



# Licensing of Alcohol and Gambling Sub- Committee

**MONDAY 12 DECEMBER 2016 AT 10.00 AM**

**DBC Gade Room - Civic Centre**

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.

#### Membership

Councillor Mrs Bassadone  
Councillor P Hearn

Councillor R Sutton

#### **Substitute Members:**

Councillors

For further information, please contact or

## **AGENDA**

### **1. MINUTES**

To confirm the minutes of the previous meeting

### **2. APOLOGIES OF ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

### **4. PREMISES LICENCE APPLICATIONS UNDER THE LICENSING ACT 2003 (Pages 3 - 75)**

### **5. PROCEDURE FOR THE HEARING (Pages 76 - 77)**

### **6. EXCLUSION OF THE PUBLIC**

## **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



<b>Report for:</b>	<b>Licensing of Alcohol and Gambling Sub-Committee</b>
<b>Date of meeting:</b>	<b>12<sup>th</sup> December 2016</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	-

<b>Title of report:</b>	<b>Premises Licence applications under the Licensing Act 2003</b>
Contact:	Sally Mcdonald, Lead Officer, Licensing
Purpose of report:	This report sets out details of applications in respect of premises licences which require consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the reports, and representations made in respect of the applications, and determine the applications in accordance with the options set out below.
Corporate objectives:	<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>
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 <a href="#">DBC Statement of Licensing Policy 2016-2021</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (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 applications detailed in part 5 of this report have been made to the licensing authority and require 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. In the case of the review display of the public notice by both the Premises Licence holder and the licensing authority is required. 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 appropriate to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

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

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

4.2. When determining an application for the review of a premises licence (under section 51), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) take no action;
- (b) modify the conditions of the licence (by way of alteration, omission or addition);
- (c) exclude a licensable activity from the scope of the licence;
- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period not exceeding three months;
- (f) revoke the licence.

## 5. Details of applications

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

Appendix	Premises name / address	Type of application
A	67A St John's Road Hemel Hempstead Hertfordshire HP1 1QG	Grant of a premises licence (section 17 of the 2003 Act)
B	The Little Convenience Store, 62 Western Road, Tring, Hertfordshire HP23 4BB	Review of a premises licence (section 51 of the 2003 Act)

## APPENDIX A

**Applicants name** Mr Alexandre Habachi and Ms Una O'Byrne

**Name and address of premises** 67A St John's Road, Hemel Hempstead,  
Hertfordshire HP1 1QG

**Ward** Boxmoor

### 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. This is set out at Annex A.

2.2 Authorisation was initially sought for the following licensable activity:

Supply of alcohol (for consumption both on and off the premises)

Monday to Saturday	10.00 to 23.00 hours
Sunday	12.00 to 23.00 hours

Non standard timings:

Christmas Eve	17.00 to 23.00 hours
New Year's Eve	17.00 to 01.00 hours
Valentines Day	17.00 to 23.00 hours
St Patrick's Day	17.00 to 23.00 hours

Hours the premises may open to the public

Monday to Friday	07.00 to 23.00 hours
Saturday	10.30 to 23.00 hours
Sunday	12.00 to 23.00 hours

Non standard timings:

Christmas Eve	17.00 to 23.00 hours
New Year's Eve	17.00 to 01.00 hours
Valentines Day	17.00 to 23.00 hours
St Patrick's Day	17.00 to 23.00 hours

2.3 A plan of the premises and map of the area is set out at Annexes B1-B2.

### 3. Details of Representation

3.1 One representation has been received from a person living in the vicinity of the premises, which cites concerns in respect of public safety and public nuisance. This representation is set out at Annex C1.

3.2 The applicants requested an opportunity to negotiate with the person who had submitted the representation and that correspondence is set out at Annex C2 and C3. During the course of this negotiation the applicant offered an amendment to the hours initially applied for, for authorisation of the sale of

alcohol. The amendment to standard timings only is as follows:

Monday to Thursday	10.00 to 18.00 hours
Friday and Saturday	10.00 to 23.00 hours
Sunday	12.00 to 18.00 hours

No amendments to non-standard timings or the premises opening hours were offered.

- 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, 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 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

Not Currently In Use

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

Your reference

RBB Premises Licence

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

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Alexandre

\* Family name

Habachi

\* E-mail

contact@blacktavernclub.com

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

Are you:

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

Applying as an individual

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

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	57
* Street	St John's Road
District	Boxmoor
* City or town	Hemel Hempstead
County or administrative area	Hertfordshire
* Postcode	HP11QQ
* 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	67A
Street	St John's Road
District	Boxmoor
City or town	Hemel Hempstead
County or administrative area	Hertfordshire
Postcode	HP11QG
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	2,750

**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

**Section 4 of 19**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

**Applicant Postal Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Hemel Hempstead"/>
County or administrative area	<input type="text" value="Hertfordshire"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail	<input type="text" value="contact@blacktavernclub.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

**Second Applicant Name**

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

First name	<input type="text" value="Una"/>
Family name	<input type="text" value="O'Byrne"/>

Is the applicant 18 years of age or older?

Yes  No

Continued from previous page...

**Second Applicant Postal Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Second Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises is a small cafe with a capacity of approximately fifteen (15) patrons. It is located on the high street of Boxmoor village sharing a partitioned building with another commercial business and adjacent to a private residence. The premises is on the ground floor with no upper levels and has an inside seating area which accomodates six (6) patrons and outside seating area which accomodates nine (9). A counter divides the inside seating area with the staff serving area. Two steps

<i>Continued from previous page...</i>
behind this leads to a galley kitchen. A shared toilet is located to the rear of the adjacent commercial building which can be accessed via an alleyway to the side of this building (No. 67).
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input type="text"/>
<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>

*Continued from previous page...*

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

Yes                       No

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**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes                       No

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**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes                       No

**Standard Days And Timings**

MONDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	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 <input type="text"/>	End <input type="text"/>	
TUESDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	
WEDNESDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	
THURSDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	
FRIDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	
SATURDAY	Start <input type="text" value="10:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	
SUNDAY	Start <input type="text" value="12:00"/>	End <input type="text" value="23:00"/>	
	Start <input type="text"/>	End <input type="text"/>	

Continued from previous page...

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.

The premises will continue to primarily operate as a cafe for day-to-day business but hopes to offer bottled alcohol i.e. fine wine and craft beers for off-sales during daytime opening hours in a deli-style format. During these times, on-sales will also be offered as a compliment to food. The daytime on-sales aspect is intended to be for wedding breakfasts, baby showers, champagne cream teas etc.. The applicants also intend to take orders for larger volumes of the bottled alcohol e.g. a customer may wish to purchase their festive wine. Further on-sales will occur for evening events, such as wine nights, where this alcohol will be introduced to potential customers. The owner is a fully trained chef and hopes to extend the catering aspect of the business to evening dinner if demand is evident. These dinners would be complimented by alcohol. Licensed events have been occurring at the premises over the last few months (under TENs) and have been met with enthusiasm by the village community. The premises currently models itself as a vintage tea house - we will continue to market it in a tasteful manner with the introduction of alcohol in keeping with the style of Boxmoor Village.

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.

Christmas Eve - 17:00 until 23:00  
New Years Eve - 17:00 until 01:00  
Valentines Day - 17:00 until 23:00  
St Patrick's Day - 17:00 until 23:00

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

Continued from previous page...

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'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

None

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

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

Continued from previous page...

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations

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

As a small, independent business, opening times are dependent on staff availability - the premises will be closed in the event of family emergencies/commitments.

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.

Christmas Eve - 17:00 until 23:00  
New Years Eve - 17:00 until 01:00  
Valentines Day - 17:00 until 23:00  
St Patrick's Day - 17:00 until 23:00

**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.

This application seeks permission for the premises to conduct off-premises sales of niche alcohol i.e. craft beers and fine wine and on-sales of these beverages-for specific events or to compliment food. The applicants intend to base this business around the support of the local community and will therefore promote the licensing objectives to ensure that the premises remains a safe and pleasant environment for local residents to enjoy.

b) The prevention of crime and disorder

The premises has limited capacity and we therefore intend to market this business stream to a small, discerning audience.

**Continued from previous page...**

The alcohol will be sold at a high price point, reflecting quality, which will deter irresponsible drinking. The premises will be suitably staffed at all times and the staff have suitable training. The intended DPS is a former police officer with extensive training and experience in crime prevention.

**c) Public safety**

Health and Safety/Fire Safety Legislation will be abided by. The premises is located on one floor and therefore avoids potential risks to customers such as stairs. We will work with a local taxi company to make sure that transport home is available to customers. All alcohol will be stored securely and large quantities will not be kept at the premises overnight. Potable water will be available to customers at all times.

**d) The prevention of public nuisance**

The applicants recognise that the success of this business will depend on the support of the local community. In light of this, care will be taken to minimise noise and litter. No alcohol will be sold to persons who are drunk and any instances of anti-social behaviour will be reported to the police. The applicants will work with the relevant local authorities to ensure that premises activities remain in line with the Licensing Objectives.

**e) The protection of children from harm**

The premises will adopt a challenge 21 policy to ensure that no underage sales occur. Highly visible signs will be put in place to emphasize that alcohol will not be sold to under 18s. The business policy will be that under 18s are not served alcohol at any time, whether in the company of an adult and/or with a meal, this policy will be strict.

**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 (£)

100.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

\* 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.

