



LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

THURSDAY 17 DECEMBER 2015 AT 2.00 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 Mrs Bassadone (Chairman), Barnes and Conway

For further information, please contact Trudi Coston, Member Support Officer, on Tel: 01442 228224, or Email: Trudi.Coston@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

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1. MINUTES

To confirm the minutes of the meeting held on 17 November 2015.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. 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: 4

SUMMARY

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	17th December 2015
PART:	1
If Part II, reason:	

Title of report:	Premises Licence Application
Contact:	Sally Taylor, Lead Licensing Officer
Purpose of report:	This report sets out details of an application in respect of a premises licence, that requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee considers the contents of the report, and representations made in respect of the application, and determines 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, March 2015)
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, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
 - 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
 - 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
 - (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) refuse to specify a person in the licence as the premises supervisor;

(d) reject the application.

5. Details of application

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

Appendix	Premises name / address	Type of application
A	Euro Supermarket Hemel Ltd, Unit 4, 160 Marlowes, Hemel Hempstead Herts HP1 1BH	Application for grant of premises licence (Section 17 of the Licensing Act 2003)

APPENDIX A

Applicants name Euro Supermarket Hemel Ltd

Name and address of premises Unit 4, 160 Marlowes
Hemel Hempstead
Hertfordshire
HP1 1BH

Ward Hemel Hempstead Town

1. Current Licence

1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.

2. Application

2.1 An application has been made for the grant of a new premises licence, under section 17 of the Licensing Act 2003, seeking authorisation for the following licensable activities, and is set out at Annex A:

Supply of alcohol (for consumption off the premises)

Monday to Sunday 09:00 hours until 22:00 hours

Hours premises may open to the public

Monday to Saturday 07:00 hours until 22:00 hours

Sunday 09:00 hours until 22:00 hours

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

3. Details of Representation(s)

3.1 The period for receipt of representations in respect of the application was 1st November 2015 to 29th November 2015.

3.2 1 representation was received during this period from a local resident, citing concerns in respect of public nuisance This representation is set out at Annex C.

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

Police: No relevant representations.

Fire Officer: No relevant representations

Environmental Health (Noise): No relevant representations

Planning: No relevant representations

4. Observations

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

ANNEX A Application for grant of premises licence



Dacorum
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 19

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

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	<input type="text" value="SENGAR"/>	
* Family name	<input type="text" value="MAJEED"/>	
* E-mail	<input type="text" value="REDACTED"/>	
Main telephone number	<input type="text" value="REDACTED"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		
Are you:	<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
* Registration number	<input type="text" value="09760726"/>	
* Business name	<input type="text" value="EURO SUPERMARKET HEMEL LTD"/>	If your business is registered, use its registered name.
* VAT number	<input type="text" value="GB"/> <input type="text" value="NONE"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

* Your position in the business	OWNER	
Home country	United Kingdom	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
* Building number or name		
* Street		
District		
* City or town		
County or administrative area		
* Postcode		
* Country	United Kingdom	

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	UNIT 4, 160
Street	MARLOWES
District	
City or town	HEMEL HEMPSTEAD
County or administrative area	
Postcode	HP1 1BH
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

LIMITED COMPANY

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Contact Details

E-mail
Telephone number
Other telephone number

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OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

RETAIL- EXTRAERN EUROPEAN SHOP SELLING GROCERIES, FOOD AND ALCOHOL

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

<i>Continued from previous page...</i>
Section 6 of 19
PROVISION OF PLAYS
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 19
PROVISION OF FILMS
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 19
PROVISION OF INDOOR SPORTING EVENTS
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 19
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 19
PROVISION OF LIVE MUSIC
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 19
PROVISION OF RECORDED MUSIC
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 12 of 19
PROVISION OF PERFORMANCES OF DANCE
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 13 of 19
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
Will you be providing anything similar to live music, recorded music or performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 14 of 19
LATE NIGHT REFRESHMENT
Will you be providing late night refreshment?

