

# LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

THURSDAY 14 JANUARY 2016 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 P Hearn (Chairman), Barnes and Howard

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

## PART I

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## **1. MINUTES**

To confirm the minutes of the meeting held on 17 December 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

<b>Report for:</b>	<b>Licensing of Alcohol and Gambling Sub-Committee</b>
<b>Date of meeting:</b>	
<b>PART:</b>	1
<b>If Part II, reason:</b>	

<b>Title of report:</b>	<b>Premises licence application</b>
<b>Contact:</b>	Sally Taylor, Lead Licensing Officer
<b>Purpose of report:</b>	This report sets out details of an application in respect of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
<b>Recommendations</b>	That the Sub-Committee consider the contents of the report, and the representations made in respect of the application, and determines the application in accordance with the options set out below.
<b>Corporate objectives:</b>	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Implications:</b>	Applications are to be determined under existing policies. No new policy implications arise.
<b>Consultees:</b>	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 (2011-2016) 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, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
  - 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
  - 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

#### **4. Options available to the Sub-Committee**

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

- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

## 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	73 High Street, Markyate, St Albans, Hertfordshire AL3 8PJ	Application for grant of premises licence (s.17 of Licensing Act 2003)

## APPENDIX A

**Applicants name** Mr G Uddin and Mr R Miah

**Name and address of premises** 73 High Street  
Markyate  
St Albans  
Hertfordshire  
AL3 8PJ

**Ward** Watling

### 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 by Mr G Uddin and Mr Md R Miah for the grant of a new premises licence under s.17 of the Licensing Act, and this application is set out at Annex A.

The application seeks to authorise the following licensable activities:

#### **Supply of alcohol (for consumption on premises)/hours premises open to the public**

Monday to Saturday	12:00 hours until 23:30 hours
Sunday	12:00 hours until 22:00 hours

#### **Live music**

Indoors

Monday	18:00 hours until 22:00 hours
--------	-------------------------------

Live music limited to four occasions per year, one event each quarter.

#### **Anything of a similar description to that falling with live music, recorded music and the performance of dance**

Indoors

Monday	18:00 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**

- 3.1 The consultation period for the application was between 19<sup>th</sup> November and 16<sup>th</sup> December 2015.

- 3.2 During this period one representation was received, from a person living in the vicinity of the premises, citing concerns in respect of public nuisance. This representation is set out at Annex C.
- 3.3 Negotiation has taken place between the parties, however no agreement has been reached. Details of the negotiations are set out at Annex D.
- 3.4 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.  
Environmental Health (Health and Safety) : No relevant representations.

**4. Observations**

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

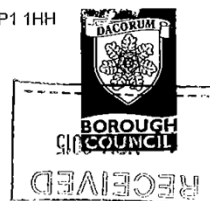


# ANNEX A Application form

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Revised October 2012

## Application for a premises licence to be granted 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** GYASH UDDIN & MD RIFON MIAH  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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.

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
73 HIGH STREET.			
Post town	MARKYATE	Post code	AL3 8PJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 8,800	

### Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick ✓ as appropriate

- a) an individual or individuals \*
- b) a person other than an individual \*
  - i. as a limited company
  - ii. as a partnership
  - iii. as an unincorporated association or

- ☐ please complete section (A)
- ☐ please complete section (B)
- ☒ please complete section (B)
- ☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ *please complete section (B)*
- c) a recognised club ☐ *please complete section (B)*
- d) a charity ☐ *please complete section (B)*
- e) the proprietor of an educational establishment ☐ *please complete section (B)*
- f) a health service body ☐ *please complete section (B)*
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ *please complete section (B)*
- ga) 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 ☐ *please complete section (B)*
- h) the chief officer of police of a police force in England and Wales ☐ *please complete section (B)*

**\* If you are applying as a person described in (a) or (b) please confirm:**

*Please tick ✓ yes*

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)	
Surname					
First names					
I am 18 years old or over		<input type="checkbox"/> <i>Please tick ✓ yes</i>			
Current postal address if different from premises address					
Post town			Post code		
Daytime contact telephone number					
Email address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname		[REDACTED]	
First names		[REDACTED]	
I am 18 years old or over		<input checked="" type="checkbox"/> Please tick ✓ yes	
Current postal address if different from premises address		[REDACTED]	
Post town		[REDACTED]	Post code [REDACTED]
Daytime contact telephone number		[REDACTED] / [REDACTED]	
Email address (optional)		[REDACTED]	

