



Public Document Pack

**Licensing of
Alcohol and
Gambling Sub-
Committee**

WEDNESDAY 1 MARCH 2017 AT 10.00 AM

Council Chamber, The Forum

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 P Hearn
Councillor Howard

Councillor Taylor

For further information, please contact Katie Mogan (x2221)

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting

2. APOLOGIES FOR ABSENCE

To receive any apologies of absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003 (Pages 2 - 26)

5. PROCEDURE FOR THE HEARING (Pages 27 - 28)

6. EXCLUSION OF THE PUBLIC (Page 29)

Agenda Item 4



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	1 March 2017
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence application under the Licensing Act 2003
Contact:	Sally McDonald – Lead Licensing Officer, Legal Governance
Purpose of report:	This report sets out details of an application in respect of a premises licence application, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none">Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none">Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2016-2021 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, March 2015)
Glossary of acronyms and any other abbreviations used in this report:	

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:

- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received , and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

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

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

5. Details of application

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

Appendix	Premises name / address	Type of application
A	Common Ground Coffee, 1 Chapel Croft, Chipperfield, Hertfordshire WD4 9DT	Application for grant of premises licence (s.17 Licensing Act 2003)

APPENDIX A

Applicants name Ms Samantha Wilkins, Common Ground Coffee Limited

Name and address of premises Common Ground Coffee, 1 Chapel Croft, Chipperfield, Hertfordshire WD4 9DT

Ward Bovingdon Flaunden and Chipperfield

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 is sought for the following licensable activity:

Supply of alcohol (for consumption on the premises)

Monday to Wednesday and Saturday	12.00 to 19.00 hours
Thursday and Friday	12.00 to 21.00 hours
Sunday	12.00 to 16.00 hours

Hours the premises may open to the public

Monday to Wednesday	08.00 to 19.00 hours
Thursday and Friday	08.00 to 21.00 hours
Saturday	09.00 to 19.00 hours
Sunday	10.00 to 19.00 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 Three representations have been received from local residents living in the vicinity of the premises, which cite concerns in respect of public safety and public nuisance. These representations are set out at Annex C1 – C3.

A further document in the form of a petition has been submitted, which bears strong similarities to the content of one of the representations and contains 45 signatures. This will be available for information at the meeting.

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

Police – no relevant representations
Fire Officer – no relevant representations
Planning – no relevant representations
Public Health – no relevant representations

4. Observations

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

Annex A – Application for grant of premises licence

	Dacorum Application for a premises licence Licensing Act 2003	For help contact licensing@dacorum.gov.uk Telephone: 01442 228470 / 228860
* required information		
Section 1 of 19		
You can save the form at any time and resume it later. You do not need to be logged in when you resume.		
System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		
<input type="radio"/> Yes	<input checked="" type="radio"/> No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Applicant Details		
* First name	<input type="text" value="SAMANTHA"/>	
* Family name	<input type="text" value="WILKINS"/>	
* E-mail	<input type="text" value="SAM@COMMONGROUNDCOFFEE.CO.UK"/>	
Main telephone number	<input type="text" value="01923 510810"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		
Are you:		
<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader		A sole trader is a business owned by one person without any special legal structure.
<input type="radio"/> Applying as an individual		Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
Applicant Business		
* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Registration number	<input type="text" value="09537428"/>	
* Business name	<input type="text" value="COMMON GROUND CHIPPERFIELD LTD"/>	
* VAT number	<input type="text" value="-"/>	<input type="text" value="none"/>
* Legal status	<input type="text" value="Private Limited Company"/>	

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Continued from previous page...

