



# Licensing of Alcohol and Gambling Sub- Committee

**THURSDAY 16 NOVEMBER 2017 AT 10.00 AM**

## **Conference Room 2 - 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 Mrs Bassadone  
Councillor Fantham (Chairman)

Councillor Link

For further information, please contact Trudi Angel 01442 228224

## **AGENDA**

1. **MINUTES** (Pages 2 - 5)
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 6 - 46)
5. **PROCEDURE OF THE HEARING** (Pages 47 - 48)

# Agenda Item 1

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## DACORUM BOROUGH COUNCIL

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

19 SEPTEMBER 2017

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Present –

#### MEMBERS:

Councillors Mrs P Hearn (Chairman), Conway and Taylor

#### OFFICERS:

Christopher Gaunt	Legal Governance Team Leader
Ross Hill	Licensing Team Leader
Katie Mogan	Member Support Officer
Usman Mohammed	Pupil, Legal Governance

#### OTHER PERSONS PRESENT:

Mr Miah – Owner (Item 4)

The meeting began at 2.30 pm

#### 1. MINUTES

The minutes of the meeting held on 29 March 2017 were confirmed by the members present and then signed by the Chairman.

#### 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

#### 3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

#### 4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

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

Olive Indian Restaurant  
16-18 Lawn Lane  
Hemel Hempstead  
Hertfordshire  
HP3 9HL

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 and advise if they were aware of the premises. Councillors Conway and Taylor confirmed they had read the documents at hand and were aware of the premises.

The Chairman asked R Hill if the legal requirements had been complied with and R Hill confirmed they had.

R Hill explained that the sub-committee had before them an application for the grant of a new premises licence, for premises at 16-18 Lawn Lane in Hemel Hempstead, trading as the Olive Indian Restaurant. The premises previously traded as the Paprika Spice Lounge, on a bring-your-own-alcohol basis, which would not have required a licence. Nine representations were received from local residents in respect of the original application, citing concerns in respect of noise nuisance, parking issues and the supply of alcohol without food.

After seeing the representations, the applicant volunteered an amendment to remove all music entertainment from the application. The application now seeks permission for the supply of alcohol only – all entertainment has been removed from the application. The proposed hours are noon to 11pm Sunday to Thursday, and noon to 11.30pm Friday/Saturday, with additional 'drinking-up' time until midnight.

The options available to the Committee were set out on page 8 of the report, at paragraph 4.1.

The Chairman invited the sub-committee to ask any questions they may have.

The Chairman asked the Applicant to confirm he had agreed to remove the entertainment from his application. Mr Miah confirmed he had due to the public's concerns. He advised that the entertainment was intended for themed nights such as Elvis Presley, Michael Jackson, etc. but he said they wouldn't have had really loud music as it was such a small venue. He said they compromised on the entertainment after speaking to the Licensing officers about the issues raised from local residents as the licence being granted was much more important to them.

The Chairman noted that the local residents were concerned about the parking. Mr Miah advised that it was a busy parade and parking was an everyday issue. He said people would always find somewhere to park.

Councillor Taylor said he understood the issues of parking but felt that on the map footprint of 16-18 it looked quite large. He queried if there was parking marked on the map. Mr Miah advised 16-18 was previously two small buildings, and there was a car park at the rear of the building for approximately 20 cars. He explained this was a slight issue as the previous owners couldn't afford to rent the car park so the landlord had separated the car park from the building.

Councillor Taylor drew attention to the plan on page 34. He said the area looked like it could accommodate four cars and he asked if this area was rented out to someone else. Mr Miah said he had spoken to the Landlord about parking and was advised that the rent agreement was done on an annual basis so from next August the carpark might be available for them to rent.

Councillor Taylor asked the Applicant if he knew details of the rental agreement. Mr Miah said he didn't.

The Chairman queried if the supply of alcohol was for both on and off of the premises. Mr Miah advised that they wouldn't supply alcohol without the purchase of food, including takeaways.

Councillor Taylor referred to the on/off licence sales and asked R Hill if he was happy for alcohol to only be allowed with food bought on site. R Hill advised they would need an additional condition added to the licence. He asked the Applicant if he was happy for the sub-committee to add a condition about only serving off licence alcohol with food. Mr Miah confirmed he was happy with this. He said he previously owned an off licence and wasn't interested in this; he wanted to focus on the restaurant.

