



Licensing of Alcohol and Gambling Sub- Committee

WEDNESDAY 29 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 Conway
Councillor Fantham

Councillor P Hearn

For further information, please contact Trudi Angel 01442 228224

AGENDA

1. **MINUTES** (Pages 3 - 6)
To confirm the minutes of the meeting held on 1 March 2017.
2. **APOLOGIES FOR ABSENCE**
To receive any apologies for absence.
3. **DECLARATIONS OF INTEREST**
To receive any declarations of interest.
4. **PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003** (Pages 7 - 27)
5. **PROCEDURE OF THE HEARING** (Pages 28 - 29)
6. **EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

01 MARCH 2017

Present –

MEMBERS:

Councillors Mrs P Hearn (Chairman), Howard and Taylor

OFFICERS:

Barbara Lisgarten	Legal Governance Team Leader
Sally McDonald	Lead Licensing Officer
Katie Mogan	Member Support Officer

OTHER PERSONS PRESENT:

Samantha Wilkins	Applicant, and Proprietor of Common Ground Coffee
Nicholas Tachmintzis	Representing Coffee Ground
Cheryl Woodhouse	

Ross Hill Licensing Team Leader (observing the meeting)

The meeting began at 10.00am

1. MINUTES

The minutes of the meeting held on 12 December 2016 were confirmed by the members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

4. PREMISES LICENCE APPLICATIONS

A. APPLICATION FOR GRANT OF A PREMISES LICENCE

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

Common Ground Coffee
1 Chapel Croft
Chipperfield

Hertfordshire
WD4 9DT

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

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

The Chairman asked S Mcdonald if she had anything to add to the report.

S Mcdonald said members had before them an application for the grant of a new premises licence for Common Ground Coffee, 1 Chapel Croft, Chipperfield, Hertfordshire. The application and accompanying documents were set out on page 6 of the agenda onwards. The applicant and those parties that had made representations had been invited to attend and address the sub-committee. One objector had confirmed that they were unable to attend but asked that their written representation, set out at Annex C2 of the report, be taken into account. With the exception of the applicant, no other confirmations of attendance had been received.

The options available to the sub-committee were set out at paragraph 4.1 of the report, and members were reminded that any steps taken should be considered appropriate in order to promote one or more of the licensing objectives. Furthermore, the sub-committee needed to give clear reasons for any decision made.

The Chairman asked the applicants if they wish to add anything to the report.

N Tachmintzis started his submission by giving Members some background information about the premises, which was an independent coffee shop and a small eatery. All produce was fresh and employment was sourced from local people. The premises opened in August 2015 as it was clear that this type of business was lacking in the local area. The premises was situated next to the off licence and a short distance from the Post Office.

The premises offered a new dining experience and tapas nights on Thursday and Friday evenings were proposed to be a regular feature as they were not available elsewhere. The reason for the licence would be to provide casual drinks to accompany food and most residents were supportive – the applicant had a petition of 150 verified signatures in support of the proposals. The customer base was intended to be high end and to target a mid range age group so the idea was not to compete with the local pubs. There was also a need for the coffee shop to have an alternative revenue stream which an alcohol licence could provide.

N Tachmintzis ran through the licensing objectives and how the business would ensure they were upheld:

- Public safety – there was a CCTV camera located at the front, rear and side of the building, recording at all times, and external and internal lighting. A log book would be kept for inspections as well as records for those trying to purchase alcohol underage. There would be clear signs stating the times of the licence, and a limited stock of wine and beer kept at the premises to be served with food.
- Protection of children – the applicant would clearly display 'Challenge 25' posters and people would be turned away if they could not produce ID when asked. The staff would be well trained to deal with these situations.
- Crime prevention – as stated before, there was CCTV in operation 24/7. Also, the applicant had close relations with the local constabulary. Pricing was not attractive for standalone drinking and customers would be required to sit and drink as alcohol

would be served as part of the dining experience. 80-90% of customers were local residents.

- Alcohol limits – staff would be trained in responsible selling of alcohol and well aware of the limits. For the tapas nights, there would be a requirement to pre-book. All alcohol would be consumed on site.
- Public nuisance – The applicant believed the neighbouring houses were not close enough to suffer nuisance from the premises. A plant barrier would be created to separate the outdoor seating from the footpath. There would be no external music and music played internally would only be for ambience. The intention was to limit alcohol sales at 8.30pm so all customers would be ready to leave at 9.00pm, and prominent notices would be displayed to ask customers to respect neighbours and leave quietly.