**(B) OTHER APPLICANTS**

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

Name	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association, etc.)	PARTNERSHIP
Telephone number (if any)	
Email address (optional)	

When do you want the premises licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

THE PREMISES WILL BE AN INDIAN RESTAURANT  
ALCOHOL WILL BE SERVED FOR CONSUMPTION WITH  
FOOD ON THE PREMISES

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

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

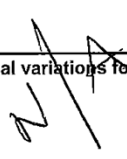
Please tick ✓ yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

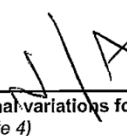
**Provision of late night refreshment** (if ticking yes, fill in box I)**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)  N/A
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> 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)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)  N/A	
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**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick ✓</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1800	2200	Please give further details here (please read guidance note 3) Amateur or look a like pop idols such as elvis, ABBA, MUSIC TRIBUTE NIGHTS ONLY FOR OVER 21s		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4) NO SEASONAL VARIATION JUST ONE PER EVERY THREE MONTHS - FOUR IN A YEAR.		
Thur					
Fri			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) We will not be holding any live music ON NON STANDARD TIMINGS.		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick ✓</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) N/A		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

**G**

<b>Performances of dance</b> 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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri			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)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within e, f or g</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <b>LIVE TRIBUTE NIGHTS OR KARAOKE EVENINGS.</b>			
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	1800	2200			Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3) <b>KARAOKE EVENING WHERE CUSTOMERS SING ALONG WITH BACKGROUND MUSIC</b>			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
			These will be either live Tribute bands or KARAOKE.			
Sat						
			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)			
Sun						
			These will not fall on Non Standard times.			



**Where are the sections for 'Provision of facilities for making music and dancing'?**

Changes under the Live Music Act mean that from the 1<sup>st</sup> October 2012, you no longer need a licence to provide facilities for making music, or facilities for dancing, or facilities for entertainment similar to music and dancing.

You will still need a licence if you are providing the entertainment, rather than simply providing facilities for use by customers.

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b> N/A		
Thur					
Fri					
Sat			<b>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)</b>		
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption:</b> (Please tick box ✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	12.00	23.30	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>  NO SEASONAL VARIATIONS. ONLY TIMES STATED.		
Tue	12.00	23.30			
Wed	12.00	23.30			
Thur	12.00	23.30	<b>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)</b>  NON STANDARD TIMINGS. ONLY AS STATED.		
Fri	12.00	23.30			
Sat	12.00	23.30			
Sun	12.00	22.00			

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

<b>Name</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED]
<b>Postcode</b>	[REDACTED]
<b>Personal Licence number</b> (if known)	* [REDACTED]
<b>Issuing licensing authority</b> (if known)	[REDACTED] BOROUGH COUNCIL

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>N/A</p>

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p>
Day	Start	Finish	<p>N/A</p>
Mon	1200	2330	
Tue	1200	2330	
Wed	1200	2330	
Thur	1200	2330	
Fri	1200	2330	
Sat	1200	2330	
Sun	1200	2200	
<p>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)</p>			

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

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

- MONTHLY REVIEW OF DPS DUTIES AND RESPONSIBILITIES.
- MONTHLY REFRESHER STAFF TRAINING.
- NEW STAFF TRAINING.
- SELLING TO CONSUMERS THAT COMPLY WITH LAW.
- I WOULD ALSO WELCOME ANY SUGGESTION FROM LOCAL AUTHORITY AND PUT IN PREVENTIVE MEASURES IN PLACE.

b) The prevention of crime and disorder

- I WOULD TRY TO DO WHATEVER WITHIN MY CONTROL SUCH AS:
- NOT SELLING TO DRUNKEN
  - NOT SELLING TO UNDERAGE
  - PROMOTE CHALLENGE 25
  - TRAIN STAFF ADEQUATELY.

c) Public safety

- NOT SELL TO UNDERAGE
- TO DRUNKENS
- NOT ALLOW TO DRINK ON WAY TO HOME / PUBLIC PLACE.
- MAINTAIN THE 4 LICENSING OBJECTIVES
- I WOULD ALSO WELCOME ANY SUGGESTIONS FROM LOCAL AUTHORITY.

d) The prevention of public nuisance

- I WOULD NOT DO LATE NIGHT EVENTS SUCH AS IN HOUSE MUSIC EVENTS.
- NOT SERVE OR SELL ALCOHOL TO DRUNKEN CUSTOMERS
- NOT ENCOURAGE CUSTOMERS TO DRINK AFTER CLOSING.
- TO PREVENT ANY NUISANCE TO PUBLIC.

e) The protection of children from harm

- I WOULD NOT SELL TO UNDERAGE CUSTOMERS.
- PROMOTE CHALLENGE 25 - ASK FOR ID FOR ANYONE THAT LOOKS UNDER THE AGE OF 25 AND ASK TO PRODUCE I.D.
- I WOULD ALSO WELCOME ANY SUGGESTIONS FROM LOCAL AUTHORITY.