Councillor Taylor asked R Hill if there was any evidence of issues from the previous owners, and highlighted that there had been no objections from the Police. R Hill said he wasn't aware of any complaints of nuisance. R Hill asked the Applicant when he began trading without alcohol. Mr Miah advised it was 21<sup>st</sup> August and said they currently had no alcohol on the premises. He added the beer they served was alcohol-free.

Councillor Taylor said the letters they had received suggested there could be some problems but they couldn't take in to account previous issues and owners. He asked the Applicant to confirm how he intended to manage the building. Mr Miah said restaurants rarely sell drink to people up until the licence allowed them to. He advised restaurants are normally empty by 9.30 pm in his experience and he didn't intend to serve the pub trade. He said it was an early business and then he wanted to go home to his family.

Councillor Taylor said the assurance from the Applicant was enough and if any of the conditions were broken, Mr Miah would find himself before the sub-committee.

The meeting was adjourned at 2.50 pm.

The meeting reconvened at 2.55 pm.

Resolved:

The Sub-Committee agreed to grant the licence subject to a mandatory condition that alcohol may only be sold to persons purchasing food from the premises.

The authority considers this condition is appropriate for the promotion of the licensing objectives.

## **5. SMALL SOCIETY LOTTERY REGISTRATION APPLICATION UNDER THE GAMBLING ACT 2005**

The Chairman asked R Hill to introduce the report.

R Hill advised that the application before them was for a small society lottery registration, from ProFormance Global. These registrations are typically used by local charities, school PTAs and similar organisations for permission to promote fundraising raffles and lottery competitions. The law gives local authorities the power to register non-commercial societies such as these to promote small society lotteries.

In the current case, the applicant is a commercial company, engaging in sports training. Although the work undertaken by the company is no doubt laudable, the fact that the directors of the company may receive a personal dividend from any profits made from the company mean that its status is incompatible with the non-commercial requirement in lottery

law. UK law prohibits the promotion of lotteries for commercial purposes or benefit, with the exception of the National Lottery and External Lottery Managers, who must be licensed by the Gambling Commission.

Officers are therefore recommending that the current application be refused, on the grounds that the applicant cannot be considered to be a non-commercial society, and thus is not eligible for registration.

There were no questions on the matter.

Resolved:

The Sub-Committee carefully considered the application and subsequent correspondence between the applicant and officers.

The Sub-Committee agreed that the applicant, as a commercial limited company with private shareholders entitled to dividends from any profits made by the company, could not be considered to be a non-commercial society, and thus was not eligible to be registered to promote small society lotteries to benefit a non-commercial society.

The application was therefore **refused**, under paragraph 48(1) of schedule 11 to the Gambling Act 2005.

The Sub-Committee highlighted the suggestion in the letter sent by officers dated 9 June 2017, that an acceptable route forwards may be to establish a separate non-commercial society, operating entirely outwith the company, which may engage in various fundraising activities to generate funds for the sporting activities. However, any such society would need to be constituted and operated entirely separately from the company, with a specific constitution and other governance provisions.

The meeting ended at 3.00 pm.

# Agenda Item 4



## AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	16 November 2017
PART:	I
If Part II, reason:	-

Title of report:	<b>Premises Licence application under the Licensing Act 2003</b>
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, 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"> <li>Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

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

## 1. Background

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

## 2. Applications

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

## 3. General principles to be followed when determining applications

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

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

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

- 4.1. While considering an application for the variation of an existing licence, only the proposed variation may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.
- 4.2. When determining an application for the variation of a premises licence (under section 34), 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) modify the conditions of the licence (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

## 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	The Craft Yard, The Cottage, Parsonage Place, Tring, Hertfordshire HP23 5AT	Variation of premises licence (section 34 of the Licensing Act 2003)

**Applicants name** Jakes Ginale Ltd

**Name and address of premises** The Craft Yard  
The Cottage  
Parsonage Place  
Tring  
Hertfordshire  
HP23 5AT

**Ward** Tring Central

**1. Current Licence**

1.1 The premises is subject to a premises licence, number DAC 42788, granted on 28<sup>th</sup> April 2017. The licence-holder applied for a minor variation to the original licence in May 2017 to add an external area. This was subsequently granted with no representations.

1.2 The premises licence authorises the following licensable activities:

**Sale by retail of alcohol** (for consumption both on and off the premises)  
Monday to Sunday 11.00 hours until 21.30 hours

The current licence is set out at Annex B.