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	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

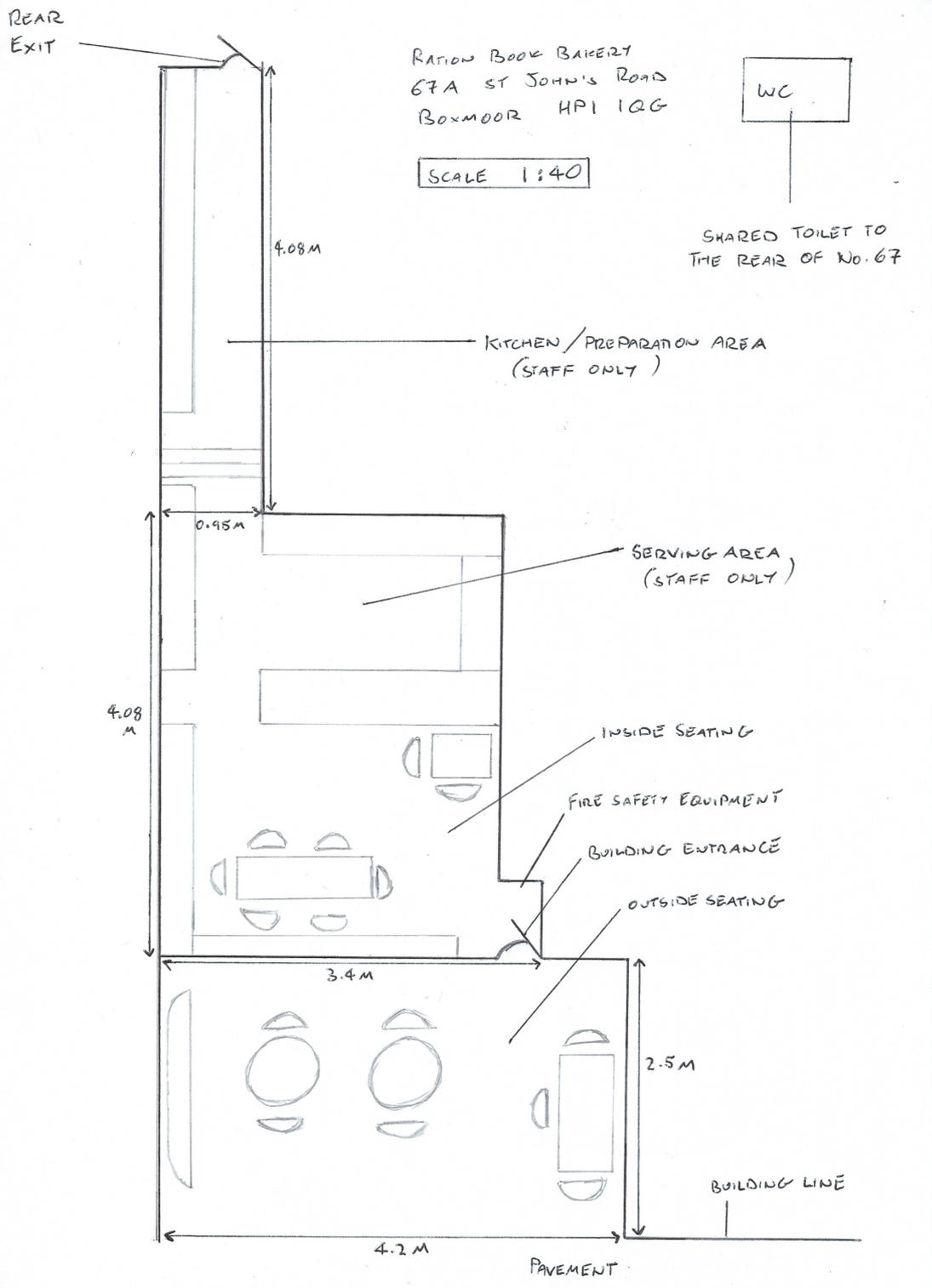
Once you're finished you need to do the following:

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.

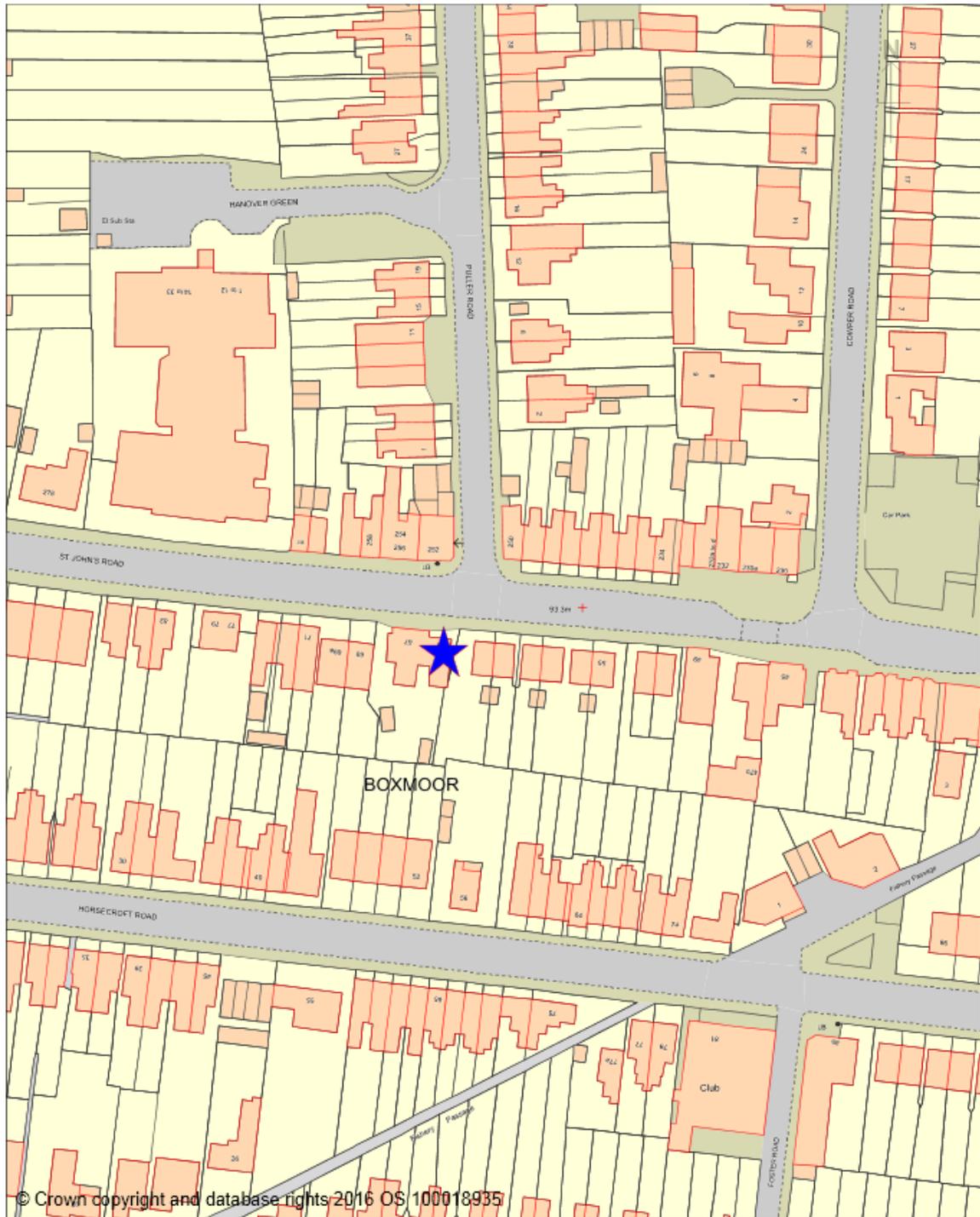
Don't forget to make sure you have all your supporting documentation to hand.

**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**

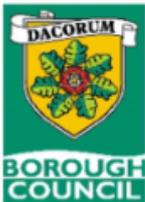
Annex B1: Plan of premises



Annex B2: Map of area

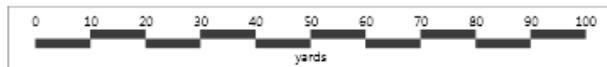


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Licensing  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1HH

Scale: 1:1000  
Date: 30/11/2016



**Annex C1 – representation**

Boxmoor,  
HEMEL HEMPSTEAD,  
Hertfordshire.

1<sup>st</sup> November 2016

Licensing Section,  
Dacorum Borough Council,  
Civic Centre,  
Marlowes,  
HEMEL HEMPSTEAD.  
HP11HH

Dear Sir/Madam,

Re: Premises Name      The Ration Book Bakery,  
67A, St Johns Road  
HEMEL HEMPSTEAD,  
Herts..  
HP1 1QG

Type of Licence      LA2003: Premises Licence – New Application  
Your Reference      M041740

I wish to confirm that I have interest in this application which is greater than the public generally on the following basis:

I live nearby.

I object to the granting of a licence to this applicant because of its impact on the Boxmoor community and neighbourhood.

I ask the Licencing Authority to consider the impact on the neighbourhood generally and the object of the Act and Licencing Objectives specifically when considering this application.

The particular impact on me from the grant of this licence would be my quality of life and social wellbeing. Together with concern for Public Safety, Public Nuisance, Disorder and Impact on Children.

The grant of a licence to this applicant would increase, rather than reduce, the misuse and abuse of alcohol because: There would be noise and a Public Nuisance. Concern for Public Safety and Disorder.

1. The premises are small and not suited to be used for the purpose proposed. The customer area inside is extremely small, possibly enough for 6/8 people. By design most customers use the outside area, which is approximately 2 metres by 2 metres.

There are two tables here. This area is at the side of the pavement and public highway, with no barrier. Enough area for about 6/8 people. The whole premises would hold about 16 customers. The main customer area is indeed outside. Inevitably customers would be standing on the public pavement. Unnecessary noise, smoking, obstruction of the highway. This would cause a Public Nuisance.

What are the provisions for smoking and toilet facilities?

2. The premises are situated in the middle of a residential area. Houses either side and opposite.  
A Sheltered Home is situated nearby.

The opening hours applied for would mean that with 'drinking up time' cleaning time etc. there would be disruption to residents up to 12 midnight most days and 2.am on 'special days'.

Inevitably customers would be standing outside and there would be annoyance to local residents, thus having an impact on their lives. Causing a Public Nuisance.

3. There are two Primary Schools and two Nursery Schools nearby. The pupils use the footpath outside the premises regularly. Consideration should be given to the impact on these children.

4. Within walking distance of the premises there are 4 Public Houses, a Restaurant selling alcohol, a Club, an Off Licence open till late, a Take-Away and a Fish and Chip Shop open till late. Although not a consideration for the Authority, parking and litter is already a major problem. Late opening and Off Sales at these premises would only increase the problem, causing a Public Nuisance.

Whilst it is admirable that the applicant wishes to sell niche alcohol i.e. 'Craft Beers' and 'Fine Wine'. In reality the licence would be for the sale of alcohol, Any Alcohol.

The local Off Licence, in St Johns Road, already sells some 'Craft Beers' and a little 'Fine Wine'. The owner is very obliging and will obtain anything his customers require, if there is a local need.

It will be noted that another premises, Boxmoors Off Licence in St Johns Road has recently closed. Therefore is there a need for another?

In the summer and at most holiday times we experience considerable disturbance, locally, on the moor. This being mainly young people consuming alcohol and causing major problems for the community. This is never regulated or policed. Any further outside consumption of alcohol will only make matters worse for residents, causing a Public Nuisance and a concern for Public Safety.

I am a member of the local community, very local, just 25 metres from the premises. I have never been approached or consulted and I know not of anyone, locally, who has. As far as I am concerned the applicant has not sought the support of the local community or communicated in any way.

Whilst not wishing to put a dampener on any new business. I wish the applicant well in his endeavors with a new venture.

However I feel these particular premises are completely unsuitable for the purpose. They are too small, the main 'Drinking Area' is outside almost on the public pavement. Inevitably there is going to be overspill and unnecessary Community Noise. Together with Obstruction of the Highway, Offences will be committed. The amenity and good order of the area will be substantially reduced.

