:	Licensing Act 2003: Premises licence application: 198-200 Marlowes Hemel Hempstead Herts HP1 1BH
Contact:	Sally Taylor – Senior Assistant Licensing Officer, Legal Governance
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires 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, and determine the application 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 below.

Background papers:	Licensing Act 2003, and associated regulations Dacorum Borough Council’s Statement of Licensing Policy Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, October 2012)
Glossary of acronyms and any other abbreviations used in this report:	

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. 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.
- 4.2. When determining an application for a provisional statement (under section 29), the Sub-Committee must, on the basis of the relevant representations made in respect of that application and the application itself, take such of the steps set out at paragraph 4.1 as it considers appropriate for the promotion of the licensing objectives, if it had to decide whether to grant a premises licence in the same terms.
- 4.3. While considering an application for the variation of an existing licence, only the proposed variation(s) may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.
- 4.4. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) modify the conditions of the licence (by way of alteration, omission or addition);
 - (b) reject the whole or part of the application.
- If neither of these steps are to be taken the application shall be granted.
- 4.5. When determining an application for the variation of a premises licence to specify an individual as designated premises supervisor (under section 37), or for transfer of a premises licence (under section 42), the Sub-Committee must, having regard to the police objection notice, reject the application if it considers it appropriate for the promotion of the licensing objectives to do so, or grant the application otherwise.
- 4.6. When determining an application for the review of a premises licence (under section 51), a summary review of a premises licence (under section 53A), or a review of a premises licence following a closure order (under section 167), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) take no action;
 - (b) modify the conditions of the licence (by way of alteration, omission or addition);
 - (c) exclude a licensable activity from the scope of the licence;
 - (d) remove the designated premises supervisor;
 - (e) suspend the licence for a period not exceeding three months;
 - (f) revoke the licence.
- 4.7. When determining an application for the grant of a club premises certificate (under section 71), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the certificate subject to any applicable mandatory conditions, and conditions consistent with the club operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
 - (b) exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
 - (c) reject the application.
- 4.8. When determining an application for the variation of a club premises certificate (under section 84), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) modify the conditions of the certificate (by way of alteration, omission or addition);
 - (b) reject the whole or part of the application.

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

- 4.9. When determining an application for the review of a club premises certificate (under section 87), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) take no action;
 - (b) modify the conditions of the certificate (by way of alteration, omission or addition);
 - (c) exclude a qualifying club activity from the scope of the certificate;
 - (d) suspend the certificate for a period not exceeding three months;
 - (e) withdraw the certificate.

5. Details of application

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

Appendix	Premises name / address	Type of application
A	198-200 Marlowes, Hemel Hempstead, Hertfordshire HP1 1BH	Grant of a premises licence (under section 17 of the Licensing Act)

APPENDIX A

Applicants name	Mr Charles Bailey Rhythm Party Limited
Name and address of premises	198-200 Marlowes Hemel Hempstead Herts HP1 1BH
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 hours to 00:30 hours Sunday to Tuesday, and 11:00 hours to 02:30 hours Wednesday to Saturday. That licence was surrendered on 26th October 2007.

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, seeking authorisation for the following licensable activities, and is set out at Annex A:

Plays (indoors)

Monday to Sunday 09:00 hours until 03:00 hours.

Live music (indoors)

Monday to Sunday 09:00 hours until 03:00 hours

Recorded music (indoors)

Monday to Sunday 09:00 hours until 03:00 hours

Performance of dance (indoors)

Monday to Sunday 09:00 hours until 03:00 hours

Late night refreshment (indoors)

Monday to Sunday 23:00 hours until 03:00 hours

Supply of alcohol (for consumption on the premises)

Monday to Sunday 09:00 hours until 02:30 hours

Hours premises may open to the public

Monday to Sunday 09:00 hours until 03:00 hours

- 2.2 A plan of the premises and map of the area are set out at Annexes B1 and B2

3. Details of Representations

- 3.1 Two representations have been received, the first from the Police citing concerns in respect of the proposed operating schedule that forms part of the

application. This representation, together with a set of suggested conditions proposed by the Police is set out at Annex C.

3.2 The second representation has been received from Tracy Aldridge-Jones of Dacorum's Environmental Health team, citing concerns relating to the public nuisance objective. This representation is set out at Annex D.