**2. Application**

2.1 An application has been made for the variation of the current premises licence, under section 34 of the Licensing Act 2003. The variation seeks to extend the sale by retail of alcohol hours as follows:

**Sale by retail of alcohol** (for consumption both on and off the premises)  
Monday to Saturday 11.00 hours until 23.45 hours  
Sunday 11.00 hours until 23.00 hours

The applicant seeks to maintain the existing hours, the variation being for private events and occasional late openings.

The application for variation is set out at Annex A.

A location map of the area in which the premises is situated is set out at Annex C.

**3. Details of Representations**

3.1 Representations could be made in respect of this application between 27<sup>th</sup> September 2017 and 25<sup>th</sup> October 2017. During this time three relevant representations were received, from the owner of a property close to the premises, from Tring Town Council, and the Licensing Authority in its capacity as a responsible authority. Representations are attached at Annexes D1 to D3.

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

Planning: No relevant representations.

Licensing authority: Valid representation received, see Annex D3

**4. Observations**

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

# ANNEX A Application for variation

Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Revised April 2017



## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We JAKES GINALE LTD  
*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

<b>Premises licence number</b>	DAC 042788
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#### Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
THE COTTAGE PARSONAGE PLACE			
<b>Post town</b>	TRING	<b>Post code</b>	HP23 5AT

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£

#### Part 2 – Applicant Details

<b>Daytime contact telephone number</b>	07930 556744		
<b>Email address (optional)</b>	shop@thecraftyard.co.uk		
<b>Current postal address if different from premises address</b>			
<b>Post town</b>		<b>Postcode</b>	

**Part 3 – Variation**

*Please tick ✓ as appropriate*

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect? 

D	D	M	M	Y	Y	Y	Y

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? *(Please see guidance note 1)*  Yes  No

**Please describe briefly the nature of the proposed variation** *(Please see guidance note 2)*

To extend the opening hours to 23.45 hours from Monday to Saturday and to 23.00 on Sundays. Our company has received many enquiries regarding private functions. Since the granting of our licence and the commencement of The Craft yard, Customers will expect to be able to hold their events up to 23.45 hours. We have been extremely successful in managing a safe, orderly and important venue in Tring. With many positive comments from residents and other business owners within the Town. We have a close working relationship with the our direct neighbours and have received no complaints which we feel is down to our due diligence and foresight.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 – Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

*Please tick ✓ all that apply*

**Provision of regulated entertainment** *(please see guidance note 3)*

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

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

**Sale by retail of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings <i>(please read guidance note 8)</i>			Will the performance of a play take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> <i>(please read guidance note 5)</i>		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> <i>(please read guidance note 6)</i>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 7)</i>		
Sat					
Sun					

**B**

Films Standard days and timings <i>(please read guidance note 8)</i>			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors
Day	Start	Finish		Outdoors
			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> <i>(please read guidance note 5)</i>	
Tue				
Wed			<b>State any seasonal variations for the exhibition of films</b> <i>(please read guidance note 6)</i>	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 7)</i>	
Sat				
Sun				

**C**

Indoor sporting events Standard days and timings <i>(please read guidance note 8)</i>			Please give further details <i>(please read guidance note 5)</i>
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events <i>(please read guidance note 6)</i>
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list <i>(please read guidance note 7)</i>
Thur			
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

**E**

Live music Standard days and timings <i>(please read guidance note 8)</i>			Will the performance of live music take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 5)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music <i>(please read guidance note 6)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list <i>(please read guidance note 7)</i>		
Sat					
Sun					

**F**

Recorded music Standard days and timings <i>(please read guidance note 8)</i>			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> <i>(please read guidance note 5)</i>	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> <i>(please read guidance note 6)</i>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 7)</i>		
Sat					
Sun					

**G**

Performances of dance Standard days and timings <i>(please read guidance note 8)</i>			Will the performance of dance take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 5)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance <i>(please read guidance note 6)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list <i>(please read guidance note 7)</i>		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within e, f or g</b> Standard days and timings <i>(please read guidance note 8)</i>			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick ✓</b> <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> <i>(please read guidance note 5)</i>		
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> <i>(please read guidance note 6)</i>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 7)</i>		
Sat					
Sun					

Late night refreshment Standard days and timings <i>(please read guidance note 8)</i>			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 4)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 5)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment <i>(please read guidance note 6)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list <i>(please read guidance note 7)</i>		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11.00	23.45	State any seasonal variations for the supply of alcohol (please read guidance note 6)  Our company will continue to restrict 'off-sales - that is sales of alcohol and taken away from the premises to 21.30 hours	Both	<input checked="" type="checkbox"/>
Tue	11.00	23.45			
Wed	11.00	23.45			
Thur	11.00	23.45	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)  The reason for the requested extension to 23.45 hours is to satisfy the many customers who wish to hold events in the Craftyard premises. We envisage holding at least three events per month. We respectfully comment that since our business started in June 2017, We have not experienced any problems regarding our customers at all. Our customers fully respect our licence conditions.		
Fri	11.00	23.45			
Sat	11.00	23.45			
Sun	11.00	23.00			