Please tick ✓ to indicate approval

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- 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 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	16.11.15
Capacity	PARTNER.

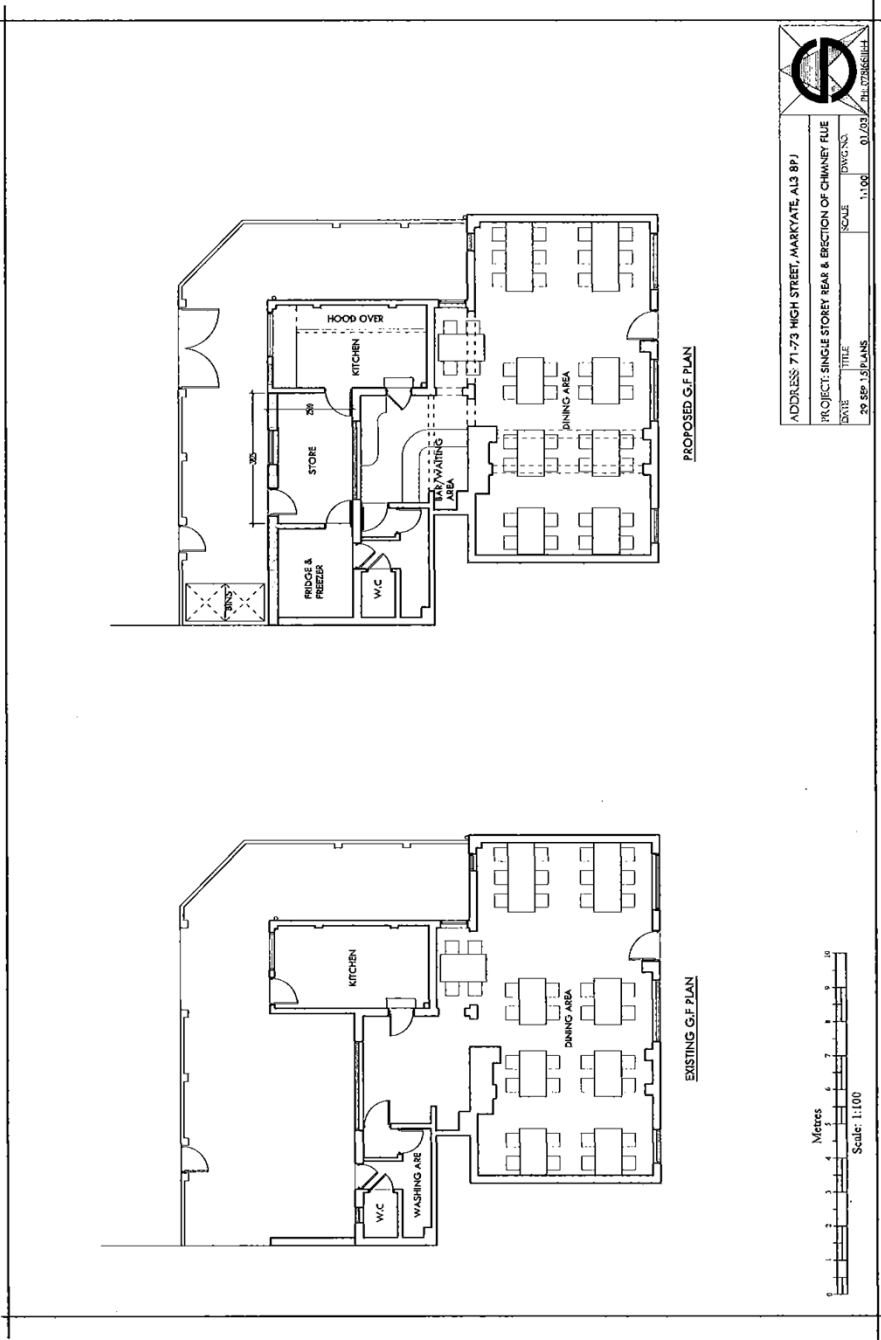
For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature		
Date	16.11.15	16.11.15
Capacity	PARTNER.	PARTNER.

