



LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

TUESDAY 29 APRIL 2014 AT 7.30 PM

(after the Licensing of Health and Safety Committee which starts at 7.00 pm)

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

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

Councillors 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	3
Premises:	
Junction 9	
London Road	
Flamstead	
6. Procedure for the Hearing	50
7. Exclusion of the Public	51
Appendix A Minutes from the Licensing of Alcohol and Gambling Sub-Committee meeting on 2 October 2013	52

* * *

1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meeting held on 2 October 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:	29 April 2014
PART:	1
If Part II, reason:	

Title of report:	Application to Vary a Premises Licence: Junction 9, London Road, Flamstead
Contact:	Sally Taylor, Lead Licensing Officer, Legal Governance
Purpose of report:	This report sets out details of an application in respect of a variation 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, June 2013)
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 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 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. While considering an application for the variation of an existing licence, only the proposed variation 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.
- 4.2. 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.

5. Details of application(s)

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

Appendix	Premises name / address	Type of application
A	Junction 9, London Road, Flamstead, St Albans, Hertfordshire AL3 8EX	Full variation

APPENDIX A

Applicants name	Mr Anthony Edward Scarff
Name and address of premises	Junction 9 London Road, Flamstead, Herts AL3 8EX
Ward	Watling

1. Current Licence

1.1 Junction 9 is subject to a premises licence, number DAC 007318. The licence has been held by Mr Anthony Edward Scarff since it was granted during the transitional period in 2005. There have been no variations to the licence from then until the present application.

1.2 The current licence currently permits the following activities:

**Sale by retail of alcohol (for consumption on and off the premises),
Live music, Recorded music, Performance of dance, Entertainment
similar to music/dance**

Monday to Thursday	11:00 hours until 23:00 hours
Friday and Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

Opening hours

Monday to Thursday	11:00 hours until 23:00 hours
Friday and Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

The current licence also includes the provision of facilities for dancing. However, due to changes to the Licensing Act 2003 brought about by the Live Music Act 2012, these activities are no longer licensable, and will be removed from the licence when it is next amended.

The current licence is reproduced at Annex B.

1.3 The premises is also subject to a sex establishment licence issued under the Local Government (Miscellaneous Provisions) Act 1982, permitting operation as a sexual entertainment venue. The current application relates only to the licence issued under the Licensing Act 2003, and matters relating to the other licence are not relevant to this application.

2. Application

2.1 An application has been made for the variation of the current premises licence under section 34 of the Licensing Act . The variation seeks to extend the licensing hours as follows:

**Sale by retail of alcohol (for consumption on and off the premises),
Live music, Recorded music, Performance of dance,
Entertainment similar to music/dance (Indoors only)**

Monday to Sunday	11:00 hours until 02:00 hours
------------------	-------------------------------

An additional hour on the first day of British Summertime

Late night refreshment

Monday to Sunday 23:00 hours until 02:00 hours
An additional hour on the first day of British Summertime

Opening hours

Monday to Sunday 11:00 hours until 02:30 hours
An additional hour on the first day of British Summertime

The full application is appended at Annex A.

3. Details of Representations

3.1 Representations could be made in respect of this application between the 11th March and 8th April 2014.

3.2 Two representations opposing the application were received in this period; one from a resident living in the locality, and one from a ward councillor for the area in which the premises is situated. These are set out at Annexes E1 and E2. The representations refer to several matters around the operation of the premises, although it should be noted that some of the content is not relevant to a licensing objective and as such must be disregarded.

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

Police: See paragraph 3.4.

Fire Officer: No representations

Planning: No representations

3.4 Following discussions with Hertfordshire Constabulary, the applicant has agreed the addition of conditions on the licence under the crime and disorder objective. The conditions and agreement by the applicant are set out at Annex D.

4. Observations

4.1 Maps of the vicinity are attached at Annex C1 and C2.

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

Annex **A**

Application to vary premises licence

RECEIVED
11 MAR 2014

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Anthony Edward Scarff

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number DAC 007318

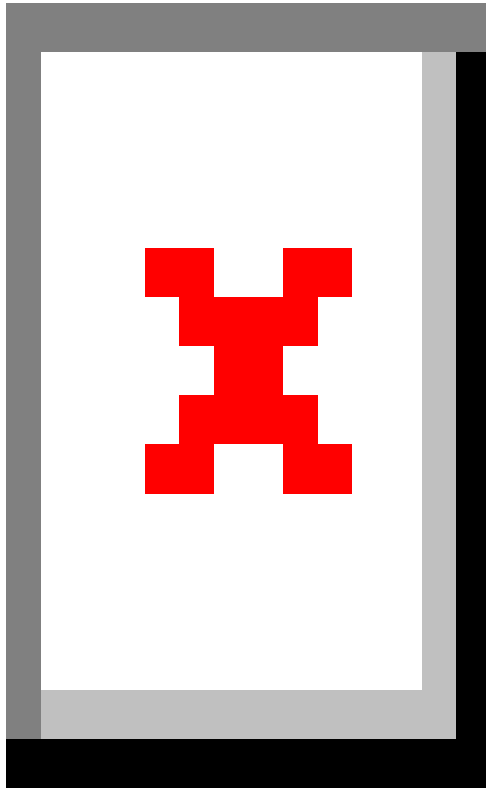
Part 1 – Premises Details

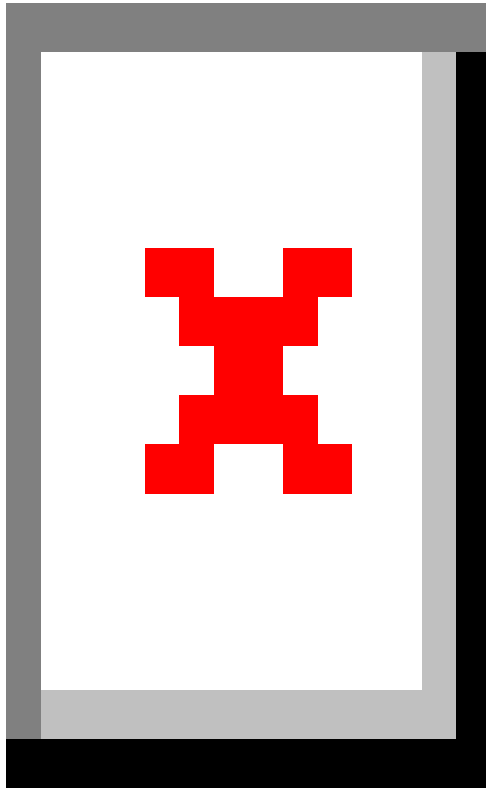
Postal address of premises or, if none, ordnance survey map reference or description Junction 9 (Formerly known as Wagon and Horses) London Road Flamstead			
Post town	St Albans	Postcode	AL3 8EX