Consideration must be given to lighting, heating, litter and anti-social behavior in such a confined space, both outside and in.

The opening hours until 11.00 pm or 1.00am, are far too late. They will without doubt cause great stress and annoyance to local residents. Resulting in Public Nuisance and possible Disorder. Consideration must also be given to Public Safety, with the 'Drinking Area' being almost on the highway. There is no barrier and no possibility of erecting one. I would suggest this area would be very difficult to supervise.

There are already considerable problems with patrons from the local establishments. Whist they make their way home at night. With no regulation or policing. There is a concern for Public Safety.

In short these premises are just about suitable for the purpose for which they are at present used. A Snack Bar serving light snacks and drinks, which has no cooking facilities, that I can see. I have not seen any meals being served, just snacks, cake and ice cream.

It is far too small to be used for the purpose of supplying alcohol on an On and Off Sales basis. The main customer area is outside next to the public footpath/highway.

I object to the application on the grounds given within this letter.

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

## Annex C2 – Letter of negotiation from applicant

Alexandre Habachi  
The Ration Book Bakery  
67A St John's Road  
Boxmoor HP1 1QG

c/o Licensing Department  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead HP1 1HH

16<sup>th</sup> November 2016

Dear Sir/Madam,

Re. Premises Licence Application for the Ration Book Bakery ref. M041740

Thank you for your correspondence in relation to the above application. I would like to take this opportunity to clarify the nature and intended use of the authorities we are seeking. I will also refer to the Licensing Objectives and the measures we will take in order to promote them.

I hope that the content of this letter, and our proposed amendments to the application, will alleviate the concerns you have expressed and provide you with reassurance of our intended plans.

### 1) The Premises

We recognise the size and capacity restrictions of the premises and embrace them. Our intention is not to create a conventional drinking establishment (i.e. in the same vein as a pub or bar). We intend to stock fine wines and craft beers in an off-sales capacity with the emphasis being on niche, high quality products. This will be the unique selling point of the business and there is no intention to stock or sell 'all alcohol'. Furthermore, the primary business of the premises will continue to be as a café and bakery.

The on-sales aspect will be driven by specific events e.g. wine tastings, baby showers, and food-driven daily sales which compliment current activity e.g. cream teas with a glass of prosecco. It is not, and has never been, our intention to focus on extensive on-site alcohol consumption.

Due to the size restrictions and intended nature of alcohol sales, the proposed functions will be marketed to a discerning and mature local audience. The small capacity of the premises also allows for greater control over the on-site patrons. We believe this further mitigates the risk of public nuisance and disorder.

The premises does in fact have WC facilities to the rear and the smoking policy is, and will continue to be, compliant with the Health Act 2006.

The café itself is currently dressed, decorated and marketed in a very elegant and tasteful manner. Our intention is to conduct all proposed alcohol sales in that same manner.

I, as the proposed DPS, am a former police officer with extensive experience and training in public disorder. I have risk assessed the venture and believe it to be of low risk. I will be at the forefront of all licensed activity and ensure that it is conducted in a safe and responsible manner.

## 2) Local Residents/Community

We have conducted five wine evenings in the venue since July which we have advertised through local leafletting and social media. They have been met with incredibly positive feedback from the attendees, many of whom are nearby residents. We have also been approached by local residents who have been unable to attend but have expressed interest in future events and our plans surrounding this application. We have received not a single complaint in relation to noise, litter or anti-social behaviour and the evenings have proceeded in a friendly, community-spirited manner.

Since taking it on, the premises owner has transformed the venue into a well thought of and cherished local business. She is among a small number of independent business owners whose investment in the area contributes to the diversity and regeneration of Boxmoor village.

I am a local resident with a young family living on St John's Road. The safety and well-being of my family and the local community are therefore of personal interest to me. In light of this, I would discourage any activity which would create a negative impact on the local community. I believe that the proposed activity would have the opposite effect – it will enhance an already successful and upmarket business in Boxmoor and encourage further investment and interest in the local community.

**However, in light of the concerns you have expressed, we propose the following amendment to our proposed alcohol sales timings:**

**Mon: 1000-1800**

**Tue: 1000-1800**

**Wed: 1000-1800**

**Thu: 1000-1800**

**Fri: 1000-2300**

**Sat: 1000-2300**

**Sun: 1200-1800**

**This amendment reflects our intended use i.e. that evening events are not proposed to be a nightly function. We do however wish to seek approval for extended opening hours on the 'special days' outlined in our application.**

## 3) Protection of Children

As stated in our application, we will adopt a Challenge 21 policy to prevent underage sales. As our intention is to sell fine/niche alcohol, it will be priced higher than that found in a conventional off-licence which will also provide deterrence.

You have expressed concern that children will be at risk when coming home from nursery or primary school. We believe that the type of alcohol, small venue capacity and primary daily

function of being a café mitigate this. The venue will be suitably staffed at all times and the nature of the business discourages the type of drinking that would create such risks. Cheap alcohol bought from the local convenience store and consumed on the moor strikes us as the greater risk.

#### 4) Competition

Your letter highlights the other businesses selling alcohol in or nearby the village and questions whether there is 'need for another'. I hope that the above has demonstrated that we intend to conduct a different kind of alcohol supply to those already present. Furthermore I note that, according to the 2014 Guidance on the Licensing Act 2003, 'competition' is not a relevant representation.

In relation to issues of public nuisance, we intend for this business to provide a local service and can foresee no additional onus on local parking. The owner is also highly meticulous in her upkeep and cleanliness, we are therefore certain that additional litter would not be an issue and that the high standards of the existing business are maintained.

In conclusion: we believe that the nature of our proposed business; the positive local feedback we have received in relation to it; and the measures we have set forth to ensure that the Licensing Objectives are promoted, indicate that all reasonable steps have been taken to ensure that this proposed activity would be of benefit to the local community.

We would ask that you consider the above points and the proposed amendment to our intended sale hours. We subsequently welcome your feedback and, if necessary, the consideration of this application at the Licensing Authority's public hearing.

Yours faithfully,

Alexandre Habachi

### Annex C3: Response to applicant's letter of negotiation

HEMEL HEMPSTEAD,  
Hertfordshire.

17<sup>th</sup> November 2016

Dear Sir/Madam,

Re Premises Licence Application for Ration Book Bakery ref. M041740

Thank you for your letter dated 16<sup>th</sup> November 2016 in relation to the above application.

Can I make it clear that I am not opposed to the promotion of any new business that would enhance the Community and promote the investment in the village. I am not a Puritan and quite enjoy a 'good wine' myself. Neither am I a Nimby.

If this new business were in any other empty building in the village or indeed the shop next door I would perhaps have a different view.

The Premises.

It is my view that the premises are too small for this type of establishment. They are just not suitable. The main 'drinking area' would be outside. Right next to the public highway. So small in fact it is inevitable there will be overspill onto the highway. There being no way to stop it. I feel there would be noise and a Public Nuisance.

What is the maximum capacity? I do not see that mentioned.

Whilst the applicant's intention is not to create a conventional drinking establishment. In reality the application is for an Alcohol Licence. I believe that means the sale of any alcohol. I do not believe the Authority is able to include restrictions on what constitutes 'Craft Beer' or 'Fine Wine'. Or indeed what price they are sold at.

So whatever the 'intention' is the licence will be for the sale of all alcohol.

I do not doubt the applicant's original good intentions but business pressure can cause change so swiftly. The purpose of a business is to make money. If one thing doesn't work it has to change.

If the on-sales are to be 'driven by specific events' why is it necessary for a licence every Friday and Saturday until 2300 hours?

The applicant proposes that the functions will be marketed to a 'discerning and mature local audience'. In reality I do not see how that is achieved. What does 'local' mean? Customers will come from anywhere it cannot be controlled. Outside noise and overspill cannot be controlled despite the size. Any business would succumb to market forces. The idea of 'all the neighbours coming for cake and prosecco' is not believable.

I do not know the requirements of the Health Act 2006, regarding smoking. What I do see on a daily basis is customers smoking outside at the table. This is under the canopy and inside three walls within the proposed outside 'drinking area'. I do not know if this is legal. If not smoking would have to be on the public highway. This would be a Public Nuisance.

I note the proposed DPS is former Police Officer, with experience. I note that he has performed a 'risk assessment'. As he has mentioned this in his application I wonder if it is possible to see a copy of this 'risk assessment'. In addition what are his qualifications to carry out such a report, apart from being a former Police Officer?

#### Local Residents/Community

I note the applicant has had five wine evenings since July, without any concern or complaint. I live locally and did not receive any 'leaflets'. I do not know of anyone who attended. I am unable to make any further comment.

I am encouraged that the applicant lives in St John's Road and has the wellbeing of the community at heart. How long has he been there? How long will he stay? I ask this as whilst the present intention is to 'discourage any activity which would create a negative impact on the local community'. I believe noise outside on the highway at 2300/2400 hours would create a negative impact on the local community. Business patterns, pressures and requirements change, people move on. How will it be maintained? If the licence is granted what will be the control and how will it be enforced?

I feel that the proposed activity at these particular premises will not enhance further interest and investment in Boxmoor. Drinking outside in the street will cause public nuisance and have a negative effect.  
Just where are the 'successful and upmarket businesses that are referred to?

I am sure a similar business in another suitable building would be successful and unopposed. It is just that these premises are not suitable for the type of business proposed. The grant of a Licence is not appropriate.

You are probably aware quite recently a similar project, albeit with BYO alcohol, was attempted at what is now Castles Estate Agents in St John's Road. Perhaps a more appropriate premises than this one. The problem? Customers standing out in the street smoking and drinking. Causing a public nuisance and obstruction of

the highway. Many complaints were made and the premises ceased to trade. I see similarities.

I am aware that according to the 2014 Guidance on the Licensing Act 2003 'competition' is not a relevant representation. However I mention the previous establishment as an example of what concerns me for these premises.

The amendment to proposed alcohol sales timings states that it reflects the intended use not being a nightly function. However it appears to me that they are regular if not nightly. In that every Friday and Saturday sales are still to 2300 hours. With drinking up etc. that will be 2400 hours. Outside drinking close to the public highway will inevitably mean a Public Nuisance. Obviously on the two busiest nights of the week.

#### Protection of Children

A small venue capacity café serving cake and coffee is fine when children are passing close by on the public pavement. It is even appropriate for children to sit in the café. However seeing adults drinking/intoxicated so close to the pavement is not acceptable. Cream cake and prosecco is fine but in reality one leads to another etc.

This will be virtually on the public highway. I cannot see how the risk to children is mitigated.