* Your position in the business	DIRECTOR	The country where the headquarters of your business is located.
Home country	United Kingdom	
Registered Address		Address registered with Companies House.
* Building number or name	1	
* Street	CHAPEL CROFT	
District	HERTFORDSHIRE	
* City or town	CHIPPERFIELD	
County or administrative area	HERTFORDSHIRE	
* Postcode	WD4 9DT	
* 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	1
Street	CHAPEL CROFT
District	HERTFORDSHIRE
City or town	CHIPPERFIELD
County or administrative area	HERTFORDSHIRE
Postcode	WD4 9DS
Country	United Kingdom

Further Details

Telephone number	01923 510810
Non-domestic rateable value of premises (£)	6,500

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**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's NameName **Details**Registered number (where applicable)

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

Continued from previous page...

LIMITED COMPANY

Address

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

Contact Details

E-mail
Telephone number
Other telephone number

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.

Coffee shop and eatery serving hot drinks and food. Looking to offer alcohol such as wine and beer to customers along with food offerings.

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

Continued from previous page...

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PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

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

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

During summer months (May - September), we may extend late openings during the week, (Mon, Tues, Wed) until 7pm if

Continued from previous page...

weather permits. Therefore, hours will be 12pm -7pm.

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.

During Christmas (Eve), New Years (Eve), Easter Sunday, Bank Holidays, we may stay open for longer hours until 7pm. Therefore hours will be 12pm - 7pm on these dates.

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

Name

First name [REDACTED]

Family name [REDACTED]

Enter the contact's address

Building number or name [REDACTED]

Street [REDACTED]

District [REDACTED]

City or town [REDACTED]

County or administrative area [REDACTED]

Postcode [REDACTED]

Country [REDACTED]

Personal Licence number
(if known) [REDACTED]

Issuing licensing authority
(if known) [REDACTED]

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) [REDACTED]

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

Continued from previous page...

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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.

N/A

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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

Perhaps longer hours during summer months dependent on factors

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.

N/A

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.

Protecting customers with strict rules on consumption of alcohol (age, amount, measures, times) as well as CCTV in operation. Not promoting alcohol through promotions on flyers or drinking games. Providing free tap water and having first aid at hand. Proving toilet facilities.

b) The prevention of crime and disorder

Asking for ID where appropriate; not serving undesirables; not selling after hours; limiting peoples drinks where appropriate; advising on drink driving; operate CCTV in the premises advising that the camera is in operation

c) Public safety

Closed access to dining and drinking tables; providing holder for any bottles; no drinking games; no alcohol prizes; no unlimited alcohol promotions; provide free tap water on request; proving correct measures for wine (125ml); CCTV; limiting capacity to number of seats in premises; having first aid kit at hand

d) The prevention of public nuisance

Limiting hours; not serving undesirables; providing toilet facilities

e) The protection of children from harm

Enclosed area outside; bottle holders securing wine; not allowing children to drink

Continued from previous page...

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 (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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.

Continued from previous page...