There had been some objections with regards to parking and litter. There was a 20 minute parking restriction outside, however most of the customers were local so they could walk. Staff would be disposing of all rubbish subject to Local Authority guidelines.

Councillor Taylor thanked the applicants for providing a well prepared presentation. However, there had been an allegation about serving alcohol without a licence.

S Wilkins said she was aware of this allegation. It was made following an event at the premises on Thursday 11th August 2016 when she and her husband had hosted a private party for 14 friends to celebrate the one year anniversary of the business. The event was held outside the shop as the applicant owned the forecourt, and guests brought their own food and drink. The event was for 2.5 hours and had been attended by a friend who was also a photographer so she had taken some photographs which are displayed on the website. Alcohol was not sold on this evening and the applicant had asked all the guests to sign a statement to prove this. There had never been any complaints and police had never been called. There had been one incident on the night of the 11th August, whereby a neighbour across the road had shouted 'shut up'. This had been at 9.30pm when the area was being cleared up. The applicant re-iterated that alcohol had never been sold on site.

Councillor Taylor thanked S Wilkins for her well prepared response and said that it gave him confidence. He said consumption on premises did not need a licence. As a follow up, N Tachmintzis mentioned that alcohol would 'generally' be sold with food rather than 'exclusively' but this could be further considered by the sub-committee if they felt it was appropriate to do so.

S Wilkins said she had prepared some packs for members which included some testimonials from customers and asked if these could be circulated.

The Chairman said she should have mentioned this at the start but the sub-committee would keep it in mind.

The Chairman asked how the staff would police the outside area.

N Tachmintzis said the area directly outside and owned by the applicant would be sectioned off from the public footpath area, and that the applicant had funds in place to build it. Staff would be aware of what to look out for, it was a small village and the applicant could not foresee any issues. However the staff would be well prepared.

The meeting was adjourned at 10.22 am.

The meeting reconvened at 10.35 am.

Resolved:

The Sub-Committee considered both the submission of the applicant, and the written representations of the objectors when determining the application.

The Sub-Committee took into account the intentions of the applicant to sell alcohol to accompany food, the steps proposed to minimise noise and possible disruption in the outside area, the applicant's commitment to training staff in respect of alcohol sales, and the detailed account of how the applicant intends to promote the four licensing objectives. The fact that there were no representations from any of the responsible authorities was also considered.

Questions were put to the applicant with regard to the allegations made in respect of unlicensed sales of alcohol. The Sub-Committee were satisfied with the applicant's response that events had taken place on a 'bring your own' basis.

The Sub-Committee unanimously agreed to grant the licence, as it would not be inappropriate to the promotion of the licensing objectives to do otherwise.

The meeting ended at 10.38am



AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	29 March 2017
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence application under the Licensing Act 2003
Contact:	Sally McDonald – Lead Officer, Licensing
Purpose of report:	This report sets out details of an application in respect of a premises licences that 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 representation 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 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.

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	Tops Pizza, 85 Waterhouse Street, Hemel Hempstead, Hertfordshire HP1 1ED	Application for grant of premises licence (section 17 Licensing Act 2003)

APPENDIX A

Applicants name	Tops Pizza Limited
Name and address of premises	Tops Pizza 85 Waterhouse Street Hemel Hempstead Hertfordshire HP1 1ED
Ward	Hemel Hempstead Town

1. **Current Licence**

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

2. **Application**

- 2.1 An application has been made for the grant of a new premises licence under section 17 of the Licensing Act 2003. This is set out at Annex A.

- 2.2 Authorisation is sought for the following licensable activity:

Provision of late night refreshment (both indoors and outdoors)
Monday to Sunday 23:00 hours to 01:00 hours

Hours the premises may open to the public
Monday to Sunday 11:30 hours to 01:00 hours

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

3. **Details of Representation**

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

- 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

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 228000

* 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?	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Applicant Details	
* First name	<input type="text" value="ALI"/>
* Family name	<input type="text" value="YAZDI"/>
* E-mail	<input type="text" value="ay@topspizza.com"/>
Main telephone number	<input type="text" value="02082262060"/> 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. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
<input type="radio"/> Applying as an individual	
Applicant Business	
Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="02229782"/>
Business name	<input type="text" value="Tops Pizza LTD"/> If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="495 414 719"/> Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>

Continued from previous page...