Business is business and demand will drive it.

The statement that 'Cheap alcohol bought from the local convenience store and consumed on the moor strikes us as the greater risk' has no value. There is no evidence that this is the source of under age sales. There have been no prosecutions or convictions. Local people know. The owner of the local store/off licence would be appalled at the accusation. This is just a 'Smoke Screen'.

#### 4) Competition

Thank you for directing me to the 2014 Guidance on the Licensing Act 2003. Therefore I will not comment further on 'competition'.

Regarding parking which is already quite an issue. As you will be aware it is so bad a 'Residents Parking Zone' is proposed and is in consultation. A survey within that consultation highlights parking problems associated with a licensed premises. This application will make matters worse. I already experience parking difficulties and obstruction of the highway. As I write vehicles are parked opposite the premises blocking the pavement. A local disabled lady has had to walk into the road to pass.

To say the intention of the business is 'to provide a local service and foresee no additional onus on local parking' is a flight of fancy. Despite the good intention nobody can restrict where the customers come from, local, passing or otherwise. Daily I see vehicles illegally parked outside the café. Causing a Public Nuisance. This will only increase.

I do not believe the measures ensure the Licensing Objectives are promoted. I do not see any benefit to the local community in general.

My view is that the premises are inadequate and not suitable to be used for the purpose. They are too small. The main licensed area would be outside almost on the public highway. This would lead to extra noise and overspill with drinking and smoking on the public highway. Being open until nearly 2400 hours in a residential area would be a problem with noise. These would cause a Public Nuisance and a Risk to Children. In addition parking would cause further Public Nuisance.

I look forward to your reply and the attendance at any meeting required.

Yours faithfully

## **Local Policy consideration**

### 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.

10.8. 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.

### 11. Licence Conditions

1.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

## **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 safety

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

2.8 The measures that are appropriate to promote public safety will vary between premises and applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### Safe capacities

2.11 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence.

### 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.

### Determination of applications

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.

### 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.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

## APPENDIX B

<b>Applicants name</b>	Michael Ward, Hertfordshire Constabulary
<b>Premises licence-holder</b>	Mr Vijayakaran Mahalingam
<b>Name and address of premises</b>	The Little Convenience Store, 62 Western Road, Tring Hertfordshire HP23 4BB
<b>Ward</b>	Tring West and Rural

### 1. Current Licence

1.1 The premises is subject to a premises licence, number DAC 030163. The licence was initially granted on 14<sup>th</sup> June 2012. The current licence holder was initially managing the premises only, but transferred the premises licence into his name on 3<sup>rd</sup> May 2016, following a visit to the premises by Hertfordshire Constabulary in April 2016. (See Annex B4).

1.2 The premises licence authorises the following licensable activities:

Sale by retail of alcohol

For consumption off the premises

Monday to Saturday	07.00 to 23.00 hours
Sundays	08.00 to 23.00 hours

A copy of the premises licence is set out at Annex A.

### 2. Application

2.1 An application for review of this premises licence was received by the licensing authority on 19<sup>th</sup> October 2016, citing grounds under the prevention of crime and disorder and protection of children from harm objectives, namely that sales of alcohol had been made to underage persons at the premises. The review application and supporting documentation received from the applicant is attached at Annexes B1 to B6.

2.2 Copies of the review application were served by the applicant on the licence-holder and responsible authorities on the same day.

2.3 Officers ensured that public notice of the application was displayed at or near the premises, at the Council's offices and on the Council's website, in accordance with the relevant regulations, for a period of 28 days from the day after the application was received.

### 3. Details of Representations

3.1 No further representations have been received in respect of this application.

**4. Observations**

- 4.1 A map of the area in which the premises is situated is included at Annex C.
- 4.2 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex D



Licensing Act 2003  
**Premises Licence**

Premises Licence Number:

**DAC 030163**

Version reference:

**041741**

Date issued:

**18 October 2016**

**Part 1 – Premises Details**

**Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description**

Little Convenience Store  
 62 Western Road  
 Tring  
 Hertfordshire  
 HP23 4BB

---

**Telephone number**                      01442 823591

**Where the licence is time limited the dates**

Not applicable  
 to

**Licensable activities authorised by the licence**

Sale by retail of alcohol

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

**Sale by retail of alcohol**  
 For consumption off the premises

Mondays	07.00 hours until 23.00 hours
Tuesdays	07.00 hours until 23.00 hours
Wednesdays	07.00 hours until 23.00 hours
Thursdays	07.00 hours until 23.00 hours
Fridays	07.00 hours until 23.00 hours
Saturdays	07.00 hours until 23.00 hours
Sundays	08.00 hours until 23.00 hours

**The opening hours of the premises**

Mondays	07.00 hours until 23.00 hours
Tuesdays	07.00 hours until 23.00 hours
Wednesdays	07.00 hours until 23.00 hours
Thursdays	07.00 hours until 23.00 hours
Fridays	07.00 hours until 23.00 hours
Saturdays	07.00 hours until 23.00 hours
Sundays	08.00 hours until 23.00 hours

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol OFF sales only



## **Annex 1: Mandatory Conditions**

### **Condition A1.**

No supply of alcohol may be made under this licence:

- a) At a time when there is no designated premises supervisor in respect of the premises licence; or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

### **Condition A2.**

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

### **Condition A4.**

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

### **Condition A7.**

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2: Conditions consistent with the Operating Schedule**

### **GENERAL STATEMENT OF LICENSING OBJECTIVES**

Staff shall undertake training and refresher training on a regular basis.

All outside and inside lights shall be checked regularly.

Vigilance shall be used in preventing drug problems and violent and anti-social behaviour at the premises.

No alcohol shall be sold to anyone that appears to already be heavily intoxicated.

The licence holder shall also hold a SIA door supervisor badge.

### **THE PREVENTION OF CRIME AND DISORDER**

CCTV cameras and lighting shall be installed both inside and outside the premises to reduce crime.

CCTV shall be maintained in a good working order.

### **PUBLIC SAFETY**

The exterior of the premises shall be illuminated to promote customer safety.

A first aid kit shall be available.

### **THE PREVENTION OF PUBLIC NUISANCE**

"Shop Watch" signs shall be displayed.

### **THE PROTECTION OF CHILDREN FROM HARM**

There shall be a "No ID no sale" policy and Challenge 25 shall operate at the premises.

The premises licence holder will ask for identification from everyone who appears to be under 21 to prove they are 18 years of age, prior to sale of alcohol.

#### **Proof of Age:**

- Passport with photograph
- A photo driving licence
- A proof of age card with holders photograph complying with the PASS approved identification scheme bearing the PASS hologram.

A refusal book shall be located on site and staff shall be required to complete it when sales are refused to anyone that is under 18 years of age, or anyone who fails to provide evidence of their age.

All staff shall be trained on how to maintain the refusal book and a written record will be kept of all staff training. The Designated Premises Supervisor will check, sign and date it regularly and the contents of the refusal book shall be available to any visiting enforcement officer on request.

A till prompt shall be used to remind staff to check ID when a buyer selects alcohol products.

Every effort shall be made to prevent the sale of alcohol to anyone that is purchasing alcohol on behalf of persons under the age of 18 years.

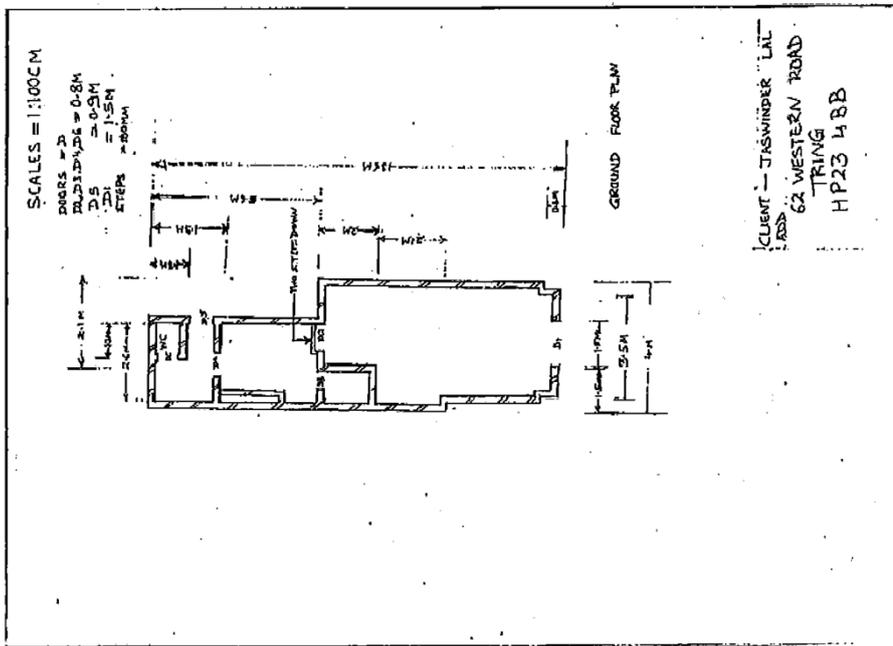
Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

Anyone that is intoxicated or who are known to cause anti-social behaviour when under the influence of alcohol shall not be served and will be asked to leave the premises. An entry shall then be made in the refusal book for future reference.

**Annex 3: Conditions attached after a hearing by the licensing authority**

N/A

Annex 4: Plans



Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

## Annex B1: Review Application

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



Revised April 2012

### Application for the review of a premises licence or club premises certificate 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 Michael Ward

*(insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below. *(delete as applicable)***

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
The Little Convenience Store (Formally Costcutters) 62, Western Road,			
<b>Post town</b>	Tring	<b>Post code <i>(if known)</i></b>	HP23 4BB
<b>Name of premises licence holder or club holding club premises certificate <i>(if known)</i></b>			
Vijayakaren MAHALINGHAM			
<b>Number of premises licence or club premises certificate <i>(if known)</i></b>			

**Part 2 – Applicant Details**

- I am *Please tick ✓/yes*
- 1) an individual, body or business which is not a responsible authority   
*(please read guidance note 1, and complete (A) or (B) below)*
  - 2) a responsible authority *(please complete (C) below)*
  - 3) a member of the club to which this application relates *(please complete (A) below)*

(A) DETAILS OF INDIVIDUAL APPLICANT (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"/> Please tick ✓ yes	
Current postal address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			

(B) DETAILS OF OTHER APPLICANT

Name	
Address	
Telephone number (if any)	
Email address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	M.J.WARD 7558
Address	c/o Hertfordshire Constabulary Hemel Hempstead police station Community Safety Unit Coombe Street, Hemel Hempstead Herts
Telephone number (if any)	01442 271601
Email address (optional)	michael.ward2@herts.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

Please see the attached documentation.