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

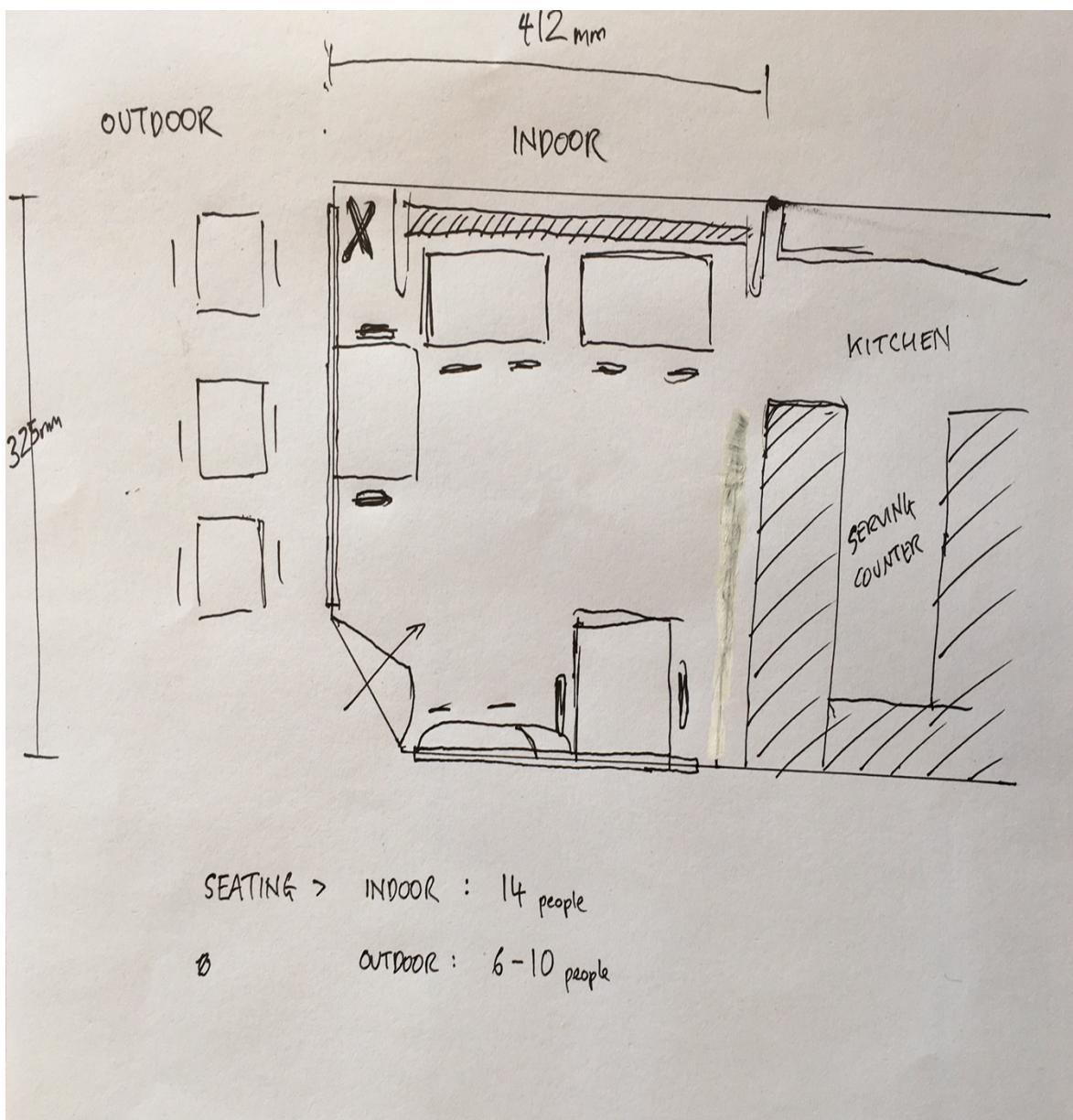
Once you're finished you need to do the following:

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

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

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

Annex B1: Plan of premises



Annex B2: Map of area



Annex C1 – Representation

From:
Sent: 13 January 2017 14:12
To: Licensing Mailbox
Subject: Objection for alcohol license to common ground in chipperfield REF : M042329

Dear sirs,

Regarding LA2003 : Premises License for COMMON GROUND Coffee House, 1 Chapel Croft, Chipperfield, WD4 9DT.