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

Police: Relevant representation, see paragraph 3.1

Environmental Health (Pollution): Relevant representation, see paragraph 3.2.

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

Fire Officer: 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 E.

Annex A Application for premises licence



Dacorum
Application for a premises licence
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228470 / 228860

MAY 03 13 34

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name If your business is registered, use its registered name.

You must enter a valid VAT number

Continued from previous page...

* VAT number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business

Home country The country where the headquarters of your business is located.

Registered Address Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

<i>Continued from previous page...</i>	
	Non-domestic rateable value of premises (£)
55,500	
Section 3 of 19	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company <input type="checkbox"/> A partnership <input type="checkbox"/> An unincorporated association <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> 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 <input type="checkbox"/> The chief officer of police of a police force in England and Wales <input type="checkbox"/> Other (for example a statutory corporation)	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 19	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	Charles Bailey

Continued from previous page...

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Director

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises in the high street will mainly be used as a under 18s nightclub. It will be advertised as an under 18s nightclub. Our events for young people will mainly start at 19.00 and finish at 23.00 during the weekends. We intend to have student nights once a week for over 18s and young people that progress thru our under 18s nights. No alcohol would be served on under 18 nights when young people are on the premises. All alcohol will be kept away from young people and secured out

Continued from previous page...

of reach. We could let young people out at the rear of the building, at the end of the evening. The club would also cater for birthday parties for young people and other people in the community, looking for suitable venues. The rear of the club would be used as a smoking area for public. The premises may also be used as a youth cafe during the week and a place for young people to participate in youth entertainment activities. We will possibly at some stage, start nights for over 18s if there is a demand for it. The premises has ground floor entrance, leading to dance area on 1st floor, with cloakroom at top of the stairs. Double doors opening to first floor, with bar to the front of the building, DJ Booth in the middle and male and female toilets to the rear. There is also a kitchen area before you reach the toilets. There is also a small bar in the middle of the room adjacent to the dj booth. There are more stairs to the rear of the building between female and male toilets, which lead to the second floor. There are a number of rooms on the second floor, which can be used for office space.

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Standard Days And Timings

MONDAY

Start End
Start End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

Continued from previous page...

SUNDAY

Start End
 Start End

Will the performance of a play take place indoors or outdoors or both? Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Shows put on for young people by young people or adults. If music is to be amplified, it will be controlled at levels, so that it does not cause high levels of noise to others. The volumes will stay within the surrounds of the premises.

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

Continued from previous page...

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

We intend to have live music bands, and singers which will perform amplified music. Some music may not be amplified. The
volumes will stay within the surrounds of the premises

State any seasonal variations for the performance of live music

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DJ,s will play recorded music, which will be amplified. The volumes will stay within the surrounds of the premises.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Dance performances and shows put on by Young People and adults.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Supply of Hot food and snacks

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 09:00

End 02:30

Start

End

TUESDAY

Start 09:00

End 02:30

Start

End

WEDNESDAY

Start 09:00

End 02:30

Start

End

THURSDAY

Start 09:00

End 02:30

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

FRIDAY

Start 09:00

End 02:30

Start

End

SATURDAY

Start 09:00

End 02:30

Start

End

SUNDAY

Start 09:00

End 02:30

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The club will employ CCTV cameras inside and outside the club. The club will also use male and female security guards, who are trained SIA badge holders, to search young people who are entering the club, and to monitor their behaviors when in and around premises. There will always be a minimum of 2 security guards, dependant on risk assessment. Security will maintain an orderly queue outside the venue, before entry.

Parents will be encouraged to drop off and pick up young people at all events.

We will work with the youth services and other key organizations to protect children from harm.

All staff will be CRB checked. We will also work with the police, to share information when ever necessary.

We 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. An incident log shall be kept at the premises to record any crimes, incidents, complaints, or criminal activity/disorders. This will be made available to the police if needed.

b) The prevention of crime and disorder

The club will use male and female security guards who are firm but polite to young people. All people entering the club will be searched. There will always be a minimum of 2 security guards, dependant on risk assessment.