Your position in the business

Home country The country where the headquarters of your business is located.

Registered Address Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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 Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

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.

The premises known as 85 Waterhouse street, Hemel Hampstead, HP1 1ED is registered for A3 or A5 use with the Hemel Hampstead county council. We have transformed the shop premises to a pizza delivery store and would like to obtain the right to late night refreshments.

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

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

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start 23:00

End 01:00

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

End

TUESDAY

Start 23:00

End 01:00

Start

End

WEDNESDAY

Start 23:00

End 01:00

Start

End

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 01:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The selling and delivering hot food and takeaway.

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.	
No seasonal variation.	
Non-standard timings. Where the premises will be used for the supply of late night refreshments 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.	
No	
Section 15 of 19	
SUPPLY OF ALCOHOL	
Will you be selling or supplying alcohol?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT	
How will the consent form of the proposed designated premises supervisor be supplied to the authority?	
<input checked="" type="radio"/> Electronically, by the proposed designated premises supervisor <input type="radio"/> As an attachment to this application	
Reference number for consent form (if known)	<input type="text"/> 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	

Continued from previous page...

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

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

NONE

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.

NONE

Continued from previous page...

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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.

Health and safety at work, Allergy awareness, hazard analysis, food safety management and fire prevention.

b) The prevention of crime and disorder

The required standard of CCTV camera is in operation on 24 hours bases, door are fitted with secure quality mortise locks. All incidents are registered and reported to the police and CCTV camera footage are kept for future evidence and presented on request. All emergency contact details such as local police, hospital, fire brigade and other related local authorities are kept on hand in the premises and staff are trained to contact the related department on emergency cases.

c) Public safety

Portable fire equipments and first aid equipments are provided and stored in easy accessible places where also stickers are displayed to indicate their location. All members of staff are trained how to use the fire and first aid equipments in case of emergency. Public liability insurance is obtained for the business and premises. Signs for fire exit and CCTV camera are displayed inside the premises for the public awareness.

d) The prevention of public nuisance

Premises are adequately ventilated and our team members are trained to frequently monitor the vicinity of our store and premises and clear disposed rubbish and waste created by our customers, in particular empty bottles and cans. Also our staffs are required to report to the store manager or shift manager about incidents acquired or any potential anti social behavior or aggressive attitude that could possibly cause nuisance or distraction to the neighborhood members of the public. Our employees are fully trained in how to defuse and calm any potential anti social behavior using their professional skills and friendly attitude.

e) The protection of children from harm

Our members of staff are fully trained and experienced in how to prevent overcrowding and nuisance inside the store, especially during the weekends and rush hours when a large number of young people and youths may come order food, in such circumstances it is highly likely that the children and youngsters have disputes over their food and orders to prevent this from happening we employee additional staff to allow us to be able to serve our customers as quickly and efficiently as possible, so to be enable us to observe the safety of the young children by identifying possible hazards such as aggressive behavior towards children, bullying and harassment. Also all our team members are required to report any aggressive behavior towards children and young people directly to the manager and the police.

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

Continued from previous page...