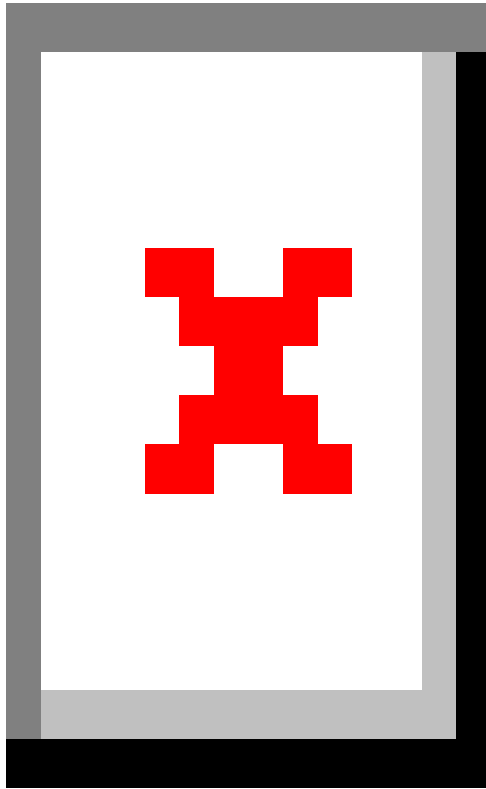
Telephone number at premises (if any)	01582 841932
Non-domestic rateable value of premises	£16000

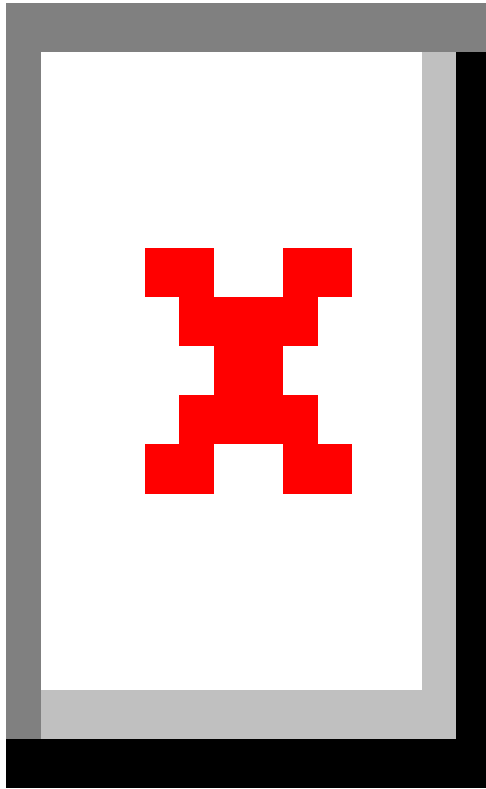
Part 2 – Applicant details

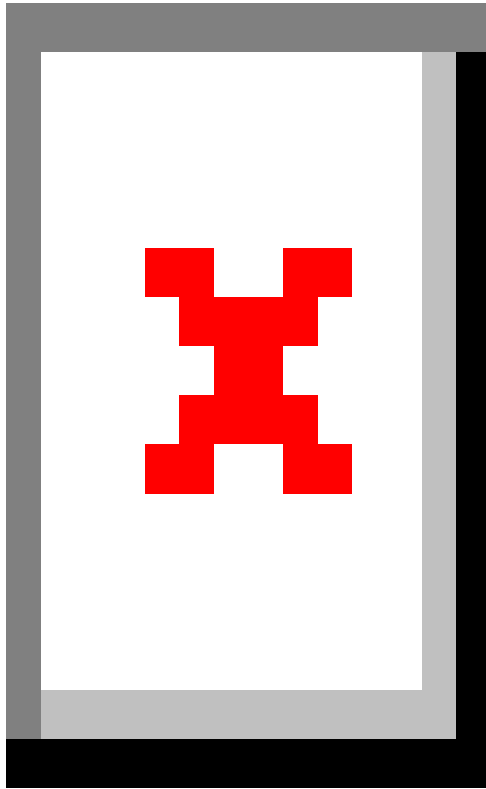
Daytime contact telephone number	01582 841932		
E-mail address (optional)	Junction.nine@gmail.com		
Current postal address if different from premises address			
Post town		Postcode	











D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0200			
Tue	1100	0200	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	1100	0200			
Thur	1100	0200	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.		
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0200			
Tue	1100	0200	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	1100	0200			
Thur	1100	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.		
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0200			
Tue	1100	0200			
Wed	1100	0200			
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	1100	0200			
Fri	1100	0200			
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.		
Sat	1100	0200			
Sun	1100	0200			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0200		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0200	Please give further details here (please read guidance note 3)		
Wed	1100	0200			
Thur	1100	0200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	1100	0200			
Sat	1100	0200	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.		
Sun	1100	0200			

11

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	2300	0200		
Tue	2300	0200		
Wed	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	2300	0200		
Fri	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat	2300	0200	An additional hour at the end of permitted hours on the day British Summertime begins.	
Sun	2300	0200		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	1100	0200	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.		
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>The premises also operates under the authority of a Sex Entertainment Licence which has various conditions relevant to that entertainment.</p>

13

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1100	0230	
Tue	1100	0230	
Wed	1100	0230	
Thur	1100	0230	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) An additional hour at the end of permitted hours on the day British Summertime begins.
Fri	1100	0230	
Sat	1100	0230	
Sun	1100	0230	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 The current licence authorises facilities for making music and facilities for dancing.
 These are no longer licensable activities so these can be removed from the licence.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

No additional measures are deemed necessary other than those contained on the existing premises licence

b) The prevention of crime and disorder

No additional measures are deemed necessary other than those contained on the existing premises licence

c) Public safety

No additional measures are deemed necessary other than those contained on the existing premises licence

d) The prevention of public nuisance

No additional measures are deemed necessary other than those contained on the existing premises licence

e) The protection of children from harm

No additional measures are deemed necessary other than those contained on the existing premises licence

Checklist:

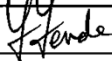
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

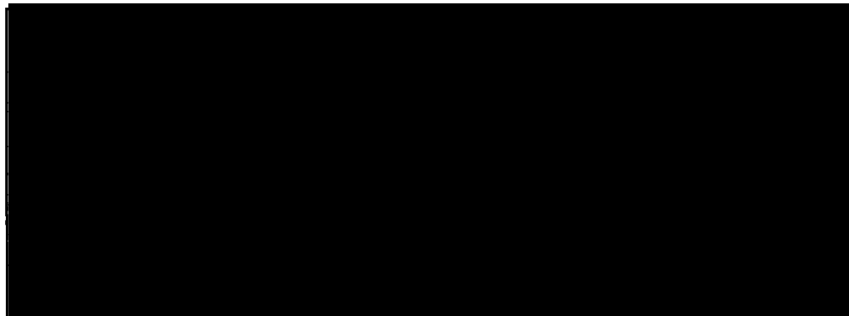
Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	3 rd March 2014
Capacity	Licensing Consultant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	





PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 007318

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:			
Wagon And Horses			
Address: London Road			
Post town:	Flamstead	Post code:	AL3 8EX
Telephone number:	01582 841932		

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by retail of alcohol
Performance of live music
Playing of recorded music
Performance of dance
Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
Provision of facilities for dancing

The times the licence authorises the carrying out of licensable activities:

The opening hours of the premises:

Monday 11:00 hours until 23:00 hours
Tuesday 11:00 hours until 23:00 hours
Wednesday 11:00 hours until 23:00 hours
Thursday 11:00 hours until 23:00 hours
Friday 11:00 hours until 00:00 hours
Saturday 11:00 hours until 00:00 hours
Sunday 12:00 hours until 22:30 hours

Sale by retail of alcohol

Monday 11:00 hours until 23:00 hours
Tuesday 11:00 hours until 23:00 hours
Wednesday 11:00 hours until 23:00 hours
Thursday 11:00 hours until 23:00 hours
Friday 11:00 hours until 00:00 hours
Saturday 11:00 hours until 00:00 hours
Sunday 12:00 hours until 22:30 hours

For consumption On and Off the Premises

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH
Tel. 01442 228000 Minicom 01442 228656 www.dacorum.gov.uk

**The times the licence authorises the carrying out of licensable activities
(continued):**

Performance of live music

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

Playing of recorded music

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

Performance of dance

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

**Entertainment of a similar description to that falling within the performance of
live music, the playing of recorded music and the performance of dance**

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

Provision of facilities for dancing

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
On-premises and off-premises alcohol sales permitted

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:
Name: Mr Anthony Edward Scarff
Address: 30 Cavendish Road Markyate St. Albans AL3 8PS
Telephone Number: 01582 841932
E-mail Address:

Registered number of holder, for example company number, charity number (where applicable):
Registration Number: Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name:	Mr Anthony Edward Scarff
Address:	[REDACTED]
Telephone Number:	[REDACTED]

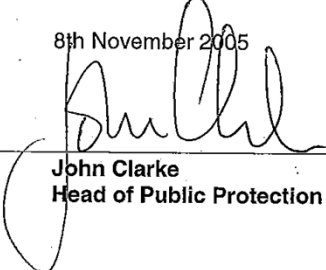
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Licence Number:	[REDACTED]	Issuing Authority:	[REDACTED]
-----------------	------------	--------------------	------------

Date issued:

8th November 2005

Signed


John Clarke
Head of Public Protection

NOTES

This licence is issued subject to the provisions of the Licensing Act 2003 and subject to the attached conditions (including those in the Operating Schedule).

POSSESSION OF THIS DOCUMENT DOES NOT GUARANTEE THAT THE LICENCE IS IN FORCE NOR DOES IT IMPLY THAT THE PREMISES ARE FIT FOR USE. ITS VALIDITY MAY BE ESTABLISHED BY REFERENCE TO THE COUNCIL'S LICENSING OFFICER.

Licensing Act 2003
Premises Operating Schedule Conditions

Premises: Wagon And Horses
Premises Address: London Road Friars Wash Flamstead AL3 8HG
Licence number: DAC 007318 **Date:** 8th November 2005

HOURS PREMISES ARE OPEN TO THE PUBLIC

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

SALE BY RETAIL OF ALCOHOL

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

For consumption On and Off the Premises

PERFORMANCE OF LIVE MUSIC

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

PLAYING OF RECORDED MUSIC

Monday	11:00 hours until 23:00 hours
Tuesday	11:00 hours until 23:00 hours
Wednesday	11:00 hours until 23:00 hours
Thursday	11:00 hours until 23:00 hours
Friday	11:00 hours until 00:00 hours
Saturday	11:00 hours until 00:00 hours
Sunday	12:00 hours until 22:30 hours

PERFORMANCE OF DANCE

Monday 11:00 hours until 23:00 hours
Tuesday 11:00 hours until 23:00 hours
Wednesday 11:00 hours until 23:00 hours
Thursday 11:00 hours until 23:00 hours
Friday 11:00 hours until 00:00 hours
Saturday 11:00 hours until 00:00 hours
Sunday 12:00 hours until 22:30 hours

ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN THE PERFORMANCE OF LIVE MUSIC, THE PLAYING OF RECORDED MUSIC AND THE PERFORMANCE OF DANCE

Monday 11:00 hours until 23:00 hours
Tuesday 11:00 hours until 23:00 hours
Wednesday 11:00 hours until 23:00 hours
Thursday 11:00 hours until 23:00 hours
Friday 11:00 hours until 00:00 hours
Saturday 11:00 hours until 00:00 hours
Sunday 12:00 hours until 22:30 hours

PROVISION OF FACILITIES FOR DANCING

Monday 11:00 hours until 23:00 hours
Tuesday 11:00 hours until 23:00 hours
Wednesday 11:00 hours until 23:00 hours
Thursday 11:00 hours until 23:00 hours
Friday 11:00 hours until 00:00 hours
Saturday 11:00 hours until 00:00 hours
Sunday 12:00 hours until 22:30 hours

The following conditions are attached as part of a previous licence

- Limit as to numbers allowed to resort to premises* 3. No greater number of persons (excluding staff and attendants) than those specified on the licence or any appendix to these conditions will be allowed to resort to the premises.
- Premises run to good order* 4. (a) The Licensee shall ensure that the premises are kept and conducted in a decent and orderly manner.
- (b) The Licensee must ensure that music provided at the premises will not cause a nuisance to nearby residents and any form of amplification must be so controlled by the Licensee as to prevent such a nuisance.
- (c) Performances involving danger to the public must not be given.

Responsible person to be in charge

5. (a) The Licensee or some responsible person or persons nominated by him in writing, not being a person under 18 years of age, must be in charge of, and present in, the premises at all times when the public are on the premises. The persons in charge must not be engaged on any duties which will prevent them from exercising general supervision.
- (b) The Licensee, or the person in charge of the premises must ensure that sufficient adequately trained attendants are on duty the whole time members of the public are on the premises. Attendants present must be familiar with all exit routes and evacuation procedures, location and use of fire appliances, and the method of summoning the Fire Service. A member of the staff so instructed must remain within any stage area during the whole time the public are on the premises and the stage is in use.

Attendants

6. (a) Unless agreed by the Council in writing there shall be provided the following attendants:
- A minimum of two attendants on each floor level of the premises to which the public are admitted.
- Two attendants for attendances of below 250 persons with an additional attendant for every additional 250 persons or part thereof.
- Attendants must not be engaged in any other duties that may hinder their responsibilities in the event of an emergency.
- (b) The following attendants are required for events wholly or mainly organised for children under the age of sixteen years:
- One for every 100 children.
- Plus one attendant at every exit from the auditorium.
- (c) Attendants must not be engaged in any duties which involve serving customers using trays or similar equipment during periods of subdued lighting.
- (d) All attendants must have attained the age of sixteen and must be easily identifiable.