All young people entering the club will be searched for offensive weapons or any illegal substances. Anyone refusing a search will not be permitted to the club. If Any young person is found with anything on them, it will be confiscated and they will be refused entry to the club. For any serious offences the police will be called. Information notices about crime and disorder issues will be displayed in the club. We will also work with any Community Safety Partnership, council and the police to adopt any reasonable safeguards promoted. We 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. An incident log shall be kept at the premises to record any crimes, incidents, complaints, or criminal activity/disorders. This will be made available to the police if needed.

c) Public safety

We will promote and encourage parents to drop off and pick up all young people attending the club. This will limit the number of young people on the streets. We will also employ stewards to assist with the exit of young people from the club, at the end of the night. We will maintain an orderly queue outside the club. We will ensure that we stick to our maximum capacity. We will ensure that lighting is provided outside the premises when it is dark. We will keep all exit and fire routes clear. Safety checks will be carried out before the admission of the public. We will have notices detailing the action to be taken in the event of fire or other emergencies, prominently displayed and protected from damage and deterioration. There will also be information on health and safety, fire precautions and other safety legislation. We will have first aid on site when club is open.

d) The prevention of public nuisance

We will work with other agencies, who can assist and work with young people, on nights when the club is open. Encourage parents to drop off and pick up all young people attending the club, to limit the number of young people on the streets. We will also employ stewards to assist with the entry and exit of young people from the club, at the start and end of the night. We will also take great care in selecting the type of music we play to the audience. We will employ a no re admission to stop young people leaving the club once entered. Make sure amplified music does not disturb residents. No drinks may be taken outside the club. Promote the importance for young people to leave the premises area quietly and not to hang out in the town, and mix with over 18s nightlife. We will also employ a dress code for the club.

e) The protection of children from harm

We will endeavour to work with drug and alcohol services, youth services, engagement teams, youth workers and any youth organizations. All staff working in the club will be CRB checked.

We will have security cameras in and outside the club.

There will be staff and security in the club, that will monitor the safety of young people on arriving, during and on leaving the club, on all events. No over 18s will be allowed in the club, on under 18 events (unless they are working) anyone who looks older will be asked for I.D.

Continued from previous page...	
<p>Young people will be made aware that if anyone is caught fighting, will be bared from the club. A strict anti bullying policy will operate and if we discover any persons intimidating others or using inappropriate language, they will not gain entry, or if inside the club, then they will be escorted from the venue, and every effort will be made to try and contact parent/guardian to collect them.</p>	
Section 19 of 19	
PAYMENT DETAILS	
<p>This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises licence application fees are determined by the non-domestic rateable value of the premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at: http://www.2010.voa.gov.uk/rli/</p> <p>Band A Premises not rated, or rateable value up to £4,300 Application fee: £100.00</p> <p>Band B Rateable value between £4,301 and £33,000 Application fee: £190.00</p> <p>Band C Rateable value between £33,001 to £87,000 Application fee: £315.00</p> <p>Band D Rateable value between £87,001 to £125,000 Application fee: £450.00 #</p> <p>Band E Rateable value £125,001 or greater Application fee: £635.00 #</p> <p># Premises in bands D or E used primarily for the consumption of alcohol on the premises are subject to fee multipliers, requiring fees of £900.00 or £1,905.00 respectively. Premises undergoing construction or redevelopment are treated as if they were in Band C for fee purposes.</p> <p>Certain community premises, including church halls, chapel halls, village halls, community centres and schools and colleges, which are only licensed for entertainment and NOT alcohol or late night refreshment, may be exempt from licensing application and annual fees. Please contact us to discuss whether your premises will fall within this exemption.</p> <p>Premises licences for large capacity events (i.e. more than 5,000 people attending) will require payment of an additional fee, based upon the number of people permitted to attend the event at any time. Please contact us for details of these additional fees.</p>	
* Fee amount (£)	<input type="text" value="315.00"/>
ATTACHMENTS	
AUTHORITY POSTAL ADDRESS	
Address	
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
DECLARATION	
<p>* I/we understand it is an offence, liable on conviction to a fine up to 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.</p>	

Continued from previous page...