1. Letter addressed to Vijayakaren Mahalingham dated 4<sup>th</sup> April 2016
2. Statement of [REDACTED]
3. Statement of [REDACTED]
4. Statement of [REDACTED]
5. Statement of Michael WARD
6. Interview record of Vijayakaren MAHALINGHAM

Please provide as much information as possible to support the application  
(please read guidance note 3)

On 19th March 2016 a report was received by police of under-age sales of alcohol at 62, Western Road (Formally named Costcutters)

The premises were visited by Dacorum Borough Council Licensing Enforcement Officers and myself on 23/3/16 & 1/4/16 and various issues relating to requirements under the Licensing Act 2003 were identified.

An action plan was put into place to ensure such reports would not be received again. (See attached letter, dated 4/4/16, addressed to Vijaykaren MAHALINGHAM & statement of M.WARD )

On 11/9/16 police were again informed of under-age sales at the premises resulting in a 16 year old male collapsing and requiring emergency medical care (See attached statements [REDACTED] / [REDACTED]. Also see interview record of Vijaykaren MAHALINGHAM & statement M.J.WARD)

On 3/10/16 Mr Rameshkumar RAJAYAGAM was reported for selling alcohol to person(s) under the age of 18 years and issued with a Fixed Penalty Notice.

Please use additional pages if needed

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day			Month			Year		
1	1	1	1	1	1	1	1	1

<b>If you have made representations before relating to the premises please state what they were and when you made them</b>

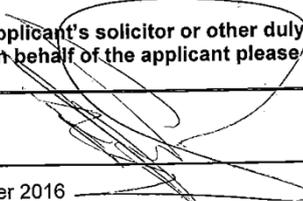
Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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**

**Part 3 – Signatures** (please read guidance note 4)

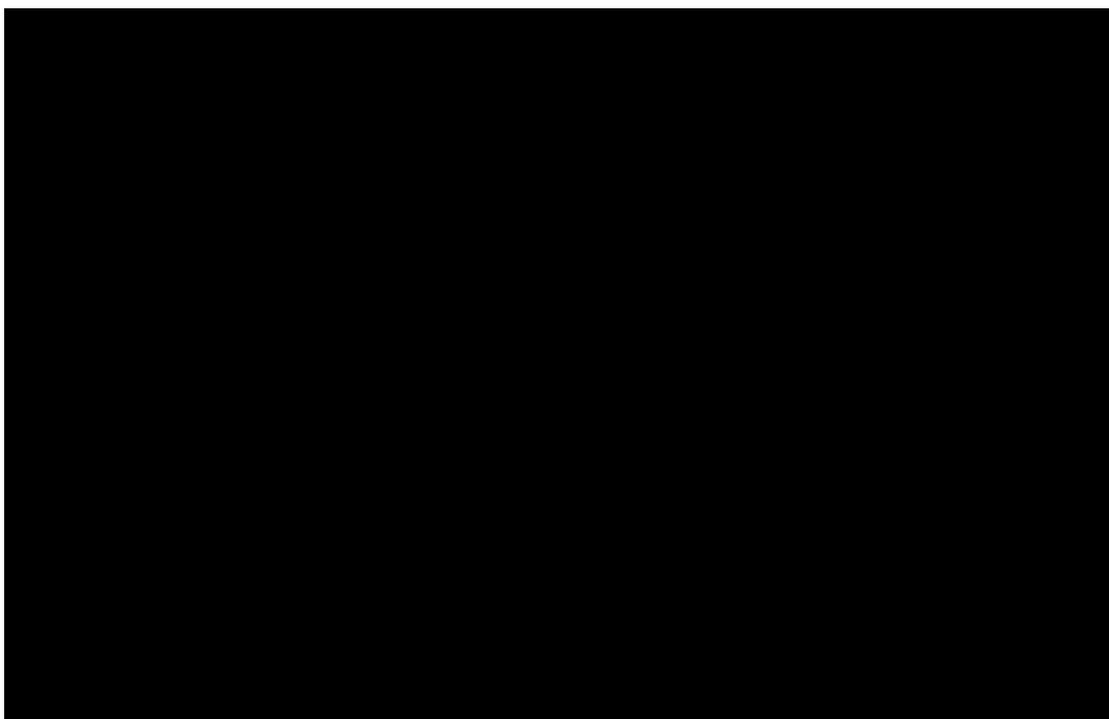
**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	19 <sup>th</sup> October 2016
Capacity	Police Licensing Investigator

**Contact name (where not previously given) and postal address for correspondence associated with this application.** (please read guidance note 6)

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

**Annex B2: Representation form**



To prevent crime and disorder	X	Please see the attached documentation referred to below
Public safety		
To prevent public nuisance		
To protect children from harm	X	On 19 <sup>th</sup> March 2016 a report was received by police of under-age sales of alcohol. The premises were visited on 23/3/16 & 1/4/16 and various issues were identified. An action plan was put into place to ensure such reports would not be received again. (See attached letter, dated 4/4/16, addressed to Vijaykaren MAHALINGHAM & statement of M.WARD) On 11/9/16 police were informed of under-age sales at the premises resulting in a 16 year old male collapsing and requiring emergency medical care, (See attached statements [REDACTED] [REDACTED]) [REDACTED] Also see interview record of Vijaykaren MAHALINGHAM & statement M.J.WARD) On 3/10/16 Mr Rameshkumar RAJAYAGAM was reported for selling alcohol to person(s) under the age of 18 years and issued with a Fixed Penalty Notice.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	1. A Personal Licence holder must be on the premises during hours of trading.
	2. Every sale or supply of alcohol under the premises licence must be made or authorised by a personal licence holder
	3. The DPS will attend the premises on a minimum of two occasions per week to maintain a robust management of staff and to ensure that the Licensing Objectives are strictly adhered to.

	<p>Each visit to be recorded in the Refusals Log by way of a timed &amp; dated signature.</p> <p>4. The Premises Licence Holder shall ensure that an Age Verification Policy applies to the premises in relation to the sale or supply of alcohol.</p> <p>5. The policy referred to above must require individuals, who appear to the responsible person to be under 18 years of age (Or such older age as may be specified) to produce, on request, and, before being served alcohol, identification bearing their photograph and date of birth.</p> <p>6. A "Challenge 25" scheme is to be in place and notices of this prominently displayed within the store.</p> <p>7. All staff shall be trained in relation to under-age related sales of alcohol.</p> <p>8. A record of alcohol related training of staff shall be maintained and updated accordingly.</p> <p>9. All sales or supply of alcohol will be made using only an electronic till. The till will prompt when alcohol is scanned to remind staff to check the age of the purchaser.</p> <p>10. "Age Refusals Register". A refusals book will be kept to record where sales of alcohol are challenged or refused. The register will be examined weekly by the DPS who will endorse the document accordingly.</p> <p>11. All staff shall be fully conversant in the English language</p> <p>12. The premises shall operate a digital CCTV system that covers all areas where beers, wines and spirits are displayed together with the service counter. Images shall be retained for a minimum of 31 days and made available, on request, by police or relevant authority officers</p> <p>13. All staff shall be proficient in the operation of the CCTV system and be able to produce downloaded images on request of police or relevant authority officers. relevant authority</p> <p>14. Mr RAJAYAGAM will not be permitted to sell alcohol or tobacco at any time during trading hours.</p>
--	--

Signed: M.J.Ward

Date: 17<sup>th</sup> October 2016

**Annex B3: Witness statement of M Ward**

RESTRICTED (when complete)

MG11

**Witness Statement**

Page 1 of 1

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Statement of: **Michael John WARD**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Licensing Investigator**

This statement (consisting of .....3..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **M.J.Ward** Date: **04/10/2016**

States,

I am employed by Hertfordshire Constabulary as a Licensing Investigator within the Community Safety Unit at Hemel Hempstead. I have a responsibility for all licenced premises, including late night refreshment houses, bookmakers and adult gaming premises within the Dacorum police district.

I hold the Institute of Licensing National Certificate for Licensing Practitioners and my role is to investigate all aspects of licensing relevant to The Licensing Act 2003 and includes the monitoring of all applications submitted by Premises Licence Holders, Personal Licence Holders and Designated Premises Supervisors.

This statement relates to my investigation into the activities of a small supermarket and off-licence currently known as 62, Western Road, Tring.

The current owner and Designated Premises Supervisor (DPS) is Mr Vijayakaran MAHALINGAM. He also owns other similar premises in Apsley and St Albans and holds a Personal Licence issued by Waltham Forest Licensing Authority.

My initial dealings with Mr MAHALINGAM, his staff and the Western Road shop dates back to 19<sup>th</sup> March 2016, when at 5.26pm a member of the public contacted police stating that he had witnessed six females, whom he believed were under 18 years of age, purchasing alcohol.

As a result of that report, at approximately 1pm on 23<sup>rd</sup> March 2016 I attended the premises, with the intention of gathering evidence to support the allegations made and to identify any other issues that may be relevant to the Licensing Act 2003. On arrival I met with the sole member of staff who I now know to be Mr Rameshkumar RAJAYAGAM. Despite producing my identification and explaining who I was and the reason for my visit, it was obvious that Mr RAJAYAGAM struggled to understand the English language. Eventually I was able to establish that Mr MAHALINGAM was away, possibly at the cash and carry.

I then asked Mr RAJAYAGAM if he was able to operate the shop's CCTV to produce images of the incident referred to. Again it was obvious that I was not understood but I was able to ascertain that he did not know how to use the system. As a result I was not able to view any evidence relating to the incident on 19<sup>th</sup> March.

Signature: \_\_\_\_\_ Signature Witnessed by: **N/A**

04/2013

RESTRICTED (when complete)

Witness Statement

Continuation of Statement of Michael John WARD

I then asked for Mr RAJAYAGAM if he could produce the shops refusal of alcohol and tobacco log. He did find the document but upon inspection I noted that the last entry was on 29<sup>th</sup> May 2015.

As a result of this visit there were issues that needed to be addressed immediately and as a result I subsequently contacted Mr MAHALINGAM and arranged to meet him to discuss matters.

On Friday 1<sup>st</sup> April 2016, that meeting took place at the premises where we discussed, at length, the issues highlighted. Mr MAHALINGAM informed me that he had been managing the shop, on behalf of the then owner, Mr LAL, since November 2015, and was going through the process of taking ownership of the premises. He stated that Mr RAJAYAGAM was his brother-in-law and had been employed by him on a permanent basis. I pointed out that because he could not converse in English he could not be on the premises on his own. It was agreed that he would always be accompanied by either his wife, who also worked on the premises, or Mr MAHALINGHAM himself. It was also agreed that Mr MAHALINGAM would ensure that Mr RAJAYAGAM would undergo an English language course if he is to be responsible for the shop on his own. It was further agreed that there was a need to have staff attend a nationally recognised course to obtain their personal licence.