- (e) All door supervisors (persons working as either security or door staff inside or at the entrance and exits of the premises) employed in premises open beyond the hours in Condition 3 and 4 or where the capacity exceeds 250 persons shall be registered with the Council and comply with the Rules for Door Supervisors currently in force.
- Performers and arrangements for performers* 7. (a) The number of performers or contestants shall not exceed the number for which, in the opinion of the Council, the dressing, washing and sanitary accommodation is adequate.
- (b) Temporary dressing rooms must not be provided except with the consent of the Council.
- (c) Dressing Rooms shall not be left unattended while the premises are open to the public.
- Arrangements for emergency egress* 8. The means of escape provided for all persons on the premises shall be maintained unobstructed and immediately available at all times that the premises are open to the public.
- Exits to be free from hazards* 9. All gangways and exitways and the treads of steps and stairways must be maintained with non-slip surfaces. Floor coverings must be secured and maintained so they will not be a source of danger. The nosings of all steps and stairways within the areas to be used by the public must be distinctly coloured.
- Availability of exits* 10. All exit doors shall be available for egress during the whole time that the public are on the premises. Parking in close proximity to the exits shall not be permitted if it is likely to impede the egress of persons leaving the premises.
- Doors etc. open in the direction of escape* 11. Any exit door or gate shall open in the direction of egress and must be hung so as not to obstruct when open, any gangway, passage, staircase or landing. All doors or gates must be free from fastenings other than those approved by the Council. Doors fitted with panic bars must have on the internal face the words 'PUSH BAR TO OPEN' in conspicuous lettering.

- Removal of securing devices* 12. Any removable fastenings permitted by the Council for securing exit doors when the public are not on the premises must be removed before the public are admitted to the premises. A safe system to the satisfaction of the Council must be provided to ensure such fastenings are removed.
- Arrangements for curtains over doors* 13. Any curtain hung over doorways or across corridors shall be made to part in the centre, to hang so as to be readily drawn aside, not to trail on the floor and be so arranged as not to conceal 'EXIT' notices.
- Flame spread of wall and ceilings* 14. All internal walls and ceiling linings must achieve the standard of flame spread classification required by the Council.
- Fire resisting/ smoke stop doors shall not be held open* 15. All fire resisting doors and smoke doors must be maintained self-closing and must not be secured open.
- Requirements for safety curtain* 16. The stage area must be separated from the auditorium by a safety curtain of a type a by the Council. Compliance with this regulation will not be required if the accommodation for the public is on one floor level only at or near ground level and is for not more than 500 persons.
- Exit signs to be provided* 17. All doors and openings for the purpose of from the premises must be clearly indicated by the word 'EXIT'. In premises where more that 200 persons are permitted 'EXIT' signs must be illuminated by both the general and emergency lighting system at all times when the public are on the premises.
- Seating plan to be provided* 18. Prior to the premises being used for purposes requiring a seated audience, a seating plan must be prepared for the approval of the Council. On receiving approval, the plan must be kept on the premises and produced for inspection when required.
- Requirement for gangways* 19. Gangways must be so arranged as to free and ready access direct to the exits from the auditorium and must be of adequate width for the number of seats served, but must in no case be less then 1.1 metres wide. There must be no projections which will diminish the clear width of the gangway and the end seats of all rows must be so aligned as to maintain a uniform width of gangway throughout it's length.

20. All seatways must be at least 300 mm in depth measured between perpendiculars, between the back of one seat and the front of the seat immediately behind. If seats are made to tip up automatically, this measurement should be taken when the seat is in the raised position.
- Number of seats in a row* 21. The number of seats in a row must not exceed :
- (a) seven seats where there is a gangway at one end only. Longer rows up to eleven seats may be permitted, subject to the seatway being increased 25 mm for each additional seat over seven.
 - (b) fourteen seats where there is a gangway at each end. Longer rows up to twenty-one seats with a gangway at each end may be permitted subject to the gangway being increased by 25 mm for each additional seat or pair of seats over fourteen.
- Note: Longer rows than twenty-one seats may be permitted, subject to further precautions as the Council may require.
- Seating to be fixed to the floor* 22. In the case of premises used regularly for a seated audience, all seats must be firmly fixed to the floor.
- Seats to be secured together* 23. In premises not regularly used for a closely seated audience -
- (a) all chairs or other single seats, except for chairs in boxes or other approved enclosures, must be secured together in lengths of not fewer than four seats.
 - (b) where seating for more than 400 persons is to be provided and this arrangement is to be used by the public on two consecutive days or more, then floor fixing points must be provided for the rows of seats flanking the front, back and cross gangways. Such floor fixing requirements will not be required for seating layouts of less than 400 unless the arrangements are to be used for more than seven consecutive days.
 - (c) in cases where floor fixing is required and securing to the floor is not practical, then floor bars with cambered top surfaces will be permissible.

- Persons not allowed to sit in aisles*
24. No persons may be permitted to sit or stand in any gangway except with the permission of the Council which will stipulate the space allowed for standing and the number of persons permitted to stand.
- Arrangements for persons with mobility difficulties*
25. Adequate facilities must be made for the safe evacuation of wheelchair users.
- (a) They must be accompanied by an able-bodied person who must remain immediately adjacent to the chair throughout the performance.
- (b) Wheelchair users are required to remain within their chairs whilst in the auditorium.
- Flameproofing of curtains decorations etc*
26. All scenery, artificial floral decoration, curtains and all fabric decoration to be used on stage or in other part of the premises must be of inherently non-flammable materials or treated with a flame retarding solution. In circumstances where it is impracticable to flameproof certain items, a person familiar with First Aid Firefighting techniques and suitably equipped must remain in the stage area during the whole time the premises are open to the public.
- Use of real flame prohibited unless approved*
- 27 (a) Real flame or smoking must not be used in entertainment unless -
- (i) the written consent of the Council is obtained, and
- (ii) in the opinion of the Council -
- (A) the use of the real flame is essential to the action as distinct from the atmosphere of the entertainment or its effective presentation, and
- (B) an electric substitute cannot be used.
- (b) Application for the Council's consent to the use of real flame must be made by the licensee, in writing, at least fourteen days before the first performance of the entertainment and must give full details of the proposed use of real flame and date and time of any rehearsal.
- (c) Pyrotechnics, explosives or highly flammable substances must not be used, except with the written consent of the Council.
- Smoking prohibited.*
28. Smoking must be prohibited except in areas approved by the Council.