I understand that I must now advertise my application, by arranging for a public notice to be published in a local * newspaper within the next 10 working days, and by displaying notices printed on blue paper at or near the premises and conveniently readable at all times for the next 28 days.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

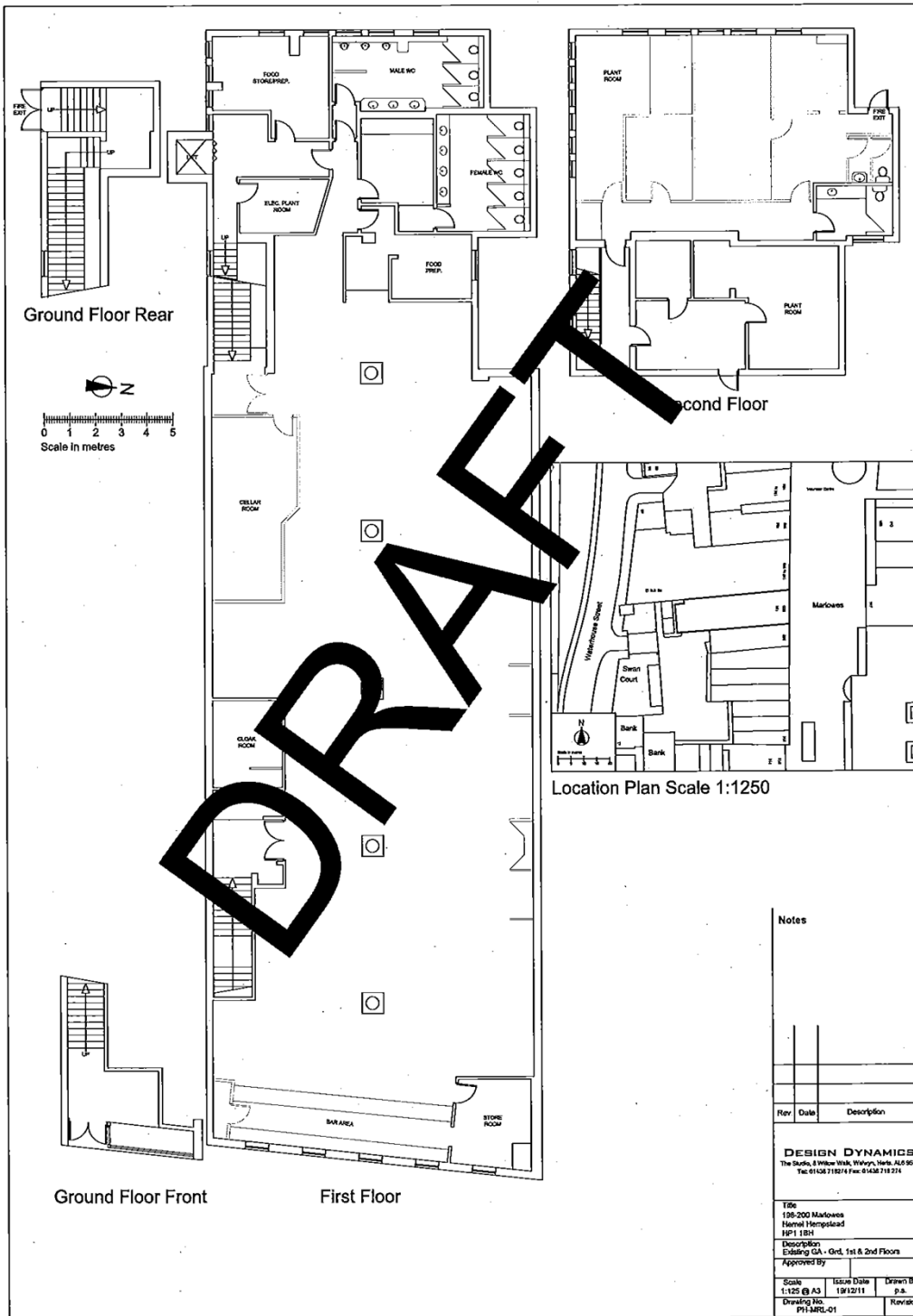
Date (dd/mm/yyyy)