We discussed the fact that Mr RAJAYAGAM was unable to operate the shops CCTV system and I asked that images be downloaded from the system dating back to 19<sup>th</sup> March 2016. I was informed that the system was not operating due to a fault and as such there were no images available. Mr MAHALINGAM was advised that it was a condition on the Premises Licence that the CCTV system has to be operative and images available at all times on demand by any relevant authority. It was agreed that the system be repaired immediately and all staff be trained in the operation of the system.

I highlighted the refusals log and the fact that there had been no entry in the document since May 2015. That together with the allegations of under-age sales was a breach of the act and suggested that such sales may have been taking place, either with, or without, his knowledge. It was agreed that all staff employed by him would undergo an initial in-depth training course followed by regular update training on the sale of alcohol and responsibilities, the licensing objectives and amendments to the Licensing Act 2003. A record of that training would be maintained. It was also agreed that Mr MAHALINGHAM would ensure that the refusals log be used and that he would inspect and sign the document on a weekly basis, thus ensuring that customers are being challenged if they appear underage.

I established that Mr MAHALINGAM was now the owner of the shop, however, the Premises Licence did not reflect the new name and DPS, therefore, it was agreed that a minor variation to the licence be submitted immediately to have the details updated.

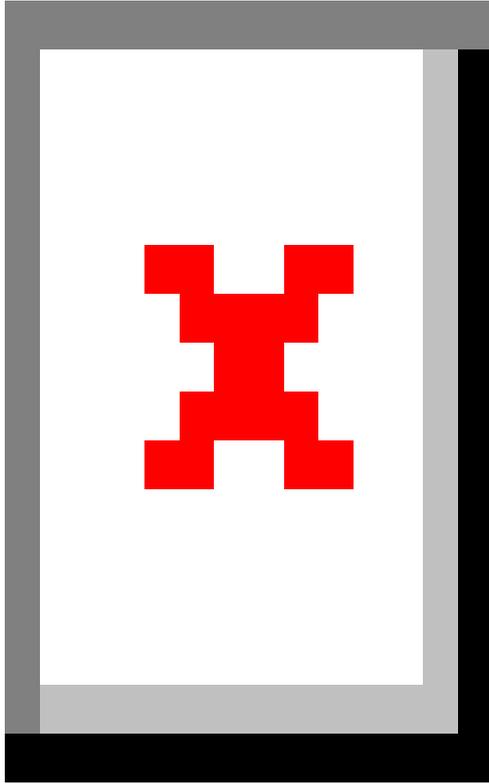
Finally, Mr MAHALINGAM was advised to display his Age Verification Policy as required under the Licensing Act amendment of October 2015.

I subsequently sent a letter to Mr MAHALINGAM detailing the matters discussed and the necessary actions required to be undertaken. I produce a copy of that letter as my exhibit MJW/1.

Signature:

Signature Witnessed by: N/A

04/2013



Annex B4 Letter to V Mahalingham dated 4<sup>th</sup> April 2016



HERTFORDSHIRE  
CONSTABULARY

Mr V.MALINGMAHALINGHAM  
c/o 62, Western Road,  
TRING  
Herts  
HP23 4BB

Date: 4<sup>th</sup> April 2016  
Our Ref: J.S.BROTHERS/0615/19032016  
Your Ref:  
Contact: Mike Ward 7558  
Tel.No: 01442 271601  
Email: Michael.ward2@herts.pnn.police.uk

Dear Vijay

**Licensing Act 2003**  
**Premises: 62, Western Road, Tring, Herts HP23 4BB**

I write to confirm the points discussed at our meeting on 1<sup>st</sup> April 2016. This meeting was arranged to discuss concerns regarding the running of the premises and, in-particular, with regards to a report made to police of alcohol being sold to persons under the age of 18 years.

On 19<sup>th</sup> March 2016, police received information from a concerned member of the public who had witnessed six girls purchasing bottles of alcohol from the premises. The information suggested that the girls were only aged 13-14 years and although, they showed the member of staff something, the sale still went ahead.

I am employed by Hertfordshire Constabulary to investigate breaches and offences relating to the Licensing Act 2003. Any investigation conducted by me can lead to the prosecution of the Designated Premises Supervisor and any staff involved in any offence. It could lead to the police making representations at a formal hearing of the Licensing Committee for Dacorum Borough Council which could result in the revocation or suspension of any personal licences or premises licence thus preventing the sale of alcohol.

As a result of the information referred to, on 23<sup>rd</sup> March 2016 I attended the shop with the intention of gathering evidence to support the allegations made and to identify any other issues that may be relevant to the Licensing Act 2003. The following issues were identified.

- **Language Barrier:** On arrival I found that there was only one male serving and it was very obvious that the gentleman struggled to understand the English language. Despite me producing my identification and trying to explain who I was and the reason for my visit he was unable to assist. When asked, he did not understand what was being asked who the Designated Premises Supervisor was. Eventually I was able to establish that you were responsible for the premises, however, he did not know where you were but believed you were at the cash and carry. This gentleman obviously had no knowledge of the Licensing Act 2003 or his responsibilities under that legislation.
- **Premises Licence:** Displayed at the front of the premises was the front page of a Premises Licence for a premises named J.S.BROTHERS. My records show that the premises were, in fact, a 'Costcutters' franchise and the DPS is a Jaswinder LAL..

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Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 1HL



HERTFORDSHIRE  
CONSTABULARY

- **CCTV:** I found that this was not operative, I was able to establish that the gentleman referred to did not know how the system operated and had no knowledge of how to download images.
- **Age verification policy:** Although there were a number of notices, around the premises, referring to the sale of alcohol and tobacco to over 18's and signage referring to 'Challenge 21', there was no current age verification policy (Licensing Act 2003 (Amendment) Mandatory Condition October 2014) document displayed at all.
- **Refusal Log:** Having found this document, it showed that the last sale of alcohol or tobacco to be refused was on **29/5/2015**.

Because of the issues highlighted, together with the initial allegations of under-age alcohol sales there was a need to speak with someone responsible for the premises. As a result I ended up speaking with you on the telephone. You informed me that you were due to be the owner of the shop and you were waiting for Mr LAL to complete the transfer of the Premises Licence and for you to become the DPS. You were able to put me in touch with Mr LAL who stated that he was leaving the country for a week and that the shop was no longer his responsibility, he having forwarded the relevant form to Dacorum Borough Council in November 2015.

As a result of this conversation you and I agreed to meet on 23<sup>rd</sup> March, together with Mr LAL to deal with all of the problems identified.

On Friday 1<sup>st</sup> April we met at the premises but Mr LAL was not present. We were joined by Mr Richard MABBITT a Licensing Enforcement Officer with Dacorum Borough Council. We discussed all of the issues highlighted including the fact that Mr LAL had **never** notified the Licensing Department of any variations to the premises licence including him no longer being the DPS for the shop. There are no records showing any form of payment to Dacorum Borough Council for the transfer of the premises licence. In fact, when I spoke to him on the telephone he was adamant that he did forward the transfer application form in December 2015 but had no idea of how the payment was made. (Payment can only be completed by credit/debit card or cheque).

You informed me that you were in the process of arranging for staff to attend a licensing course and had rectified the problems with CCTV system, which was operating.

Finally, it was pointed out to you that the sale of alcohol to minors was a very serious offence that could result in substantial financial penalties and the loss or suspension of personal and premises licences. Because you were unable to produce CCTV footage that may challenge any allegations of under-age sales of alcohol and because the refusal log had not been used for over a year, it would suggest that either you, Mr LAL and any staff are not showing that you are acting with due diligence to prevent such sales and that the allegations may be correct.

Therefore, the following action plan, effective immediately, was agreed to ensure that the premises returns to being managed correctly with an emphasis on maintaining the licensing objectives and preventing further reports to police.

Creating a Safer Hertfordshire ~ [www.herts.police.uk](http://www.herts.police.uk)

Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 1HL



HERTFORDSHIRE

CONSTABULARY

- You will ensure that all relevant documentation, in relation to the transfer of the premises licence be completed and forwarded to Dacorum Borough Council Licensing Department within 7 working days (8/4/16). This will also include documentation required from Mr LAL together with the necessary payment. It is important that the name of the premises on the licence is changed to reflect the new ownership.
- You will forward all documentation relating to your application to become the DPS of the premises within 7 working days (8/4/16).
- You will ensure that there is always someone on the premises, during opening hours, who is fully conversant in the English language.
- You will ensure that all staff be given regular training in relation to the Licensing Act 2003. This will ensure that they are aware of their responsibilities in relation to the sale of alcohol and supporting the licensing objectives.
- You will ensure that the CCTV system is in a working condition with the ability to retain 31 days of data. There should always be a member of staff available to download images on request of any relevant authority.
- You will ensure that a refusal of sales log is maintained by all staff, thus ensuring that when proof of age cannot be given a record will be available.
- You will ensure that your 'Age Verification Policy' is clearly displayed.

If you wish to discuss the contents of this letter or you require help or advice on any licensing matters, please, do not hesitate to contact me either by telephone or email.

Yours sincerely

Mike Ward 7558  
Licensing Investigator

Creating a Safer Hertfordshire ~ [www.herts.police.uk](http://www.herts.police.uk)

Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 3HL

**Annex B5: Record of Interview**

RESTRICTED (when complete)

MG15

**RECORD OF INTERVIEW**

URN 

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Person Interviewed: <b>Vijayakaren MAHALINGHAM</b> Place of Interview: <b>62, Western Road, Tring</b>  Date of Interview: <b>14/9/16</b>  Time commenced: <b>12:39pm</b>  Interviewing Officer(s): <b>7558 M.WARD</b>	Police Exhibit No <b>MJW/2</b>  signature of interviewer producing exhibit <b>M.J.Ward</b>
Time concluded: <b>13.45</b>	Duration of Interview: <b>66 mins</b>
Other persons present:	

Tape counter times	Person speaking	Text
12.39	WARD	Introductions & caution Mr MAHALINGHAM handed to me a signed letter addressed to Mr Rameshkumar.
	VIJAY	I have seen the CCTV and as a result I have suspended Ramesh until this investigation has finished.
	WARD	There are obviously things we need to discuss, are you happy for me to address you as Vijay.
	VIJAY	Yes
	WARD	When did you actually take the shop on
	VIJAY	I was managing it from November 2015. It was owned by Jaswinder LAL but he was mainly away and so I was running things. After your visit on 1 <sup>st</sup> April I applied to transfer the Premises Licence to me. Within two weeks I received a Premises.Licence in my name.
	WARD	How do you know Ramesh
	VIJAY	He is my Brother-in-Law

Signature(s).....