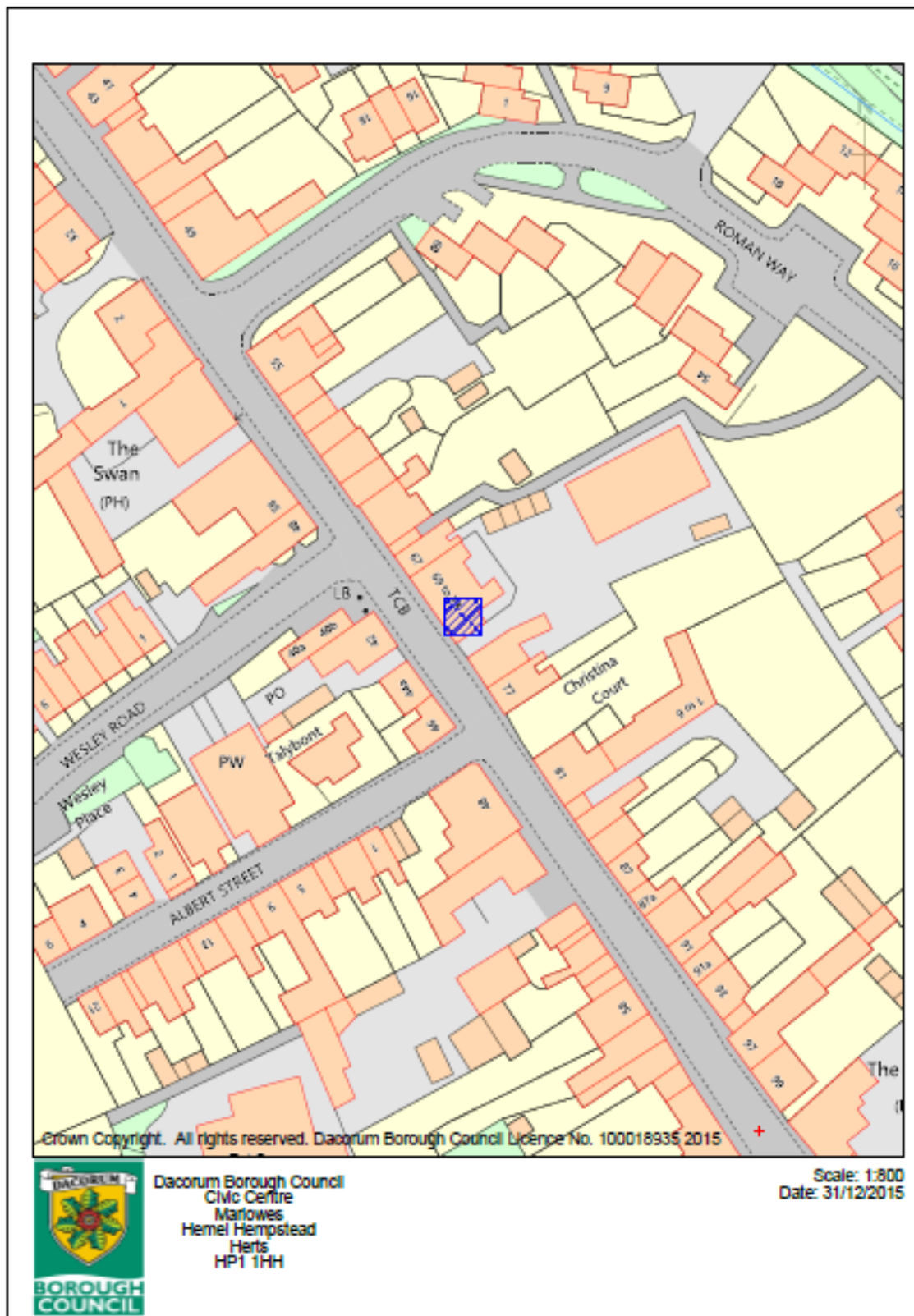
Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 13)

Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	

ANNEX B1  
PLAN OF PREMISES



**ANNEX B2  
MAP OF AREA**



**ANNEX C  
REPRESENTATION**

**From:**

**Sent:** 03 December 2015 13:36

**To:** Licensing Mailbox

**Subject:** Application for grant of a Premises License - 73 High Street , Markyate

Markyate  
St Albans  
Herts

Dear Sir Madam

I am writing to express my objection to the Premise Licence displayed in the property adjoining my house in Markyate High Street, I am unsure when this notice was first posted because as such it is not dated.