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

Annex B1 Plan of Premises



Notes		
Rev	Date	Description
DESIGN DYNAMICS The Studio, 8 Wilson Walk, Weybridge, Middlesex TW20 9JG Tel: 01838 718274 Fax: 01838 718274		
Title 198-200 Markways Harwell Hospital HPI 15H		
Description Existing GA - Gnd, 1st & 2nd Floors		
Approved By _____		
Scale	Issue Date	Drawn By
1:125 @ A3	19/12/11	p.s.
Drawing No.		Revision
PH/ARL-01		

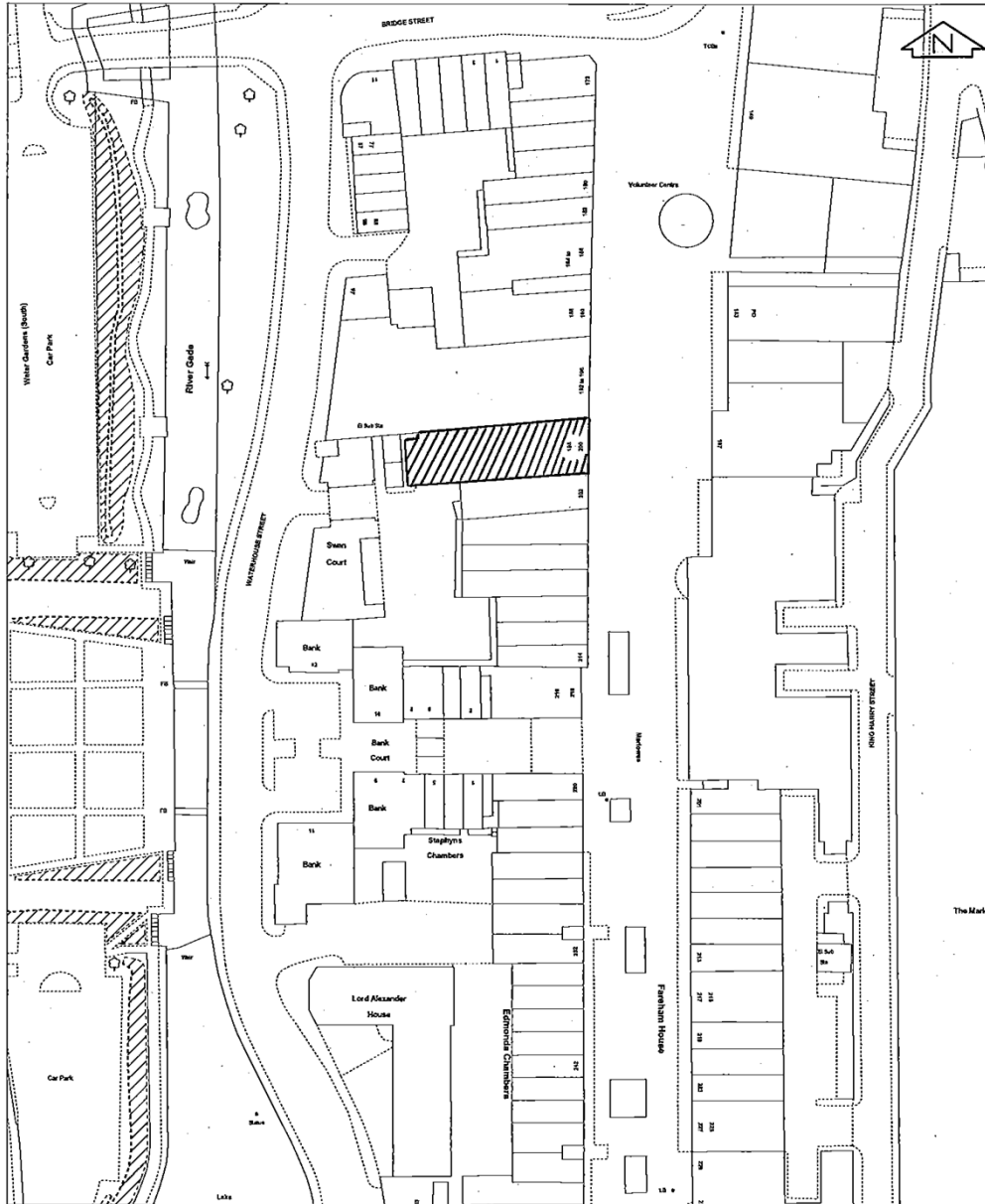
Annex B2 Site map of area



Dacorum Borough Council

Licensing

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



(C) Crown copyright. All rights reserved.
Dacorum Borough Council 100018935: 2013

Date: 05/09/2013

Scale: 1:1250
Date: 05/09/2013
OS Tile: TL0506NE

Annex C Representation from the Police and suggested conditions



**HERTFORDSHIRE
CONSTABULARY**

RECEIVED
- 4 SEP 2013

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES.