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

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

State any seasonal variations

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

Continued from previous page...

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Continued from previous page...

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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

--

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

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

--

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

- | |
|--|
| 1) All staff engaged in the sale of alcohol shall be trained in accordance with the premises licence holders training procedures
2) All staff shall receive suitable training including refresher training in relation to challenge 25 proof of age policy which shall be applied to the premises |
|--|

b) The prevention of crime and disorder

- | |
|---|
| 1) Appropriate digital CCTV equipment and a sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use them to investigate any crimes that are committed on the premises. The areas covered by the cameras will cover all areas within the premises that are open to the public.
A camera will be positioned to obtain images of persons entering the building by the front and rear entrance
2) No persons other than the Police, the licensing authority, the premise licensing holder the manager or authorised person shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation and recording whenever the premises are open to the public.
3) Recordings made on the CCTV system shall be retained for a period of at least 28 days of recording
4) A minimum of 2 notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size
5) All staff who serve alcohol shall be authorised to sell the alcohol by the DPS or a person who works at the premises who is the holder of a personal licence .
6) Any person who appears to look under 25 shall be challenged and asked for identification to prove that they are over 18
7) For a person to purchase alcohol they must produce a form of identification ie a photo card driving licence or a passport. If they have no identification then no sale will be made
8) A refusal log shall be kept and maintained at the premises. Any person who is refused alcohol, shall have their details recorded in the refusal log and then signed by the member of staff making the entry. The refusal log shall be checked and countersigned on a weekly basis by the DPS or a member of staff who has a personal licence. The refusal log shall remain on the premises at all times |
|---|

c) Public safety

Continued from previous page...

- 1) All notices in relation to public health and safety will be prominently displayed at the premises
- 2) The management will also ensure the premises will be operated in line with Health & Safety Act and any environmental health issues will be the responsibility of the Premises licence holder
- 3) The manager shall be responsible for conducting a Fire Risk assessment and also a Health and Safety Risk Assessment for the licensed premises

d) The prevention of public nuisance

- 1) In the event of any anti social behaviour inside the premises the manager/duty manager will make any CCTV recordings available to the local Police on request
- 2) An adequate and appropriate supply of first aid equipment and materials must be available on the premises

e) The protection of children from harm

- 1) There shall be a think challenge 25 policy in place
- 2) All staff shall receive regular refresher training on the corporate "Think 25 policy.
- 3) The think 25 policy shall be brought to the attention of the customer through the point of sale by material displayed

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises licence application fees are determined by the non-domestic rateable value of the premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at:

<http://www.2010.voa.gov.uk/rli/>

Band A | Premises not rated, or rateable value up to £4,300

Application fee: £100.00

Band B | Rateable value between £4,301 and £33,000

Application fee: £190.00

Band C | Rateable value between £33,001 to £87,000

Application fee: £315.00

Band D | Rateable value between £87,001 to £125,000

Application fee: £450.00 #

Band E | Rateable value £125,001 or greater

Application fee: £635.00 #

Premises in bands D or E used primarily for the consumption of alcohol on the premises are subject to fee multipliers, requiring fees of £900.00 or £1,905.00 respectively. Premises undergoing construction or redevelopment are treated as if they were in Band C for fee purposes.

Certain community premises, including church halls, chapel halls, village halls, community centres and schools and colleges, which are only licensed for entertainment and NOT alcohol or late night refreshment, may be exempt from licensing application and annual fees. Please contact us to discuss whether your premises will fall within this exemption.

Premises licences for large capacity events (i.e. more than 5,000 people attending) will require payment of an additional fee, based upon the number of people permitted to attend the event at any time. Please contact us for details of these additional fees.

* Fee amount (£)

315.00

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Continued from previous page...