It is my strong feeling that this would be detrimental creating anti social behaviour at unsociable times not to mention the noise levels which would be totally unacceptable in existing domestic environment.

When the previous business had evening events they could clearly be heard through our walls and the introduction of alcohol could only make this nuisance escalate.

Please also take into consideration what this may do to property prices in the High Street especially for the houses in direct proximity.

Markyate already has a restaurant that has such a Licence and by granting the afore mentioned I can not see what it will add to our community.

Please feel free to contact me with any queries regarding this matter my personal email is

\*\*\*\*\* and also copy in my partner \*\*\*\*\*

Regards



**ANNEX D  
NEGOTIATIONS**

-----Original message-----

From : [Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)

Date : 17/12/2015 - 09:59 (GMTST)

To :

Subject : FW: Application for grant of a Premises License - 73 High Street , Markyate

Good morning Mr Uddin and Mr Miah

I am writing to advise you that we have received one representation in respect of your application to grant a premises licence, and therefore, unless the representation is withdrawn, the application will be determined by the Alcohol and Gambling Sub-Committee in the New year on a date to be confirmed.

The person making the representation has advised me that he is willing to negotiate at this stage to see if mutual agreement can be reached, but this MUST be done through me. This could result in modifications to the application which would be agreeable to both parties in order to avoid the hearing process. If the representation is withdrawn the application will then be granted as agreed. Please let me know if you wish to do this.

Kind regards

**S A Taylor**

Sally Taylor  
Lead Licensing Officer  
Legal Governance  
Dacorum Borough Council  
Tel: 01442 228470

**From:** GYASH UDDIN

**Sent:** 22 December 2015 01:53

**To:** Licensing Mailbox

**Subject:** Re: FW: Application for grant of a Premises License - 73 High Street , Markyate

Dear Sally

sorry i couldn't finish off the last email I accidentally pressed send.

As I was saying i am going to withdraw the Live Entertainment which I put in my application.

There would be no noise just customers sitting in the Restaurant and enjoying a quiet dinner with drinks,

Further more all the glass windows doors are going to be 10.8 laminated the ceiling of the Restaurant will have sound proofing so no noise whatsoever will be heard. I can send proof of this if you require. In the kitchen with the ducting vent I have proposed to put silencer to cut out the noise completely with double carbon, grease filters. the system is called UV system.

Markyate is a lovely quite village I have met many on the High St, very friendly and welcoming I have asked there opinion on opening a Restaurant everyone was happy and said they would like something different ie, a bit of Thai, chinese cuisine which will be on the menu as well as Indian. I hope we can resolve this mutually, Thank you. Kind Regards G. Uddin.

**From:** Licensing Mailbox [<mailto:Licensing@dacorum.gov.uk>]

**Sent:** 22 December 2015 09:17

**To:**

**Subject:** FW: FW: Application for grant of a Premises License - 73 High Street , Markyate

Good morning

I wrote to Mr Uddin, the applicant for 73 High Street Markyate, attaching a redacted copy of your application, and advising him of the position. Mr Uddin has responded by sending the attached e-mail, stating his intention to withdraw the live entertainment applied for from the application. He has also referred to steps he has taken to limit noise and smells escaping from the premises.

Please let me know if, with the modifications to the application, you are willing to withdraw your representation. If so I will cancel the arrangements currently being worked upon for the hearing in the new year.

Kind regards

**S A Taylor**

Sally Taylor  
Lead Licensing Officer  
Legal Governance  
Dacorum Borough Council  
Tel: 01442 228470

**From:**

**Sent:** 22 December 2015 10:36

**To:** Licensing Mailbox

**Subject:** RE: FW: Application for grant of a Premises License - 73 High Street , Markyate

Hello Sally

I would like to continue with the hearing please.

Kind regards

**From:**  
**Sent:** 22 December 2015 11:11  
**To:** Sally Taylor  
**Cc:**  
**Subject:** RE: FW: Application for grant of a Premises License - 73 High Street , Markyate

Hello Sally

When we bought our property when next doors was a shop (ex Post Office) as such it would be open during the course of the day and not affect us on a day to day basis and would be shut when we returned from work.