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

Your Name	PS DEAN
Job Title	Police Sergeant
Postal and email address	Nicola.Dean@herts.pnn.police.uk Hemel Hempstead Police Station Combe Street Hemel Hempstead
Contact telephone number	01442 271603/01727 796054

Name of the premises you are making a representation about	198 – 200 The Marlowes, Hemel Hempstead
Address of the premises you are making a representation about	198 – 200 The Marlowes, Hemel Hempstead

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

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

Signed:

Date: 04/09/13



RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

Witness Statement

(Criminal Procedure Rules 2005, r.27.1(1); CJ Act 1967, s.9 & MC Act 1980, ss.5A(3)(a) & 5B)

URN

--	--	--	--

Statement of PS Nicola DEAN 1991

Age if under 18 O18 (if over 18 insert "over 18") **Occupation** Police Sergeant

This statement (consisting of 6 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature

Date 3rd September 2013

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Sergeant employed by Hertfordshire Constabulary and hold the National Certificate for Licensing Practitioners.

This statement relates to the application made under the Licensing Act 2003 for the grant of a premises licence. The application is made by Mr Charles BAILEY in respect of the premises at 198 – 200 Marlowes, Hemel Hempstead HP1 1BH. The application seeks the supply of alcohol daily from 09.00 to 02.30 hours, the provision of regulated entertainment and late night refreshment between 09.00 and 03.00 hours daily. The operating schedule states that the premises will mainly be used and promoted as an under 18's nightclub. It also talks about operating as a venue for hire by people seeking a suitable venue and potentially operating nights for those over the age of 18 years.

The Home Office Amended Guidance Issued Under Section 182 of the Licensing Act 2003 (June 2013), clearly outlines what applicants are expected to include in their application



RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

This includes positive proposals on how they will manage any potential risks and consideration must be given to all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application. The Guidance states "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises." It concludes by saying that operating schedules "should be precise and clear about the measures that are proposed to promote each of the licensing objectives. that when making applications, applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applicants are expected to make it clear why the steps they are proposing are appropriate for their premises."

The operating schedule that forms part of this application does not meet this standard and is lacking in vital detail. The applicant is proposing two very different activities at the premises but in the operating schedule has focused predominantly on the under 18 events at which no alcohol will be served. Permission is however sought to serve alcohol seven days a week between 09.00 and 02.30 hours and the operating schedule lacks clear and detailed measures intended to address the licensing objectives for a venue licensed in this way. Prior to receiving the application AI LATTO had discussions with the applicant Mr BAILEY and raised the need to cover these issues in the operating schedule.

The premises have previously been licensed as a nightclub but have been closed for a number of years consequently the police have no recent history of incidents in respect of the premises itself. However, the police have a number of concerns regarding the application.

The premises is located in the pedestrianized area of the town centre and is in close proximity to a number of venues licensed to sell alcohol. The application suggests that under 18 events are likely to take place at the weekends between 19.00 and 23.00. In one 12 month period ending in August 2012, police were called to 49 incidents in the town

RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

centre area (this does not include the old town area) between these hours. If granted the premises could operate as an under 18 venue right through until the 03.00 finish time sought on the application, providing regulated entertainment and late night refreshment potentially increasing the risk of crime and disorder. This is supported by the figures for incidents recorded between 23.00 and 03.00, when in the same 12 month period police were called to 144 incidents in the town centre area. Is the under 18 events end at 23.00 hours then the youths will exit the venue into the heart of the town centre at the most high risk time.