Further to the above application we wish to object on the following grounds :-

1. Prevention of crime and disorders: We have number of pubs and off licence store serving and selling alcohol in a small village and local people already facing alcohol related problems. Issuing one more licence of serving alcohol will greatly increase the Risk of Public Disorder. Customers from outside the village could be enhanced to join a group of drinkers outside and trouble could ensue.
At closing time it will be difficult to break up a party atmosphere and this could also result in disorder.
2. Public safety will be at risk as a result of increased parking on a busy through road. Crossing the road will be a hazard especially if alcohol has been consumed. There is limited parking space on this road which is used by residence to park their cars overnight. Late evening parking by their customers will create a big parking problem to neighbours. It will lead public disorder.
There is a parking restriction on Chapel Croft road for 20 Minutes only and there is no other facility nearby for parking. There will be more chances of breaking law as the coffee house has no private parking space for customers and will create a parking chaos on this road as someone will take easily more than 20 minutes to have an alcohol drink.
3. There will inevitably be public nuisance caused by noise and potential rowdy behaviour. Customers will drink and smoke outside especially in summer months. The premise is small and overcrowding will also push people outside. Drinker will spill onto the newsagent property, the pavement and Alexander Road. Even if an enclosed area is created it will be very difficult to clear the area at closing time and customers will remain for some time after closing.
4. Children in the village hall will be further exposed to a drinking culture. Drivers who drink will increase the risk to children attending the local primary school. Over 18's will be able to purchase alcohol and potentially pass it on to under-age friends. It will be bad impact on children who lives very near around this coffee house.
5. We noticed several times that alcohol has been served in the premise and outside the common ground coffee shop without premises and personal license . It was noticed by many local residents and we informed local police. There is no guarantee that they will follow the law firmly after having the licence.

[Paragraph removed as not relevant]

In conclusion, this is a small coffee shop when busy will result in customers drinking outside. We cannot find an example of a coffee shop being given a license to serve alcohol. None of the major Chains (Starbucks,Cafe Nero,Costa etc.)serve alcohol. The village of Chipperfield is well served with licensed premises already and on these points we request that this application is refused.

Yours faithfully,

Annex C2 – Representation

From:
Sent: 21 January 2017 16:12
To: Licensing Mailbox
Subject: Licensing application - Common Ground, 1 Chapel Croft, Chipperfield

> Dear Sir or Madam,
>
> I am writing to object in the strongest terms to the licensing application made by the above establishment.
>
> I live at *****, * doors down from the current cafe.
>
> This is a residential area with large numbers of people of all ages.
>
> The granting of an alcohol licence and extended opening hours will increase noise from those sat on the pavement and impinge on the rights of the locals to live in a reasonably quiet environment.
>
> Parking is already a problem and will not be helped by further opening hours of the cafe/bar.
>
> There is also a fear litter and anti-social behaviour will increase.
>
> There has never been a bar here and it is slap bang in the middle of a quiet residential area.
>
> It is a totally inappropriate place to grant an alcohol licence.
>
> I fully support people developing their own business but not at the expense of other local people who will have to suffer the consequences.
>
> Whilst writing may I add that the positioning of the licence application is such that as few people as possible are able to see it. I only saw it because someone else told me where it was. That says everything about the basis for the application and the lack of consideration for local residents.
>
> Please do the right thing.
>
> Yours sincerely

Annex C3 – Representation

From:
Sent: 26 January 2017 09:34
To: Licensing Mailbox
Subject: M042329

Re Alcohol License application, Common Ground coffee shop, 1 Chapel Croft,
Chipperfield, WD4 9EN

I am writing to request that this license is NOT granted on the following grounds:

- 1-Unsuitability of the location of the premises regarding parking and access
- 2-This is predominantly a residential area which will not benefit from a further increase in the level of disturbance already associated with this business, they already host "private" parties well into the evening where guests arrive with their own alcohol for consumption at tables located on the paving at the shop front.
- 3-The village is already well served for those wanting access to alcohol by existing businesses
- 4-Customers to this business currently reach it largely by car, local parking restrictions are routinely ignored by motorists and seldom enforced meaning residents already endure a host of negative effects directly associated with this business.

As with all such applications, the balance to be struck involves the benefits to all parties concerned. The business owners would undoubtedly benefit in terms of revenues and business net worth, those residents in close proximity will not benefit whatsoever, precisely the reverse.

If there are other ways in which I may contribute to the decision process regarding this application please let me know, this is not trivial, the well being of many local families is concerned.

Sincerely

Annex D

Local Policy considerations and statutory guidance

Local Policy considerations

10. Licensing Hours

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.

10.8. 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

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.

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.

Public Nuisance

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

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

Agenda Item 6

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