- Adequate fire fighting equipment*
29. Suitable fire fighting equipment to the satisfaction of the Council must be provided in all parts of the premises to be used by the public, performers and staff. Such appliances and equipment shall be regularly maintained and always available for use and inspection.
- Fire warning to be provided*
30. Where considered necessary by the Council a suitable fire alarm system must be provided in the premises. The installation to be to the satisfaction of the Council in consultation with the Fire Authority.
- Electrical installation*
31. The electrical installation must be installed and maintained in accordance with the current edition of the regulations for electrical installations issued by the Institution of Electrical Engineers and a certificate to this effect from a competent electrical engineer must be produced when required by the Council.
- Arrangements for general lighting*
32. The premises must at all times be provided with adequate general lighting.
- Emergency lighting to be provided*
33. In addition to the general lighting, a system of emergency lighting sufficient to enable the public, performers and staff to see their way off the premises without assistance from the general lighting, must be provided -
- (a) in the auditorium and all other parts of the premises to which the public, performers and staff are admitted, including the sanitary accommodation.
 - (b) to all passages, courts, ramps and stairways to which the public, performers and staff have access.
 - (c) for the illumination of all notices or signs indicating exits from any part of the premises to which the public are admitted. Such emergency lighting, unless otherwise agreed by the Council must conform to BS 5266:PART 1:1975.
- Batteries to be fully charged before public admitted*
34. The emergency lighting must be operative throughout the time when the public are on the premises.

Maintenance of luminaires etc.

35. Where the system of emergency lighting consists of self contained luminaires, they must be under the regular supervision of a responsible person who must arrange for the self contained escape lighting luminaires to be periodically inspected and tested by a competent engineer, or such other person as the Council may approve, to ensure that they are in a satisfactory working condition. These luminaires must be tested to ensure that -
- (a) the automatic changeover devices are operating correctly, and
 - (b) the batteries are in good working order and capable of supplying the emergency lighting for the approved duration time and level of illumination.

Once a month the responsible person shall ensure that each luminary and each exit sign is energised from its battery for a period of approximately ten minutes by simulation of the failure of the normal lighting supply.

The results of the battery inspections must be recorded in a log kept on the premises which must be available on request to authorised officers of the Council.

Maintenance of central batteries of emergency lighting

36. Where the emergency lighting system consists of a central battery, the apparatus must be under regular supervision of a responsible person who must arrange for the battery to be periodically inspected by a firm of accumulator manufacturers or a competent engineer to ensure that it is maintained in satisfactory working condition. In addition, the automatic devices must be frequently tested to ensure their correct operation.

Emergency lighting to be kept illuminated

37. The emergency lighting must be kept switched on at all times when the public are on the premises. Any switch controlling the emergency lighting must not be within easy reach of the public.

Arrangements for failure of emergency lighting

38. In the event of failure of the general system of lighting, the public must be required to leave the building after one hour and not readmitted until the lighting from the system has been restored and the batteries fully recharged.

Competent person for stage electrics

39. The stage electrical installation must be in the charge of a competent person during the whole time that the public are on the premises.

- RCD requirements for temporary electrical equipment* 40. Socket outlets for use with temporary or portable electrical equipment on any stage area must be of the type protected by a Residual Current Device (RCD) having a 30 mA tripping current.
Note: 'Plug-In' types will not be acceptable.
The RCD must be tested once in every period of three months and a record of the tests kept.
- No alterations without consent* 41. No alterations or additions, whether permanent or temporary, must be made to the structure, the lighting, heating or ventilation installations or to the agreed seating layouts except with the written approval of the Council. Notice of such alterations or additions must be accompanied by an adequate specification and by all necessary plans. Work must not commence until the consent of the Council has been obtained. Approval need not be obtained for the routine maintenance of the premises. Where any extension of the premises represents an increase in size of 15 per cent or more of the original area, a new application must be made to the Council in accordance with Item 1 & 2 of the Regulations.
- Ceilings to be inspected and certified* 42. All ceilings in those parts of the premises to which the public are admitted must be inspected when the Council require, by a competent person appointed by, or on behalf of, the licensee of the premises and a certificate concerning the condition of the ceilings must after each inspection be forwarded to the Council by, or on behalf of, the licensee.
- Arrangements for heating and ventilation* 43. Suitable and sufficient heating must be provided to the satisfaction of the Council. Portable heaters must not be used without prior consent. Adequate ventilation must be provided. If prolonged dancing is encouraged, areas provided for cooling down must be maintained.
- Sanitary provisions to be adequate* 44. Cloakroom and sanitary accommodation for each sex must be provided as the Council may consider necessary.
Potable water must be freely available without charge to the public at all times.
- Availability of telephone* 45. Arrangements for access to a telephone must be made. Where a telephone is not available on the premises a notice detailing the location of the nearest public telephone must be displayed in a prominent position.
- Regulations may be varied* 46. These regulations may be waived or modified by the Council in any exceptional circumstances, or when consideration is being given to an application for an occasional licence.

- | | | |
|-----------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Copy of Licence to be displayed</i> | 47. | A copy of the licence must be displayed in a prominent position. A copy of the licensing conditions shall be kept on the premises and must be made available to hirers and others having reason to request them. |
| <i>Arrangements for inspection by authorised officers</i> | 48. | The premises must be open to inspection by any duly authorised officer of the Council at all reasonable hours and also at any time when in use under the terms of the licence. |
| <i>Prohibition of hypnotism etc. except by consent</i> | 49. | No exhibition of hypnotism for public entertainment must be given without the express consent in writing of the Council. Application must be made on a prescribed form (available from the Licensing Officer) giving one months notice. |
| <i>Current BS or equivalent to apply</i> | 50. | Any reference in these regulations to a specified British Standard will be deemed to include any British Standard or equivalent European or International standard, amending, modifying or replacing the specified British Standard. |
| <i>Arrangements in the event of revocation</i> | 51. | In the event of the revocation of licence, it must immediately be returned to the Licensing Officer. |

Annex C1

Map of Locality



Dacorum Borough Council

Licensing

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



(C) Crown copyright. All rights reserved.
Dacorum Borough Council 100018935: 2014