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

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

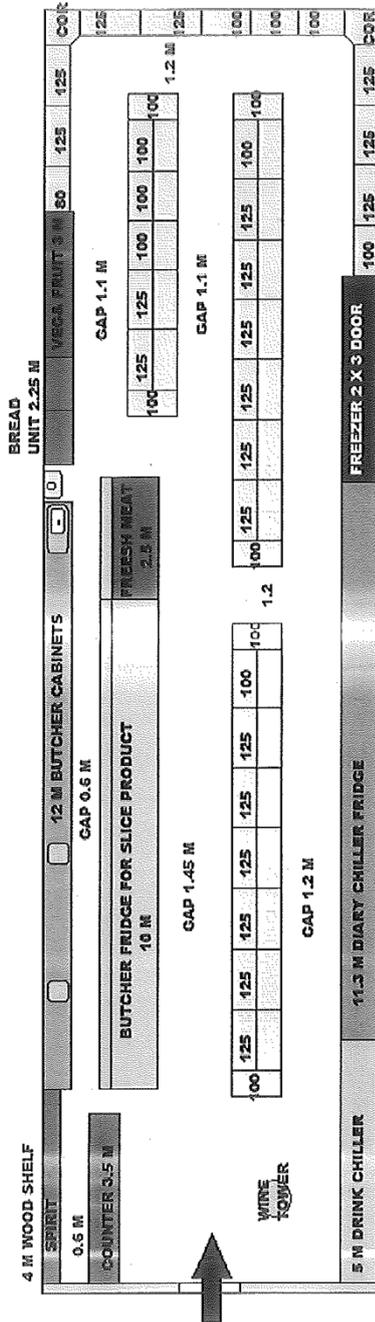
OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

ANNEX B1
Plan of proposed layout of premises

MR. SENJAN MAJEDU
UNIT 4, 160 MARLOWES HP1 1BH
HEMEL HEMPSTEAD



[REDACTED], HEMEL HEMPSTEAD, HERTS, [REDACTED]

9 24-11-15

RECEIVED
27 NOV 2015

I am writing to express my concerns that an application has been made for a premises licence by Erro Super-market ltd at 104 Marlborough. This shop would be open, I believe, from 9am - 10pm - supplying alcohol.

Do we not have enough outlets already. ie Asda, Mosaic, Pickers Lane etc etc. and will this not encourage more alcohol consumption? which sadly leads to antisocial behaviour. Local residents will experience more noise and disturbance and I would ask you to consider this.

Yours sincerely

[REDACTED]

It is considered that the following extracts from the Council's Statement of Licensing Policy and National Guidance have a bearing on the application:

5. Licensing objectives

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

5.2. 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.

5.3. The licensing authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the licensing authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

6. Licensing Authority functions

6.2. The licensing authority has delegated its functions under the Act to the Licensing, Health & Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions to the Licensing of Alcohol and Gambling Sub-Committee, to consider contested applications and notices, and review proceedings.

10. Licensing Hours

10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.

10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing

restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.

- 10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.
- 10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.
- 10.7. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance. Where alcohol hours are shorter than opening hours, premises should ensure that robust systems are in place to prevent the sale of alcohol before or after permitted times.
- 10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

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

- 2.14 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 disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 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 may 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.

- 2.16 Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities.
- 2.20 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Determining Applications

- 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. 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.
- 9.36 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.
- 9.37 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.
- 9.38 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. Any

conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised 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.

**PROCEDURE FOR HEARINGS CONDUCTED BY THE
LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE
(PREMISES-RELATED APPLICATIONS)**

The Sub-Committee will follow the procedure below when conducting a hearing:

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) 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 the parties to the hearing who are present to introduce themselves:
 - a) The Chairman will establish whether any parties wish to nominate a spokesman to speak on behalf of several parties;
 - b) The Sub-Committee will consider:
 - i) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - ii) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
3. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have visited the premises or place which is the the subject of the application;
 - c) have read the papers before them.
4. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
5. Members may ask any relevant question of any Officer.
6. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) In the case of a review application:
 - i) The review applicant (or police/council officer, if the review follows a closure order);
 - ii) The licence-holder;
 - iii) Any responsible authority or other person who has made a relevant representation to the application.
 - b) In any other case:
 - i) The applicant;
 - ii) Any responsible authority or other person who has made a relevant representation to the application.
7. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.
8. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.

9. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it is required in order for Members to consider the representations, application or notice.
10. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
11. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
12. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
13. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the licensing authority to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.

6. 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

17 NOVEMBER 2015

Present –

MEMBERS:

Councillors Mrs Bassadone (Chairman), Barnes and Taylor

OFFICERS:

Barbara Lisgarten	Legal Governance Team Leader
Ross Hill	Licensing Team Leader
Michelle Anderson	Corporate Support Team Leader (Democracy)

Other Persons Present:

Mr A Meager	Applicant's Father/Secretary of the TTAF Club
Mr S Mills	Local Resident
Mr R Jeffreys	Local Resident

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 9 March 2015 were confirmed 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. APPLICATION FOR GRANT OF CLUB PREMISES CERTIFICATE:

Tring Town Amateur Football Club
Miswell Lane
Tring
Hertfordshire

HP23 4BX

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

R Hill made the following statement:

“You have before you an application for the grant of a new club premises certificate for Tring Town Amateur Football Club, in respect of the Miswell Sports Pavillion, off Miswell Lane in Tring.

A club premises certificate only authorises the provision of permitted activities for club members and their bona fide guests. It would not permit events to be provided for the general public, unlike premises licences.

The application is set out in the report packs, and the applicant has offered a reduction from the times originally sought to those shown at para 2.2. of the appendix report, on page 8. As a result of this reduction, and following a meeting organised by the applicant at the premises on the 6th November, three of the representations have been withdrawn – those at annexes C10, C16 and D of the report.

Representatives of the applicant club and those persons who made representations have been invited to attend today’s meeting to address the Committee.

The options available to the Committee today are set out at para 4.1 of the main report, on pages 5-6 of the bundle. The Committee are reminded that any steps taken must be considered appropriate in order to promote one or more of the licensing objectives, and that reasons should be given to explain why the decision was reached.”

The Committee had no questions for R Hill.

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

A Meager, the father of the applicant, gave the following statement:

“I am the applicant but I’m the most senior person in the club. We have taken over the site which has seen football played on it for over 50 years. We have taken over the lease from the council. We provide local sport for local kids in that end of the town and actively encouraging them to get involved. Previously the site was looking like a bomb site but now looks great, it’s a respectable site now with grass cut, and a tidy site and good feedback has been received. While the site is now being used it doesn’t encourage vandals or bad behaviour. The activities are provided to kids at next to nothing and we have got grants from the football association for equipment.

The hours in question are for Saturdays only really in order to get extra revenue to pay for electric, water and pitch. We feel that we need a bar to continue to grow the game.”

The Chairman invited Members to ask questions.

Councillor Taylor agreed with the enthusiasm about what has been done with the site. He asked how many members there were.

A Meager confirmed there were 40 members.

Councillor Taylor said that the certificate would be for members, but asked if they could sign in guests, if so how many?

A Meager confirmed a maximum of 2 guests could be signed in.

Councillor Taylor said that the council was looking at the future and didn't have information on what the past had been. With regards to the new plans for the site he asked how they would cope with the parking (access is by foot and parking a premium).

A Meager explained that half of members live within walking distance. There would probably see around 5-10 extra cars on match days so there had never been a parking issue.

Councillor Barnes asked the age range of members?

A Meager confirmed the age ranged from 16 to 40 years.

Councillor Barnes noted they were rejuvenating the area. He asked how an alcohol licence would help with providing young people with an activity.

A Meager said that if they sold a few drinks, it would bring in extra revenue that would go back into the club. They have recently employed a national FA coach so that was what the money was used for. If kids play better football, they enjoy it more.

Councillor Taylor asked if he had met with the residents.

A Meager noted that his son did but only 2 turned up.

Councillor Taylor said that the application before us had gone over and above what they were looking for and was significantly different following the local meeting.