Subsequently the change of purpose to A1 (café) still was acceptable as the hours of business again did not collide with our "down time" , however when they did have the occasional evening event the noise and smells started to encroach on us..

My concerns now increase as once you have allowed a alcohol licence, the change of purpose is once more upgraded at a time when we are at home , there will be people who drink which will invariably mean there will people who smoke, this will mean I will have people outside my front door chatting, smoking in between courses, not to mention the extra litter, less parking, extra noise at unsociable hours.

Therefore I would like to proceed with he hearing so I can stress all these points.

Kind Regards

## **Annex E**

### **Local policy considerations and national statutory guidance**

**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.

1.12 The licensing process seeks only to control those measures within the control of the licensee and in the vicinity of the premises. Licensing legislation is not a mechanism for the general control of anti social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. Nonetheless, it is a key aspect of such control, and licensing law will always be a part of a holistic approach to the management of the evening and night-time economy in Dacorum.

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.

### **Licensing Hours**

6.3 The Licensing Authority expects that issues relating to licensing hours will be addressed by the applicant in the operating schedule.

6.4 In the interests of reducing crime, disorder and anti-social behaviour the Licensing Authority will prefer applications from public houses, night-clubs and registered clubs that show in their operating schedules a responsible approach to alcohol sales by:

- ending alcohol sales at a designated time before they close, i.e. a closing time later than a "last orders" time for alcohol sales;
- Specifying a time by which the premises will be emptied of patrons and closed.

6.6 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 likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas.

### **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.

## **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

2.16 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 persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. 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. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period

for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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.

## **5. 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 DECEMBER 2015**

\*\*\*\*\*

Present –

**MEMBERS:**

Councillors Mrs Bassadone (Chairman), Barnes and Conway

**OFFICERS:**

Barbara Lisgarten	Legal Governance Team Leader
Sally Taylor	Lead Licensing Officer
Heather Holden	Licensing Support Officer
Trudi Coston	Member Support Officer
Katie Mogan	Member Support Officer

**Other Persons Present:**

Mrs L Cretu – Applicants Representative

The meeting began at 2.06 pm

**1. MINUTES**

The minutes of the meeting held on 17 November 2015 were confirmed by the members present and then signed by the Chairman.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTERESTS**

There were no declarations of interests.

**4. PREMISES LICENCE APPLICATION**

The Sub-Committee were required to consider a licence application for the following premises:

Euro Supermarket  
Unit 4

160 Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1BH

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

The Chairman asked the members of the Sub-Committee if they had visited the premises. Councillors Barnes and Conway said they knew of the premises but had not been inside.

The Chairman asked the officers if they had anything to add to the report.

S Taylor explained that the Sub-Committee had before them an application for the grant of a new premises licence for Euro Supermarket Hemel Ltd, Unit 4, 160 Marlowes, Hemel Hempstead, and the application was set out on page 12 of the agenda. She advised that the applicant and the person who had made a representation had both been invited to attend and address the meeting but no response had been received from the objector. The options available to the Sub-Committee were set out at paragraph 4.1 of the agenda. She reminded the Sub-Committee that any steps taken were to be considered appropriate in order to promote one or more of the licensing objectives, and clear reasons should be given to explain why any decision was reached.

The Chairman asked if the licence were to be granted but the applicant were to not then - occupy the premises, would the applicant be able to retain the licence for another premise. S Taylor replied that a premises licence is not portable, and would be valid for this premises only.

The Chairman asked the officers if the surrounding premises had similar opening hours. S Taylor advised there were a few premises in the vicinity that remained open until 2am.

Mrs Cretu said they would happily consider any additions or adjustments to the licence conditions.

The Chairman said she visited the shop yesterday and it didn't look like any work had been carried out. She asked when they were planning to start work there. Mrs Cretu explained that it was subject to the licence being granted and if it were to be granted they would open in approximately one month.

Mrs Cretu and the officers withdrew from the meeting whilst the Sub-Committee considered the application.

Resolved:

The Sub-Committee took into account that the proposed premise was located in a town centre, in close proximity to a variety of other types of licensed premises, with comparable types of premises offering similar opening hours.

The Sub-Committee did not feel that the proposed activities would present an undue detrimental effect to the promotion of the Licensing Objectives, and therefore felt it would be appropriate to grant the application as applied for.

The meeting finished at 2.23 pm.