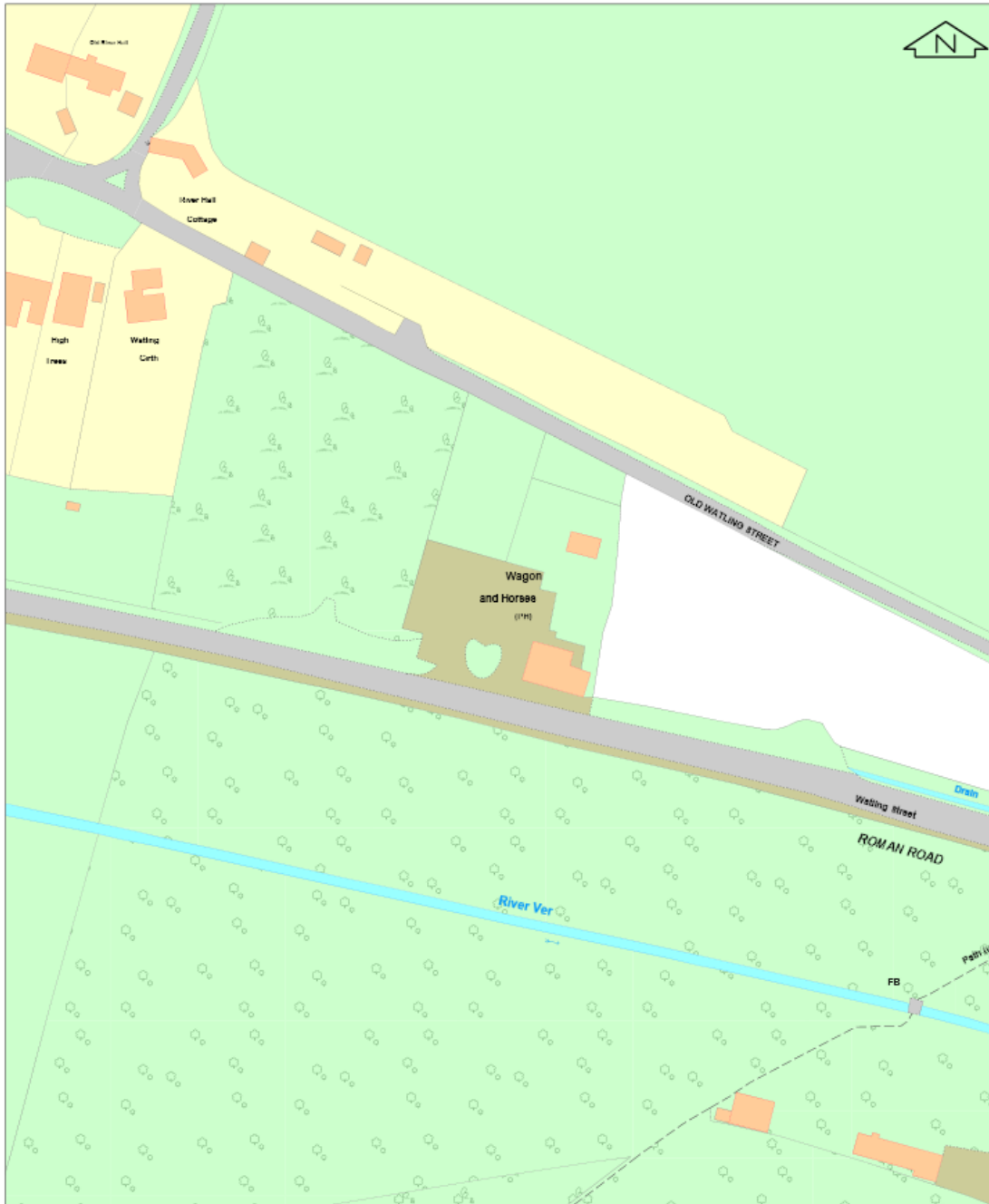
Scale: 1:4000
Date: 14/04/2014
OS Tile: TL0815SW

Annex **C2**
Plan of site of premises



Dacorum Borough Council
Licensing

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



(C) Crown copyright. All rights reserved.
Dacorum Borough Council 100018935: 2014

Scale: 1:1500
Date: 14/04/2014
OS Tile: TL0815SW

Annex D

Correspondence between police and applicant

Sally Taylor

From: Amanda Pearson <junction.nine@gmail.com>
Sent: 07 April 2014 15:00
To: Clare.Moy@herts.pnn.police.uk
Cc: Sally Taylor GCSX Mailbox
Subject: Re: application to vary licence Junction9

Thank you for your email, the contents of which have been duly noted and understood.
We can confirm that Junction 9 are happy to except your recommendations for the extended licencing hours and will put in to production forthwith.

Regards

Tony Scarff

On Mon, Apr 7, 2014 at 2:31 PM, <Clare.Moy@herts.pnn.police.uk> wrote:

Hi Anthony as discussed.

The conditions that we would require to be placed on the licence are;

1. The digital closed circuit television system shall be compatible with the requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition.

The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised office recent data or footage with absolute minimum of delay when requested.

2. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

3. 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

As I explained in person and on the phone today and Friday, we would require CCTV to cover the main floor area within the club and not just the entrance/exit door or booths. I am happy for this to be complete within one month, so 14th May as also agreed by yourself.

It is advised that CCTV should be installed externally, however I am happy that you said this will hopefully be complete by the end of the year and I will not be making a representation for this factor.

You will need to contact the council asap to confirm whether or not you are happy to agree these conditions. If these conditions are not agreed I would make a representation on that basis.

SHOULD THESE CONDITIONS NOT FORM PART OF THE LICENCE THEN PLEASE TAKE THIS A WRITTEN NOTICE THAT HERTFORDSHIRE CONSTABULARY ARE MAKING A REPRESENTATION.

Regards

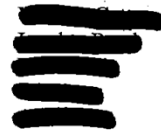
Clare Lapenna PC 676

Licensing Officer

St Albans

01727796007

Annex **E1**
Representation from local resident



RECEIVED
- 8 APR 2014

Sally Taylor
Lead Licensing Officer
Dacorum Borough Council
Civic Centre
Hemel Hempstead
HP1 1HH

7th April 2014

Dear Ms Taylor,

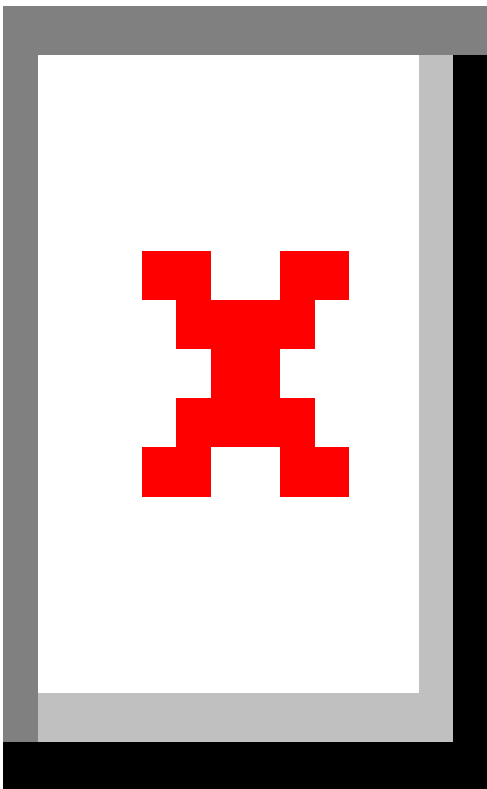
Wagon & Horses -Application to Extend Licensing Hours. Ref: M:034639

With reference to the above application, I wish to oppose the granting of this extension on the following grounds:

- 1 There are already adequate facilities in the area for the provision of alcohol.
- 2 A licensed premises closing in what is effectively the middle of the night will lead to noise as customers leave the premises, thus disturbing local residents.
- 3 Alcohol consumed to the hour applied for, has the potential for customers to consume to a level over the legal limit and due to the location of the premises a large proportion of the clientele will be driving away from the premises.