04/2013

RESTRICTED (when complete)

Person Interviewed: \_\_\_\_\_

WARD

VIJAY When did you first employ him

WARD On 1<sup>st</sup> December 2015

VIJAY What is his full name

WARD Rameshkumar RAJAYAGAM

VIJAY What is Ramesh's retail background

Him and his Wife worked in Tesco, he was a Shop Floor Assistant and did that for 6-7 years. His Wife was a cashier, they both worked in Hampstead, London but because he was related I gave them both a place to live, the flat upstairs. His Wife was pregnant and has now had her baby, it's 46 days old.

WARD

VIJAY So was Ramesh left in the shop alone

WARD Yes, but I was coming to the shop once a week on various days. I also do the shopping for stock at the cash and carry.

VIJAY Was Ramesh's Wife working in the shop

WARD She was helping but because she was expecting a baby she didn't do much

VIJAY Even though Ramesh is your Brother-in-Law, when you first employed him, were you confident he could manage things. Certainly with regards to alcohol sales.

WARD Yes, he had worked in an environment selling alcohol and cigarettes and I was confident he could deal with sales.

VIJAY From our previous meeting in April, you stated that you were going to send Ramesh on a course to get his Personal Licence. Has he done that course.

WARD No

VIJAY Why not

WARD Because his language is poor

VIJAY What about his Wife

WARD No, she had her baby and it was too much for her to do a course.

What training have you done to ensure that Ramesh fully understands his obligations under the Licensing Act.

Person Interviewed: \_\_\_\_\_

VIJAY I took a training package from the internet. It was produced by Milton Keynes Trading Standards.

WARD Has Ramesh completed that training

VIJAY Yes

Mr MAHALINGHAM produced a certificate confirming the training had been completed.

WARD Did you train Ramesh

VIJAY Yes

WARD If his English is poor did you do this training in his native tongue

VIJAY No both in his language and English

WARD Was your last training session back on 25<sup>th</sup> April

VIJAY Yes

WARD And you haven't done anything else since

VIJAY No

7558 showed Mr MAHALINGHAM a copy of a letter sent to him dated 4<sup>th</sup> April 2016

WARD During our meeting on 1<sup>st</sup> April you were informed of an incident on 19<sup>th</sup> March 2016, where a witness watched six under-age girls purchase alcohol from this shop. Ramesh was working on that occasion as well. Do you remember that incident.

VIJAY Yes

WARD It was highlighted that Ramesh struggled with the English language and we agreed that you would ensure that when he was working there would be someone with him who could speak fluent English. You agreed that person would be his Wife.

VIJAY She couldn't cope because of the baby.

WARD So Ramesh has been in the shop on his own

VIJAY Yes

WARD Because your CCTV wasn't working, the incident on 19<sup>th</sup> March was not recorded. You agreed that it should be in good working order and that staff should know how to operate it. When I asked him for the footage of this latest incident he had to phone you. Does he know how to operate the system.

VIJAY Yes but it was locked and he had to phone me to get it unlocked using a different password.

Person Interviewed:

WARD Ramesh showed me your alcohol refusal of sales log, which was previously an issue. Was Ramesh the person filling it in.

VIJAY No, I've filled it in so has Ramesh's Wife.

WARD This latest incident occurred on 10<sup>th</sup> September at around 5.30pm, Ramesh was working, was he on his own.

VIJAY Yes

WARD You have seen the footage now, how old do you think the boy is.

VIJAY He is definitely under 18

WARD My understanding is he is 15 years old. What does he actually buy.

VIJAY Two bottles of vodka

WARD How much is one bottle

VIJAY £12.99

WARD You can see that the boy pays with cash and Ramesh does something just out of camera. Do you know what he is doing.

VIJAY He isn't using the till and therefore the sale is not registered. He is manually entering the sale and giving the change out of the cash drawer

WARD Does this mean he has stolen from you.

VIJAY Yes

WARD How does that make you feel.

VIJAY Not very good, he is my Brother-in-Law, I trusted him

WARD So what should happen with any sales.

VIJAY The bottles should be scanned and then the till or "EPOS" tells the staff that they should ensure the customer is over 18 and it asks for a date of birth. Ramesh was avoiding this.

WARD I have spoken with the person reporting this incident. She has two Sons both under 18. They were waiting outside your shop when the boy made the purchase. Apparently they all got drunk in Tring Park, one of them needed an ambulance. I have yet to interview all of the boys but the Chief Constable may consider taking you for review regarding the breaches of your licence.

VIJAY I am very sorry for what has happened. I own other shops and employ fifteen people. I trusted Ramesh because he is family. I have suspended him until this investigation is over and he cannot work here. I have one of my other employees here now and he is a Personal Licence holder. This will not happen again.

04/2013

Person Interviewed:

13:45	WARD VIJAY WARD VIJAY	How much were you paying Ramesh He was getting the minimum wage but lives in the flat for free. Is there anything else you would like to add to what you have already said. No. Interview concluded
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Annex B6: Witness statements

RESTRICTED (when complete)

MG11

Witness Statement

Page 1 of 1

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [ ] [ ] [ ] [ ]

Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): [REDACTED] Occupation: **School student**

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] [REDACTED] Date: **22/09/2016**

States,

I live with my Mother and Brother [REDACTED] in Tring and I am in Year 11 at Tring School.

This statement relates to two incidents that took place on Friday 9<sup>th</sup> and Saturday 10<sup>th</sup> September 2016. I refer to a shop in Western Road, Tring which I call 'Costcutters', I have been informed that it is 62, Western Road.

'Costcutters' is a small shop selling food and tobacco; it also has a large selection of beers, ciders, wines and spirits. The shop is well known around my school as being the place where you can buy booze without being asked for identification or asked about your age. I know that there are three people who work in the shop, an Asian lady and a short Asian male and a taller and older Asian male. It is common knowledge that if the lady or the short male are in the shop they will not sell you alcohol unless you show them identification, but if the older male is on his own he doesn't question your age and will sell you alcohol. I know a lot of people from school have been into the shop when the older Asian male has been serving and have bought drink without being questioned as to how old they were.

My Brother [REDACTED] and I have been allowed to drink at home, usually a shandy or beer, when we have been with our Mum. It tends to be when we have had a barbeque or may be with a meal. I'm not a big drinker because my Mum will only let me have one or two glasses. I Have tasted spirits before but I only drink beer and cider.

It was my 16<sup>th</sup> birthday on 6<sup>th</sup> September 2016 so on Friday 9<sup>th</sup> September, [REDACTED] and I were out together and decided to go to 'Costcutter' to get some cans of drink. It was just starting to get dark so it was around 7.30pm. We walked in and I saw that the older Asian male was not around, it was the young Asian male, who has short hair, standing behind the counter. I went straight to one of the displays and selected a four pack of 'Strongbow cider', I then put it on the counter and asked the man, "Is this alright?" He then asked, "Do you have I.D?" I said "No" and then put the cans back on the shelf and we walked out of the shop. We didn't go anywhere to try and get alcohol and I think we eventually ended up going home

On Saturday 10<sup>th</sup> September [REDACTED] and I left home to go into town. I had arranged to meet some friends in town and I had invited [REDACTED] to go along as well. We were definitely going to be having a drink and so we took some cans from home. I think we had four cans of beer and a

Signature: \_\_\_\_\_ Signature Witnessed by: [REDACTED]

04/2013

RESTRICTED (when complete)

Witness Statement

Continuation of Statement of [REDACTED]

couple of cans of cider which were put into [REDACTED] rucksack. We walked to Akeman Street where, outside 'Mighty Bite' we met up with, [REDACTED], [REDACTED] and [REDACTED]. At some point, [REDACTED], another friend joined us and we then walked up to 'Costcutters' intending to get some alcohol. I can't remember how we decided but [REDACTED] ended up going into the shop, probably because he looked the oldest out of all of us.

I have known [REDACTED] for 10 years, he is a good friend and I would say he can be very loud but is generally fairly quiet but is quite confident. I would say he probably looks his age which is 16 years. I have been with him before when he has bought alcohol and I know that he has been into 'Costcutters' before to get drink

When we got to 'Costcutters' [REDACTED] said he was going to get some booze. He must have had money on him because he didn't ask us for any before going into the shop and he didn't ask us what drink we wanted. He didn't say what he was going to buy either. When he went into the shop we waited down the road, about 100 metres away, outside what was 'Blockbusters' [REDACTED] went into the shop and after a short time, may be 4-5 minutes later he came back out and joined us. I then saw that the guy from the shop, who was the older Asian I mentioned previously, also came out of the door. He was looking at us and so we just walked off and headed for Tring Park. We asked [REDACTED] if he had been able to get some drink he told us that he had got some vodka but I don't remember him telling us how much.

When we got to Tring Park [REDACTED] got the cans he had, out of his bag, we opened them and passed them around. [REDACTED] then produced a large bottle of vodka from his bag. He then told us that he had another bottle as well. We were then drinking all of the alcohol we had, passing the cans and bottles around. I suppose we started drinking at sometime between 6pm to 6.30pm, we were drinking quite slowly at first, I had never had vodka before and I wasn't that keen on the taste at first but I carried on drinking the bottle. I probably had the best part of a whole bottle of vodka, I don't remember anything much because I passed out. The next thing I remember was being at home. Apparently I was seen by a paramedic and taken home by [REDACTED] Mum. I have since been told that when I passed out my body temperature dropped to 34.1 and I was going into hypothermia.

I haven't been that drunk before and I now realise how dangerous things were, if it hadn't have been for [REDACTED] quick thinking thing may have turned out so differently.

Signature: \_\_\_\_\_

Signature Witnessed by: [REDACTED]

04/2013

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [ ] [ ] [ ] [ ]

Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): [REDACTED] Occupation: **School Student**

This statement (consisting of .....4..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] [REDACTED] Date: **06/10/2016**

States:

I live with my Mother, elder Brother and Sister in Tring. I am 15 years of age and a school student at Tring School.

This statement refers to relates to an incident that took place on Saturday 10<sup>th</sup> September 2016. I refer to a shop in Western Road, Tring that I call 'Costcutters', I have been informed that it is now called 'The Little Convenience Store'.

'Costcutters' is a small shop selling food, tobacco and a large selection of beers, wines and spirits. It is known by me and others at school as being the place to go if you want to purchase things that other shops won't sell to school students, in particular alcohol and cigarettes. I have been previously made aware that out of the three people who serve in the shop, it is the middle aged Asian guy who will sell drink. I would describe him as having stubble and short cut hair. I can't say how tall he is because he stands behind the counter. I do know of this person because he has been in the shop when I have previously been in there to buy sweets and things. His English isn't that good but he understands what's said.