A Home Office report published in 2007 examined the impact of introduction of the Licensing Act 2003 and found that violent crime had sharply increased between the hours of 03.00 and 06.00. It is therefore vital that any premises seeking a closing time of 03.00 hours provides clear and detailed information regarding the measures they intend to implement in order to prevent their premises from contributing to local crime and disorder. This application fails to provide information on measure that will apply when the premises is not being run as an under 18s venue. Consideration also must be given to the impact of the proposed hours on the Town Centre. The Home Office Guidance, talks about the introduction of variable licensing hours as a method of facilitating a more gradual dispersal of customers from the premises. It recognises 'that the impact on the surrounding areas of the behaviour of customers from all premises taken together will still be greater than the impact of the customers of individual premises'.

The operating schedule states that parents will be encouraged to drop off and pick up the young people. Unfortunately the location of the premises within the pedestrianized area means that this is not a realistic proposition and if the licence is granted a significant number of young people will be walking through and around the town centre between these hours. Consequently this will result in the young people coming into contact with adults who may already intoxicated, this not only places the young people at risk but potentially could result in increased crime and disorder in the Town Centre. The schedule states that the young people could be let out of the rear of the building at the end of the evening. The rear entrance of the building is in a service yard and although this would direct the young people away from the town centre, the service yard would be unsuitable

 S19a1

RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

as a collection point for potentially up to 200 persons. The application fails to demonstrate a safe dispersal policy. The applicant has stated within the operating schedule "Promote the importance for young people to leave the premises quietly and not to hang out in the town, mix with over 18s nightlife". This is not an enforceable condition and requires further detail. It is also not clear as to whether the premises intend to hold over 18 nights at the conclusion of the under 18 nights – which would be very concerning as it would be extremely difficult for the premises to fully disperse the youths prior to the arrival of adults.

The schedule says that stewards are to be employed at the start and end of the night to assist with the entry and exit of young people from the club, but there are no details of how this will operate, who the stewards will be, what training they will receive and how many there will be and at what times and under what circumstances they will be used.

The operating schedule states that there will be a minimum of two security guards, dependant on risk assessment, taking into account the layout of the premises and the intention to use the rear outside of the premises as a smoking area the venue is likely to require a minimum of five licensed SIA door supervisors.

There is very little mention of measures to be put in place in respect of drugs. The schedule talks about young people entering the club being searched for offensive weapons or any illegal substance and how anything found will be confiscated, how they will be refused entry to the club and how the police will be called for serious offences. The applicant does not define a serious offence. It is essential that in order to promote the licensing objectives of preventing crime and disorder and protecting children from harm that any youths found in possession of drugs or offensive weapons are detained and the police called.

The operating schedule states that "if we discover any persons intimidating others or using inappropriate language, they will not gain entry, or if inside the club, then they will be escorted from the venue, and every effort will be made to try and contact parent/guardian to collect them". This is not enforceable and does not contain a sufficient robust measure to prevent youths from leaving the club and entering the night time economy following such

 1991

RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

incidents. The police would expect the venue to have an identified holding area for all youths that are to be refused entry, commit offences, are vulnerable, are under the influence of any substance etc and they should be looked after prior to the collection by a parent/guardian or police.

The police would wish to see posters displayed throughout the premises stating that the premises operate a zero tolerance of drugs. To further enforce this zero tolerance policy the toilets should be regularly checked by staff and a record of those checks will be maintained on the premises. It is recommended that these checks are carried out hourly during normal opening times and the frequency increased to half-hourly during peak times on Fridays and Saturdays from 20.00 until close. The records should be kept up-to-date and be made available for inspection at any time by police or an authorised officer from the local authority.

As it is proposed to hire the venue out the police would seek a requirement for a minimum of 14 days notification in writing to be given to the Police prior to all events where an outside promoter is to be used. The Police would also require details of the previous 5 events the promoter has run – in order to assess the risk for crime and disorder.

The installation and use of an ID scanner from 19.00 until last admissions, will assist the premises in ensuring that under 18's are prevented from attending adult events and young adults from gaining admission to events intended only for the under 18's.

As an adult venue the premises does not have a suitable area for people wishing to smoke. The operating schedule suggests that the rear of the club could be used as a smoking area. As smoking cannot be permitted within the building the area referred to in the operating schedule must be in the service area at the rear of the premises. This area is down a long flight of stairs and it would require the presence of a licensed door supervisor to supervise the area and to ensure that people were not able to gain initial access to the premises via this route. The front of the premises would not be suitable for use as a smoking area, as the frontage is small and if used as a smoking area it would obstruct the main entrance and exit to the premises. In addition smoking areas located at the front of premises often become hotspots for disorder.