Yours sincerely,

Annex **E2**
Representation from ward councillor



It is considered that the following extracts from the Council's Statement of Licensing Policy and National Guidance 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.

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

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

19. Administration, Exercise and Delegation of Functions

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

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

NATIONAL GUIDANCE

Each application on its own merits

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

Public Nuisance

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

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

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

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

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

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

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

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

Determining Applications

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.33 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:

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

2 OCTOBER 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Team Leader (Licensing)
P Duff	Member Support Officer

OTHER PERSONS PRESENT:

T Aldridge-Jones	Environmental Health Officer
Mr C Bailey	Applicant
Sergeant L Cullin-Moir	Hertfordshire Police
Sergeant N Dean	Hertfordshire Police
Inspector G Holland	Hertfordshire Police

The meeting began at 10.02 am.

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 6 August 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

No interests were declared.

The Chairman outlined the procedure, as set out in the agenda. The speakers would speak for an agreed time and late documentation could only be introduced by the agreement of all parties. The Chairman said the matters of visits to the premises, the reading of papers and formal requirements would be addressed and the discussion

would be led by the Panel. The Chairman emphasised that all speakers were not permitted to introduce new information and there should be no repetition.

The Chairman informed the Sub-Committee that the premises were not in his ward and he had last visited them in 1986.

Councillor Taylor declared that the premises were not in his ward, he had never visited the premises but was aware of the location.

Councillor Sutton declared that the premises were not in his ward, he had never visited the premises but was aware of the location.

5. LICENCE ACT 2003: PREMISES LICENCE APPLICATION

The application was for:
198 – 200 Marlowes
Hemel Hempstead
Hert
HP1 1BH

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

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

R Hill confirmed that they had.

The Chairman asked Mr Bailey for his statement.

Mr Bailey said he had submitted an application for a Premises Licence for 198 – 200 Marlowes to run it as a Youth and Community Club for under 18s. Before submitting the application consultation had taken place with the Police and with D Latto to ensure the application had no outstanding problems.

The Chairman questioned why the application was for an alcohol license from 9.00 am – 3.00 am when the premises was to be used to run youth and community events for under 18s.

Mr Bailey said they were hoping to hold other functions such as birthday parties that could be for over 18s and, as a premises licence application was being submitted, that would cover these occasional other activities.

The Chairman said he was still confused as to why a licence was required for those extended hours.

Mr Bailey said when the licence application had been completed, the opening hours were always going to be from 9.00 am – 3.00 am. These times could easily be adjusted for the alcohol side.

Councillor Sutton said it may be that there should be several licences for the same premises, one for the Youth and Community Club for the under 18s and others for the sale of alcohol.

Mr Bailey said he was not looking for an all day alcohol licence, only for the occasional private function. The club would primarily be for under 18s.

Councillor Sutton asked if the bar area would be completely out of sight and reach of the under 18s to avoid any temptation.

Mr Bailey said there would be no alcohol displayed behind the bar when the under 18s club was running. The under 18s club would finish at 11.00 pm.

Councillor Taylor suggested the applicant needed a music licence for the under 18s activities running until 11.00 pm and that occasional licences be applied for when other events were being staged. The current application was trying to get as much as possible on one licence when the prime reason for the application was for a Youth Community Centre.

R Hill advised that under the Temporary Event Notice system, there would be a limit of 12 events per year.

The Chairman asked the Police for their statement.

Sergeant Dean highlighted the main concerns:

- i. It was a Premises Licence for two completely different venues, under 18s and a nightclub running until 3.00 am 7 days a week. The applicant had been lax in providing safety measures for each.
- ii. The location of the venue, particularly for the under 18s' events. It is in Marlowes in the town centre. It would be difficult for parents to drop off and pick up their children. It would put children in the hot spot for trouble in the area. There had been 115 incidents in Marlowes. Once children were in the town centre, they liked to hang around. It would be difficult for the venue to keep the children inside it.

The Police were not against under 18 venues but the location had to be right. If the application was granted it could bring a number of risks regarding crime and disorder and would be a danger to the youths.

Sergeant Dean asked the Chairman whether she may put questions directly to the applicant. The Chairman agreed to this request.

Sergeant Dean: Do you have previous experience of running licensed venues, particularly the sort events held in town centre venues?

Mr Bailey: I have run many events for under 18s over the last 20 years in London, Kent, Essex and Surrey. They have generally been run in the school holidays. The purpose of this was to give young people more opportunities to attend these events on a more regular basis and try and keep them out of trouble.

Sergeant Dean: Given your experience of running these events, what risks to you identify there could be at such a venue and what do you have in place to minimise those risks?

Mr Bailey: Young people try and drink alcohol before they arrive. We use testing equipment before they come in the door which eliminates a lot of the drinking problem. Young people try and come to the venue and then leave. We have a no readmission policy. When they leave they want to hang out afterwards; if they have had enough fun they go home. We always try and get parents to pick up children at the end of the night.

The Chairman: What happens at these events?

Mr Bailey: It is a nightclub for under 18s with a DJ playing music. Some events would have live music with young people making their own groups.

Sergeant Dean: You have highlighted the risks about young people being in the town late at night. What happens to them when they walk away from the venue? The Police are concerned about how you would be able to control that. It is very well that you have those policies in place and it is responsible but how are you going to stop them going into the town centre and causing problems?

Mr Bailey: We have to teach young people to make the right decisions. If they come to the club and have been drinking they will not be able to come into the club. We hope they want to be inside where everyone else is having fun.

Sergeant Dean: Will you make contact with the parents?

Mr Bailey: We aim to operate as a youth club and have as much contact with parents as possible. The children are in our care. We have to work with parents to get this across.

Sergeant Dean: Previous similar events have had holding areas to stop children leaving the premises. Children do lie to parents. Have you considered this?

Mr Bailey: We have no problem providing a holding area. If young people are under the influence of something, we could hold them. We have no intention of throwing children out on the streets. We work with drug and alcohol teams and hope to do that here.

Sergeant Dean: Under 18 evenings are on the increase. Some events go on until 3.00 am and substances are used rather than alcohol. What is the risk that you identify around youths using legal and illegal substances and what policies would you have?

Mr Bailey: We do not tolerate any drugs, either legal or illegal. Drugs are not accepted. We have security on the front doors, young people are searched and if anything was found we would hold the young person until the Police arrived. We would be happy to share any information with the Police.

Councillor Sutton: It is a big premises, 12m x 50m. Is there a limit to numbers?

Mr Bailey: We would need to speak to the Fire Officers.