A Meager said this was not a business. They just wanted to run a bar to get enough revenue for the kids. They could put whatever necessary restrictions in place.

When asked, A Meager confirmed they had two teams who had a match every week until Christmas time.

Mr S Mills asked through the Chairman, if there was any connection with the club at Cow Lane.

A Meager said there was no connection and a lot of their players come from out of the area. The Chairman invited the residents present to speak.

Mr S Mills was a little surprised to see the application. He asked if they were sub-letting from the council.

R Hill confirmed that Tring Athletic surrendered the lease to DBC in March so this was now a separate lease.

Mr S Mills explained that the effects of the last owners were damaging for the area and there had been problems with local youths with fires etc. If alcohol was introduced again he feared it would attract the undesirable to get into the premises. As a nearby resident he was concerned with the future life of the club. The local undesirables are liable to attack it. He was pleased with the new times but raised concerns about the noise and drunken behaviour that will come. He took issue with parking along Miswell Lane and felt that parking would spread to other areas. He felt there was inadequate parking available.

The Chairman noted that parking was not the issue as the grant was only concerned with the clubhouse.

Councillor Barnes felt that a new club selling alcohol would be more secure than the previous empty property.

R Hill reiterated that the application was about alcohol. All things external such as parking were not in the powers of the Committee.

Mr S Mills asked then if the parking was a Planning matter. He asked how could the council give someone a licence if there were parking problems.

R Hill said it was potentially a planning issue but the sport and club had been in existing use. Today was about activities within the clubhouse.

Mr Jefferies read out his letter which had been included in the agenda pack as Annex C8. In addition he said it had been written before the amendment. He was a relatively new resident so did not experience the problems before. The biggest reasons for residents' concerns were for music being played until late. However, now the application for music and the hours has reduced, particularly Saturday, a lot of what we felt has been ameliorated.

The Chairman asked Mr Jefferies if he attended the local meeting.

He said he did not attend as he had heard about it the evening before so it was too short notice.

The Chairman invited those who had previously spoken to summarise their points

SUMMARY

Mr S Mills was reasonably happy with the hours as adjusted. Hopefully they will keep the music down for the sake of the local children. He still had concerns over the security of the site as it would have alcohol on the premises for four days, unattended.

A Meager said the first application was withdrawn after feedback from residents. This showed that we listened to people. He felt that regular use of the site would deter any vandalism. He would listen to any recommendations for extra security.

The Committee moved into private session to consider the matter.

RESOLVED

The Sub-Committee resolved to grant the application for a new club premises certificate, with the modified hours offered by the applicant prior to the hearing, namely:

Supply of alcohol by or on behalf of a club to, or to the order of a member of the club (for consumption on the premises):

Wednesday	17:00 hours until 21:45 hours
Friday	17:00 hours until 21:45 hours
Saturday	13:00 hours until 22:30 hours

From 30 minutes prior to kick off in televised competitive England international football matches (FIFA World Cup, UEFA European Championships, or similar), until 30 minutes after the end of the match.

Hours club premises are open to members and guests

Wednesday	17:00 hours until 22:00 hours
Friday	17:00 hours until 22:00 hours
Saturday	13:00 hours until 23:00 hours

From 30 minutes prior to kick off in televised competitive England international football matches (FIFA World Cup, UEFA European Championships, or similar), until 30 minutes after the end of the match.

Recorded music; Entertainment similar to music/dance

Removed from the application

The Sub-Committee had carefully considered the application, the written representations and the verbal submissions made by the parties at the hearing.

They noted that the applicant club had offered a significant reduction to the hours and licensable activities originally requested, which went beyond what was suggested in many of the representations. They also noted that, as a result of the reduction in hours and a meeting organised by the applicant club, a number of the representations had been withdrawn.

The Sub-Committee considered that the amendments offered were very accommodating, and that the Sub-Committee were satisfied that granting the modified application would be appropriate for the promotion of the licensing objectives.

The meeting finished at 3.29pm.