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

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

ALI YAZDI

* Capacity

DIRECTOR

* Date

31 / 01 / 2017
dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

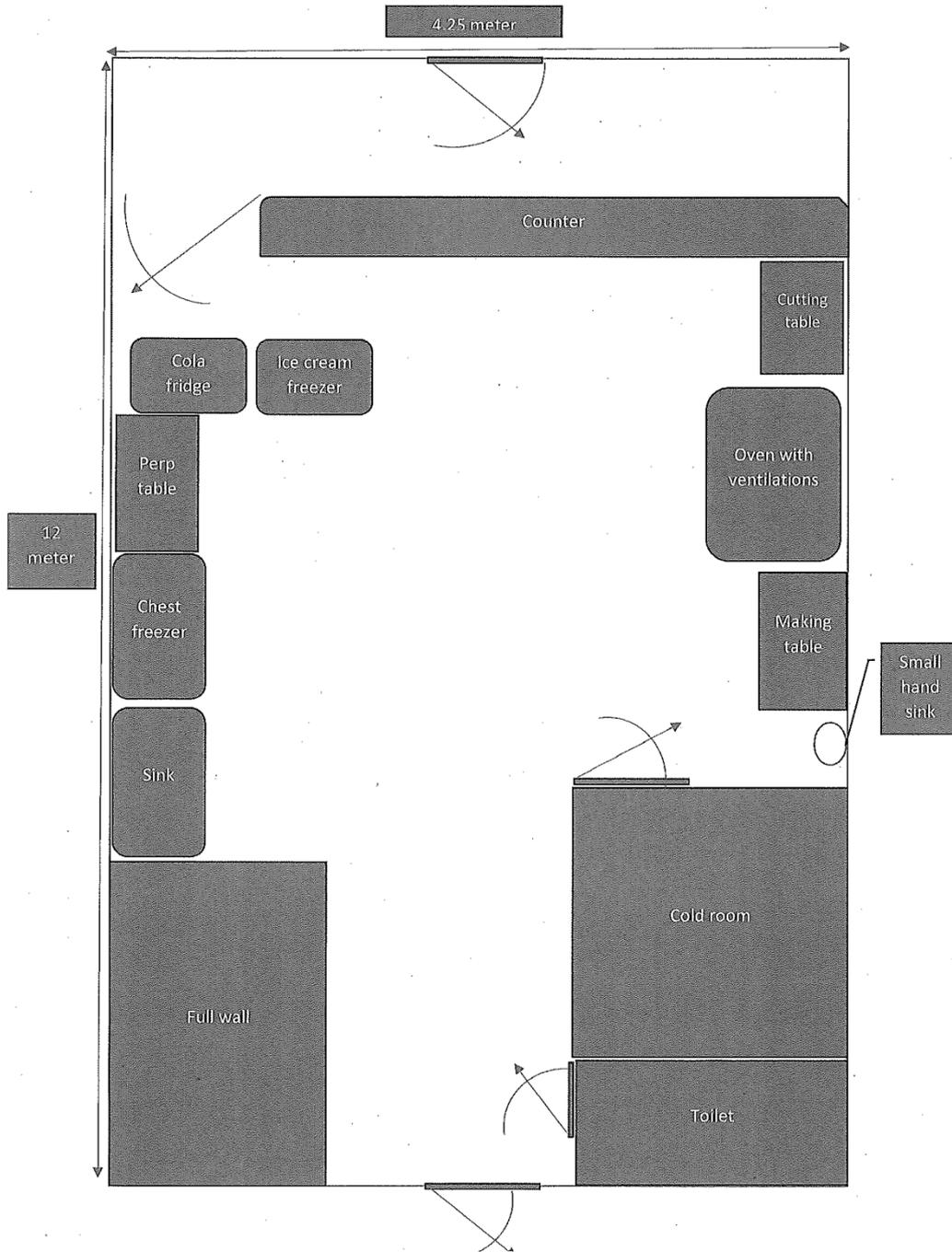
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/apply-1> to upload this file and continue with your application.