Councillor Sutton: I would have liked that information at this stage. This is a commercial venture, how much would you charge?

Mr Bailey: £5.00.

Chairman: Is this 7 days a week?

Mr Bailey: We aim to run Friday – Sunday. Because it is a new venture, we are hoping also to do more events for the under 12s and events for parents and toddlers.

Councillor Taylor said this sounds like an ideal opportunity for a Youth Community Centre involving parents and helping people understand education for life. It sounds fantastic but bore no relation to the report in the agenda. Councillor Taylor expressed

concern about the alcohol requirements and understood the concerns of the Police and would be in favour of a Youth Community Venue with no alcohol, although the concern was that would not be something the applicant or his company would want as it would not make money. Money would be made by having a busy venue from 9.00 am – 3.00 am. The proposition in the report caused concern.

Inspector Holland: Youth clubs were normally for local people. Who do you intend to attract to yours?

Mr Bailey: We are hoping to attract the local youth.

Inspector Holland: How do you advertise events?

Mr Bailey: We want to liaise with the local community and Police and get the information into schools, youth clubs and local newspapers.

Inspector Holland: Would you use posters?

Mr Bailey: We give the young people information and that would be distributed from them.

Inspector Holland: These events with DJs do attract people from a wide area (100 miles).

Mr Bailey: I have not had that experience.

Inspector Holland: From experience of policing similar events, we tend to have serious disorder when these occasions are advertised.

Mr Bailey: We have never had any major incidents in any events we have done in 20 years. We have set guidelines and everything is controlled in the club.

Inspector Holland: What sort of bands do you use?

Mr Bailey: These are bands designed and made by young people. Young people in the community might approach us and we have them on

Inspector Holland: Is that what you base your income on?

Mr Bailey: Our revenue is made up from the sale of tickets and soft drinks.

Inspector Holland: How many youths would you expect?

Mr Bailey: It depends on the numbers licensed for. At the moment the club is in a state of disrepair. We have based our costs on 200 people.

Chairman: For 200 people ticket sales would give £1k. Is that viable?

Inspector Holland: What age group and what time would the event end on Saturdays and Sundays?

Mr Bailey: 12 – 18 year olds. We hope to attract younger children and their parents at different events. The under 18 events would end at 11.00 pm.

Inspector Holland: Do you think, as a youth worker, that a busy place like a town centre with drunks and fights is the right location to have youths aged from 12 – 18?

Mr Bailey: If you can protect the young people, yes that is fine. We aim to keep them safe.

Inspector Holland: How many security staff will you employ?

Mr Bailey: With 200 people, perhaps 4 – 5 security guards.

Inspector Holland: Will children be allowed out of the venue?

Mr Bailey: No.

Inspector Holland: If two 14 year olds leave at 9.00 pm they will not be allowed back in. How does that safeguard them?

T Aldridge-Jones expressed concern about the noise from the premises, in particular the music and people coming and going. The application had no measures in place to address this. How do you propose to address these issues, particularly the over 18s events that could end at 3.00 am?

Mr Bailey said they would have a smoking area outside at the back of the club until 3.00 am. This would be controlled by security and numbers would be limited. For the under 18s there would be no smoking at all.

T Aldridge-Jones suggested no more than 5 people at a time until 11.30 pm.

Mr Bailey said he was happy to keep to 5 people and would have to control the times.

The Chairman asked all the interested parties in turn if they had anything else they wanted to add.

Sergeant Dean said the main concern of the Police was the location. It is in the hot spot for alcohol related crime and disorder and would bring 200 youths on Friday and Saturday evenings into the town centre. It would bring them into the company of adults who would be intoxicated. There were a lot of late night venues and the temptation for youths to hang around.

These types of place had a place in locations outside the town centre. It would be difficult to prevent those youths being at risk and it would be difficult for the venue. Once this licence was granted this venue could be run as stated in the report. Sergeant Dean was opposed to the licence being granted but if it was granted, urged the committee to use the proposed Police conditions.

Mr Bailey said he did not want to cause any problems and understood the concerns of the Police. He had spoken to the Police before applying for the licence and to Debbie Latto regarding the location who, at that time, was happy with the proposal. We then submitted the application. Our main aim is to hold events for the under 18s and would be happy to get the licence without the alcohol part. This would not be a late night venture and would run until 11.00 pm. Stewards would be employed and parents would be encouraged to pick up their children. We had suggested that people could be let out of the back of the venue at the end of the night.

We are happy to work with the Police to safeguard young people in any way. I am not here to pull the wool over anybody's eyes but am trying to provide a venue for young people that is fun and attractive.

The Chairman referred to pages 37 and 38 of the report which detailed the conditions suggested by the Police and asked the applicant if he was happy to accept those.

Mr Bailey says he would be happy to accept the conditions except it stated 10.00 pm closure and they would like 11.00 pm closure. The conditions also stated use of an ID scanner which would be too expensive to employ.

B Lisgarten said the applicant had offered to remove the alcohol part of the application. The Police submissions had been given and their objections based on the lack of information in the application itself. The Sub-Committee must decide if there was enough information to make a decision or if Mr Bailey should be asked to return.

Councillor Taylor said the application was different to what Mr Bailey was telling the Sub-Committee. Having heard the submissions and the Police submissions Councillor Taylor said he was inclined to refuse the application, even if the alcohol part was removed, as what the applicant had described did not fit in with the application before the Sub-Committee. Councillor Taylor said he would consider a revised application that was more in line with what the applicant had spoken about rather than what was written in the report, and the applicant should re-submit the application along the lines of what had been explained to the Sub-Committee.

Councillor G Sutton agreed with Councillor Taylor. The licensing application was confused and clarification was required on the opening hours and usage. There were a lot of residents who lived above Marlowes and, in the future, possibly above Bank Court who would be badly affected.

Councillor G Sutton expressed concern about the number of people (200) to be allowed in and, with the age range of 12 – 18, about the possibility of young men predated on girls aged from 12.

The Chairman said he shared their concerns. The application did not reflect what Mr Bailey had told the Sub-Committee. The Chairman expressed concerns that the good idea of a Youth and Community Club for under 18s would be turned into a nightclub.

The Chairman also expressed concerns about the dispersal policy, the protection of children from harm and issues of public safety. The Chairman was not happy to grant the application as it stood and suggested the applicant should come back with a fresh application.

The Chairman said if the applicant was seriously looking at running a venture for young people, he would be a great supporter but if he wanted to run a nightclub by the back door, that would not be supported.

The Chairman proposed that the application for a Premises Licence be refused.

Vote:

For 3, Against 0, Abstentions 0

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to 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 voting and reasoning indicated above, agree to refuse the application for a Premises Licence.

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 her identity.

7. MINUTES

The part II minutes of the meeting held on 6 August 2013 were agreed by the Members present and then signed by the Chairman.

The meeting finished at 10.53 am.