 2191

RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

It is my belief that the granting of the application as requested is likely to result in an increase in crime and disorder within the town centre and potentially place young people at risk. The geographical location of this venue puts it in the heart of the town centre and as such it makes it completely inappropriate to be used as a late night venue for youths. The operating schedule fails to provide sufficient information regarding the measures it considers appropriate for a complex venue of the type proposed in the application. This is a high risk venture which the police believe will under mind all four of the licensing objectives and would urge the committee to reject it in full.

If the Committee are minded to grant the application I would request that they include the conditions suggested by the police as part of the licence, and attach these to this statement.

A handwritten signature in black ink, appearing to be 'S. B. 1991', is written over the printed text.

Proposed Conditions for Rhythm Party Limited

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

2. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises between 19.00 hours and 30 minutes after closing time.
2 door staff on the entrance, one on the smoking area and two within the venue
3. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
4. There shall be no admittance or re-admittance to the premises after (dependant on the terminal huor decided by committee)
This is to prevent the entrance area being used for smoking
5. 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.
6. 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.

7. 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

 - Any visit by the emergency services or a relevant authority
8. A minimum of 14 days notice will be given to the police in writing prior to all events where an outside promoter is to be used. Details of the previous 5 events the promoter has run will be supplied
9. The premises will install and use an identification scanner – recording details of all persons who gain entry to the premises between the hours of 19.00 – until closing.
10. Any under 18 events at the premises will not run past 22.00 hours
11. A clear dispersal policy will be implemented for all under 18 events
12. There will be a minimum of one female SIA licensed door supervisor on duty for all under 18 events
13. An identified “holding area” will be established for all under 18 events to allow the safe detention of youths prior to the arrival of suitable parents/guardians or the police
14. No Re-admittance to the premises on under 18 nights
15. No over 18 events will be held following the conclusion of the under 18 events
16. All under 18’s permitted entry to the venue will be assessed for alcohol intoxication by way of breathalyser test and assessment will be made as to whether they have consumed any other substances

Annex D: Representation from Environmental Health (Pollution)



Response in Relation to Consultation

Under the Licensing Act 2003

From Environmental Health

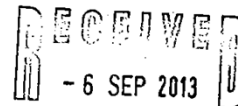
SRU: 377417

Officer : Tracy Aldridge-Jones **Date :** 6 September 2013

Application : Rhythm Party Ltd, 198- 200 Marlowes, Hemel Hempstead, Herts

History :

None.



Comments or Observations Relating to the Application :

The application is for an Under 18's nightclub. Hours of operation are from 09:00 to 03:00 Monday to Sunday. Entertainment includes, plays, recorded music, performance dance and late night refreshment.

Specific Objection / Representation :

There are insufficient measures in place to ensure music from the venue does not cause a noise nuisance to local residents.

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

Suggested Remedy to Address the Objection :

1. The hours of use for the patio to be restricted from 09:00 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 disturb by noise nuisance.
3. All windows and doors of the premises to be kept closed (except for ingress/digress to the premises) during operational hours.

4. A noise limiter device shall be fitted by the applicant prior to the licensable activities taking place. Suitable levels shall be set and agreed by Environmental Health to prevent a nuisance or a disturbance occurring to neighbouring properties.

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 E

Local Policy considerations

It is considered that the following 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.

The Licensing objectives

Crime and Disorder

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure

that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

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 an individual which would be likely to reveal her identity.

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

6 AUGUST 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Taylor and Whitman

OFFICERS:

B Lisgarten	Solicitor Advocate
S Taylor	Senior Assistant Licensing Officer
P Duff	Member Support Officer

Other Persons Present:

Mrs Creasey	Applicant
Sergeant N Dean	Hertfordshire Constabulary
D Latto	Hertfordshire Constabulary

The meeting began at 2:28 pm

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 meetings held on 22 May 2013 and 18 June 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

There were no declarations of interest.

5. 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 her identity.

6. 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 agreed to refuse a new personal licence under Part 6 of the Licensing Act 2003.

The meeting finished at 2.55 pm.