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

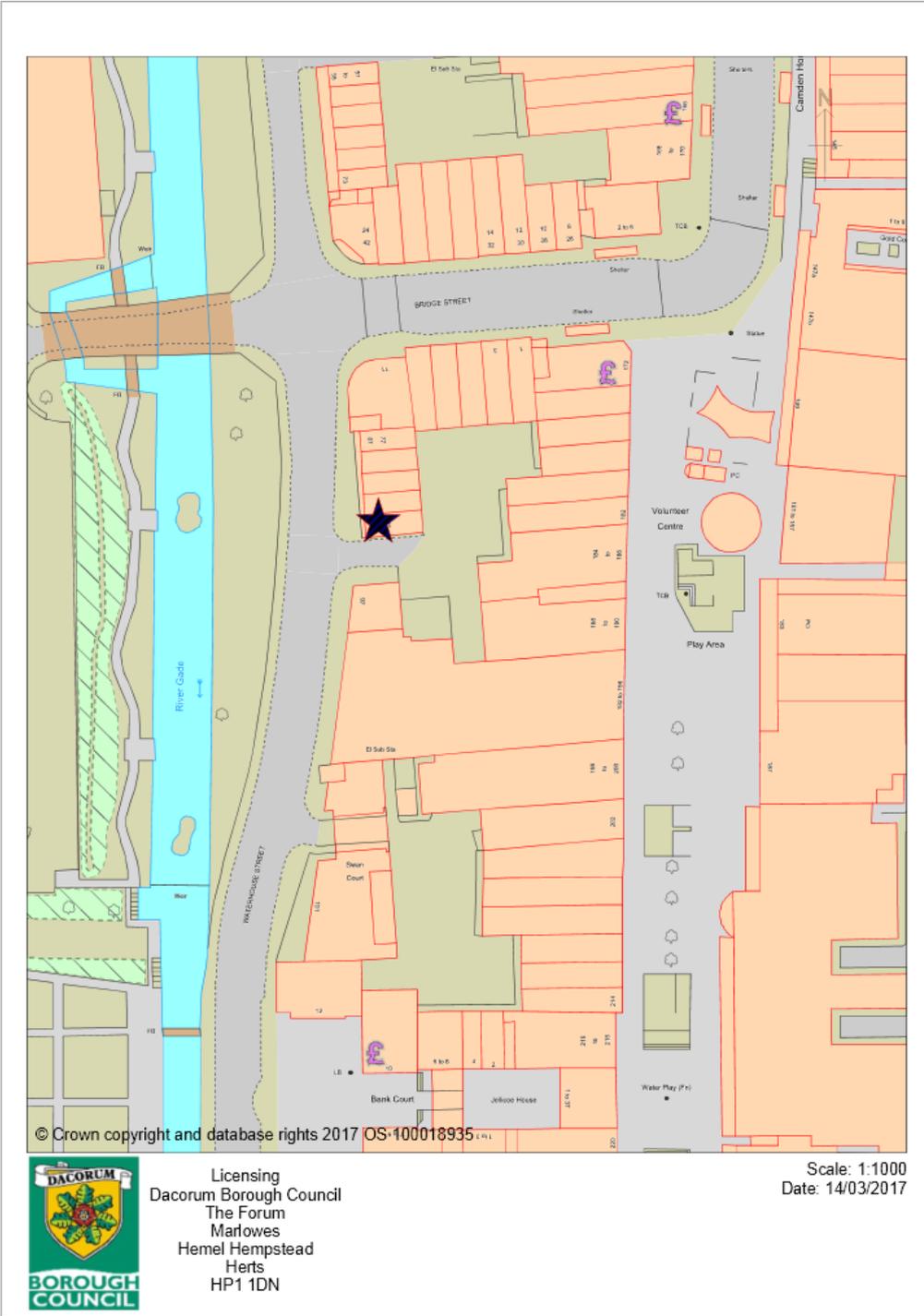
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Annex B1: Plan of premises

85 Waterhouse Street, HP1 1ED



Annex B2 – Map of Area



Annex C – Representation

From:
Sent: 01 March 2017 22:11
To: Sally Mcdonald
Subject: Re: Premises licence application - Tops Pizza 85 Waterhouse Street Hemel Hempstead

Good evening,

Thank you for your reply.

I am not sure how to better explain, but no doubt, by allowing another business to operate so late at night, it will increase footfall and the number of people visiting the area, hence more noise, rubbish and incidents.

The additional vehicles will produce additional noise, and exacerbate parking issues in the area. We already had to complain to the car park management because of lack of parking for residents, as there is nowhere else for us to park apart from the paid car park. There has already been a barrier put there for this reason. Do they say how many more vehicles they will be bringing in? There's already so many takeaway delivery vehicles there. They already park illegally on the street.

Based on all of the above reasons, the licensing objective of preventing public nuisance is not met. I do believe that me and my family deserve a good night sleep, and not be constantly disturbed by people shouting and arguing, traffic congestion and noise pollution. As previously mentioned, after the taxi rank was introduced, the number of police callouts dealing with public disorder increased significantly, and although the police is called, it is still a real issue. By having another takeaway with more delivery drivers and more customers visiting this premises late at night, this will just become a more regular occurrence.

Kind regards,

Local Policy

Public Nuisance

5.12. The licensing authority will interpret the term ‘public nuisance’ widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

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.

9.3. 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”.

9.6. When considering applications for a new licence, or a variation of an existing licence, the options available to the authority will generally include: granting the application as applied for, granting the application with amendments to the operating schedule or additional conditions, or refusing the application. The last of these options is clearly the most serious, and the authority will only look to refuse applications where it is satisfied that the proposed activities could not be carried on, even with modifications or additional restrictions, without a detrimental effect to the licensing objectives.

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.

10.4. 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.

10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The licensing authority expects these times to be provided for all premises which may be

accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.

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.

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 Nuisance

2.14. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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.