On one day during the week before Saturday 10<sup>th</sup> September, [REDACTED], a good friend of mine, whom I have known for over 10years, messaged a few people, because he had just turned 16, saying he wanted to meet up on Saturday. It was decided to meet outside 'Mighty Bite', in Akeman Street. We had spoken at school about getting some drink and I said something about it would probably be ok getting some. I remember [REDACTED] saying he would also get some.

On the 10<sup>th</sup> we met outside 'Mighty Bite' between 1 and 2pm. [REDACTED] had his Brother [REDACTED] with him and [REDACTED] was there. Other friends, [REDACTED] and [REDACTED] were going to be there but had said that they would meet up with us later on. We wandered around the town for a while just hanging out and we ended up meeting with [REDACTED] and [REDACTED] and eventually walked upto 'Costcutters'. I suppose we got to Western Road at around 5.20 - 5.30pm. [REDACTED] and [REDACTED] had mentioned that they had some beers and some cider and we intended to get some more.

We stood down from the shop and I decided that I would go in and try to purchase some alcohol. It would have looked a bit weird if five teenagers went in and tried to get some drink. I had £40 in cash on me and I had a drawstring bag over my shoulder. I left the others and

Signature: [REDACTED] Signature Witnessed by: [REDACTED]

Witness Statement

Continuation of Statement of [REDACTED]

walked up to the shop and went in.

I have been in the shop on one other occasion where I have purchased drink. That was around a year ago and I bought four cans of beer.

I was fairly nervous as I went in, I saw that the man I had heard would sell drink was behind the counter. I was thinking that I didn't want to get a lot of cans and so I stood at the counter and immediately saw bottles of 'Smirnoff' vodka and decided that they were what I was going to get. I asked the guy for two bottles and then pretended to look for my identification. He did ask and I said that I had lost it, I was going to say that I had lost it but he didn't speak at all. I gave him the £40 and he gave me £10 in change. I put the bottles in my bag and then walked out. When I got outside it was a kind of "Yes" moment, probably because I had got away with it. When I asked him for the vodka he asked me for I/D but after I said that I lost it, he said not to worry about it and gave me the alcohol.

I joined my friends and they asked me if I had got any drink, I told them that I had managed to get some vodka and they opened the bag and looked it. I recall seeing the guy from the shop standing outside by the door, I don't know if he was specifically looking at us but we walked off and headed for Tring Park.

When we got into the park we got all of the drink we had out and were taking mouthfuls and passing it around. I was aware that [REDACTED] seemed to be drinking quite a lot. I think I had possibly two cans of cider and a quarter bottle of the vodka. I wasn't drunk and I was aware of what was being said but I was certainly tipsy.

I rarely have alcohol when I'm with my friends, that's not to say that I don't drink occasionally when I'm at home with my family and at weekends.

Although I cannot be certain of the time, we may have got to the park at around 6'ish, it had been raining and was dark and damp. Again I can't be certain of times but possibly after around half an hour, so around 6.30pm, I realised that [REDACTED] had passed out. We were trying to get him to walk around to sober him up but nothing was bringing him round and he fell asleep on the floor.

At sometime around 9pm [REDACTED] called his Sister because [REDACTED] still hadn't come around and we were quite concerned because he was cold. [REDACTED] ended up leaving us to meet his Mum by the road. [REDACTED] told me to leave when his parents got there so we both didn't get into trouble so from the time his parents got there I was gone.

I understand that what I did was wrong getting the drink and I would like to say that I don't buy alcohol on a regular basis. I am very sorry for what happened to [REDACTED] and understand that things could have turned out so differently.

Signature: [REDACTED]

Signature Witnessed by: [REDACTED]

04/2013

RESTRICTED (when complete)

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [ ] [ ] [ ] [ ]

Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): [REDACTED] Occupation: **Schoolboy**

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: **22/09/2016**

States,

I live with my Mother and Brother [REDACTED] in Tring and I am in Year 10 at Tring School.

This statement relates to two incidents that took place on Friday 9<sup>th</sup> and Saturday 10<sup>th</sup> September 2016. I refer to a shop in Western Road, Tring which I call 'Costcutters', I have been informed that it is 62, Western Road.

'Costcutters' is a small shop selling food and tobacco; it also has a large selection of beers, ciders, wines and spirits. The shop is well known around my school as being the place where you can buy booze without being asked for identification or asked about your age. I know that there are three people who work in the shop, an Asian lady and a short Asian male and a taller and older Asian male. It is common knowledge that if the lady or the short male are in the shop you will not be able to buy drink because they will ask for identification, but if the older male is on his own he doesn't question our age and will sell alcohol to us.

I have been allowed to drink shandy's or beer when I've been at home with my Mum, usually when we have had a barbeque or may be with a meal. I'm not a big drinker because my Mum will only let me have one or two glasses.

It was my Brother, [REDACTED] 16<sup>th</sup> birthday on 6<sup>th</sup> September 2016 so on Friday 9<sup>th</sup> September, we were out together and decided to go to 'Costcutter' to get some cans of drink. It was just starting to get dark so it was around 7.30pm. We walked in and saw that it was the young Asian male, who has short hair, standing behind the counter. [REDACTED] selected a four pack of 'Strongbow cider' and put it on the counter. He asked the man, "Is this alright" who then said, "Do you have I.D". [REDACTED] replied "No" and then put the cans back on the shelf and we walked out of the shop. I think we ended up going home after that.

At some stage during that evening, [REDACTED] told me that he was meeting up with some of his friends on Saturday evening and asked me if I wanted to go along with them, I said OK and probably assumed that we would be having some drink. I know [REDACTED] friends quite well as we all go to the same school, they are in Year 11 as is [REDACTED]

Signature: [REDACTED] Signature Witnessed by: [REDACTED]

Witness Statement

Continuation of Statement of [REDACTED]

On Saturday 10<sup>th</sup> September [REDACTED] and I left home to go into town, I had 3 or 4 cans of beer and a couple of cans of cider in my rucksack. They were in the house and I picked them up without my Mum knowing. We walked to Akeman Street where, outside 'Mighty Bite' I saw [REDACTED] friends, [REDACTED], [REDACTED] and [REDACTED]. At some point, [REDACTED], another friend joined us but we then walked up to 'Costcutters' intending to get some drink, alcohol. I can't remember how we decided but [REDACTED] ended up going into the shop, probably because he looked the oldest out of all of us.

I have known [REDACTED] for about 3 years, he is a good friend of [REDACTED] and I would say he is fairly quiet but quite confident. I would say he probably looks his age which is 15 years. I haven't been with him before when he has bought alcohol but I am aware that he has been in the shop before to get drink

[REDACTED] didn't ask us for any money before going into the shop and he didn't ask us what drink we wanted and didn't say what he was going to buy, but we all knew that he was going to get some because he told us that that's what he was going to do. When we got close to the shop we waited down the road, about 100 metres away, outside what was 'Blockbusters'. [REDACTED] walked upto the shop and went in. After a short time, may be 4-5 minutes later he came back out and joined us. I then saw that the guy from the shop, who was the older Asian I mentioned previously, also came out of the door. He was looking at us and so we just walked off and headed for Tring Park. We asked [REDACTED] if he had been able to get some drink he told us that he had got some vodka but I don't remember him telling us how much.

When we got to Tring Park I got the cans I had, out of my bag, we opened them and passed them around. [REDACTED] then produced a large bottle of vodka from his bag, he then told us that he had another one as well. We were then drinking all of the alcohol we had, passing the cans and bottles around. I suppose we started drinking at sometime between 6pm to 6.30pm, we were drinking quite slowly at first, I had never had vodka before and I don't think [REDACTED] had either. I probably had two cans of either beer or cider and some vodka. I hadn't eaten all day and I remember feeling very drunk. It was cold and very damp because it had been raining all day. I remember [REDACTED] also being drunk very early on and I recall that he ended up lying on the floor. Although I was drunk I was able to talk and hold a conversation. I was also able to understand what was being said by the others. I suppose on a scale of 1-to-10, in drunkenness terms I was probably a 7.

Initially, I wasn't that concerned about [REDACTED] but I do recall [REDACTED] and [REDACTED] talking at one stage about dragging him out of the park and closer to home because he was so drunk. I do remember [REDACTED] Mum turning up and looking after [REDACTED]. I then remember a Paramedic arriving and treating [REDACTED]. We ended up going home in [REDACTED] Mum's car and it was later on that I became aware that [REDACTED] had got very cold. When I was sober my Mum told me that [REDACTED] was on the brink of hypothermia and his body temperature had gone down to 34.1.

I have never been so drunk before and I don't want to get like it again. I also understand how dangerous things were for [REDACTED]

Signature: [REDACTED]

Signature Witnessed by: [REDACTED]

04/2013

**Annex C**  
**Map of local area**



## **Local Policy considerations**

### **Licensing Objectives**

#### Crime and disorder

5.6 When considering applications and reviews the licensing authority will give consideration to:

whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and

whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.

5.7 The authority will work closely with Hertfordshire Constabulary and the other members of the Dacorum Community Safety Partnership, both to monitor and investigate incidents of crime or disorder associated with licensable activities at and around licensed premises, and to identify emerging trends and patterns in such incidents.

#### The protection of children from harm

5.20. The licensing authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.

5.23. The licensing authority will judge each application and the circumstances pertaining to each premises on the individual merits. Examples which may give rise to concern in respect of children would include premises:

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking,
- where other concerns relating to this objective have arisen.

#### Representations and Reviews

8.1 Where a right exists for a responsible authority or other person to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the licensing authority in determining their status. The grounds upon which the representation is made should also be clearly set out.

8.2 Representations may encompass a variety of views about an application, and may include comments or grounds which are supportive of an application, objecting

to an application, or neutral about an application. The licensing authority will treat all relevant representations in the same manner, regardless of their stance.

8.3 Applications for the review of a premises licence or club premises certificate may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.

8.4 The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

### Applications

9.1. Every matter requiring determination by the licensing authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.

9.2. Many application types are subject to a statutory provision whereby they must be granted in the absence of relevant representations. In such cases, licences must be issued for the full range of licensable activities applied for, subject only to applicable mandatory conditions, and conditions which are consistent with measures set out by the applicant within their operating schedule.

9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the licensing authority will apply the considerations set out below.

9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The licensing authority will now consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".

### Licence conditions

11.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

## **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.

### Licensing objectives

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

### The protection of children from harm

2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm.

2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

## **Determining Applications**

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.

#### Imposed Conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

#### Reviews

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

# Agenda Item 5

## LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
  - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
  - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
  - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
  - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
  - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
  - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
  - (d) the Sub-Committee will consider:
    - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
    - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in

writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.

9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

## **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 ... .