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**DACORUM BOROUGH COUNCIL**

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

**11 DECEMBER 2014**

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Present –

**MEMBERS:**

Councillors Mrs Green (Chairman), Fantham and G Sutton

**OFFICERS:**

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
S Taylor	Lead Licensing Officer
T Coston	Member Support Officer

**Other Persons Present:**

Mr A C Nas – Applicant  
Mr Hazara – Applicants Friend/Employee  
Sergeant M Saunders - Hertfordshire Constabulary

The meeting began at 2.30 pm

**1. INTRODUCTIONS**

The Chairman introduced herself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

**2. MINUTES**

The minutes of the meeting held on 21 July 2014 were agreed by the Members present and then signed by the Chairman.

**3. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**4. DECLARATIONS OF INTERESTS**

There were no declarations of interests.

**5. LICENCE HEARING**

The objection to a Temporary Event Notice Application was for:  
Kebab Point  
16 High Street  
Hemel Hempstead  
Hertfordshire

HP1 3AE

R Hill made the following statement:

*“You have before you two temporary event notices (TENs) and corresponding objection notices which require consideration. TENs are a light-touch form of authorisation, which allow unlicensed organisations to provide licensable activities on an occasional basis without having to go through a full licence application process. They can also be used by licensed businesses to add a new activity for a one-off occasion or extend their permitted hours, which is the case here.*

*As a light-touch authorisation, the licensing authority does not ‘grant’ or ‘refuse’ permission for events proposed to be held under a TEN. Instead, so long as the event complies with strict limits on size, duration and frequency, events are automatically permitted, unless the licensing authority has intervened, after considering objections from police or environmental health officers.*

*The decision-making process for TENs has two stages. The first decision the Committee must make today after considering the temporary event notices, the police’s objection notice, and any verbal statements made by the parties present at this hearing, is whether or not to issue a counter-notice, which would have the effect of vetoing the proposed event. The Committee must take this action if, after consideration, they believe this to be appropriate for the promotion of one or more of the licensing objectives. Decisions will need to be made for each of the two temporary event notices.*

*If the Committee resolve not to issue counter-notices for one or both of the TENs, they must then make a second decision in respect of each remaining notice, as to whether to apply any of the conditions of the premises licence to the TENs – again, this must be considered appropriate for the promotion of a licensing objective. These conditions are set out at Annex H of the report. Only these conditions could be imposed on a TEN – the Committee may not add any new conditions.*

*Any decision made by the Committee is subject to a right of appeal, either by the applicant or by the police, so the Committee will need to give full reasons and justification for their decision.”*

The Chairman asked the Members of the Sub-Committee to confirm that they had read the agenda. Councillors Fantham and G Sutton confirmed they had read the documents at hand.

The Chairman asked the Applicant if he would like to say anything before the Sub-Committee were invited to ask him questions.

Mr Nas said he had seen no problems last year with the additional opening hours so he wasn’t sure what the problem was this year. He didn’t wish to add anything further.

B Lisgarten asked if the Applicant wished to address any of the concerns raised by the Police in the report that suggested he wasn’t complying with the licence conditions.

Mr Nas said he always closed at the correct time and he had CCTV that would show that.

The Chairman said there were an allegation made in the paperwork that Mr Nas was seen serving a gentleman after closing hours from the back entrance of the premises. Mr Nas said

the customer was served and had paid before closing time and he was waiting for the pizza to be cooked. He said the customer waited outside the premises for his order.

The Chairman invited Sergeant Mike Saunders to speak.

Sergeant M Saunders asked Mr Nas if he had read the statement in the agenda. Mr Nas said he hadn't. M Saunders suggested the meeting should be adjourned for a short period to enable Mr Nas to read the paperwork.

The Chairman advised that the meeting would resume once Mr Nas had read the paperwork. Mr Hazara said he was unable to help Mr Nas with reading the paperwork as they both spoke different languages.

Mr Nas advised that he wished to withdraw both of his Temporary Event Notices.

R Hill asked Mr Nas to confirm he wished to withdraw the notices completely. Mr Nas confirmed that he did.

R Hill advised Mr Nas that this would mean he must close the premises at 01:00 hours and all customers must have left his premises by that time.

The Chairman asked Mr Nas to once again confirm he wished to withdraw his notices as she wanted to ensure he was aware of the consequences. Mr Nas re-confirmed that he wished to withdraw the notices.

The Chairman asked Mr Nas to ensure he complied with the licence conditions in future.

Mr Nas said he closed the premises at 01:00 hours and would only serve customers that ordered before closing time.

R Hill advised that all orders must be completed by the closing time and no customers should be inside the premises after that time.

Mr Nas said he wasn't happy with that and asked if that was at all times. R Hill advised that this was the case and it was a criminal offence to not comply with the times stated on his premises licence.

Mr Nas said he had been working that way for 15 years and had worked in various places and had never been told he had to do that. The Chairman said the committee were only concerned with this premises. She said the door must be closed by 01:00 hours and all customers must have left the premises.

R Hill suggested he had a discussion with Mr Nas once the meeting had concluded.

The Sub-Committee accepted the withdrawal of the notices and closed the meeting.

The meeting finished at 2.50 pm