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	11.00	23.45	
Tue	11.00	23.45	
Wed	11.00	23.45	
Thur	11.00	23.45	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</b></p> <p>Our plans are to continue to open until 21.30 hours. The requested extension to 23.45 hours is mainly for private events and an occasional later opening on a Friday or Saturday to 10pm when customers are celebrating an anniversary - we have a lot of requests for this.</p>
Fri	11.00	23.45	
Sat	11.00	23.45	
Sun	11.00	23.00	

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking**

--

*Please tick ✓ as appropriate*

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

**If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below**

**Reasons why I have failed to enclose the premises licence or relevant part of premises licence**

The council already have a copy of the original licence

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

<b>a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)</b>
<p>We will continue to carry out the licencing objectives. We have already trained our staff to enforce a strict control on excessive drinking.</p> <p>Our staff enforce the underage rule and full ID is obtained in such cases.</p> <p>No children have been allowed in the shop after 19.00 hours</p> <p>We hold regular training for our staff to ensure our standards are met at all times.</p>
<b>b) The prevention of crime and disorder</b>
<p>CCTV has been installed. We will continue to work closely with local police and report any suspicious behaviour. A strict 'Challenge 25' is in force. We will only be open later for organised functions where we will already have the contact details of the requested parties, therefore will easily be able to pass this information to the authorities straightaway should anything happen whilst attendng or leaving our venue.</p>
<b>c) Public safety</b>
<p>We have made good progress in our steps tp provide a safe enviroment for our customers, we have also had the additional fire alarm fitted in order to protect our customers. we will continue to work with any authorities including the community safety partnership. We will continue to build on training and courses where required for ourselves or staff to ensure these objectives are continually met. We will of course seek guidance from the relevant authorities where and when needed to stay upto date where required.</p>
<b>d) The prevention of public nuisance</b>
<p>We will not encourage excessive drinking as we already do this at present. We will continue to do our routine external checks already in place at present. This will ensure that the customers that leave on our later nights are advised and fully aware to be respectful when leaving the premises. Our customer base is primarily young parents and are only really there for the ambiance and a couple of good tasting drinks with friends, not to create problems for everyone else. We will continue to monitor their behaviour throughout.</p>
<b>e) The protection of children from harm</b>
<p>An age verification policy is still in force and this has been well operated by our staff. There have been no adverse issues regarding this matter. No children are allowed in the shop after 19.00 hours. We will continue with our high standards on maintaing these objectives.</p>

**Checklist:**

Please tick ✓ to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

**Part 5 – Signatures** (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	27th September 2017
Capacity	Director

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

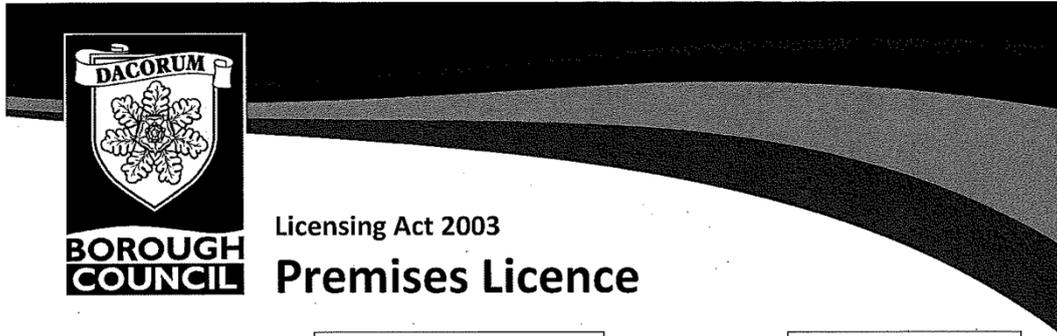
Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 15)</b>			
<b>Post town</b>		<b>Postcode</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by email your email address (optional)</b>			

**Notes for Guidance**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy.
2. Describe the premises, for example the type of premises, their general situation and layout and any other information which could be relevant to the licensing objectives. Where you are completing Part 4 and 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.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.



Premises Licence Number:

DAC 042788

Version reference:

043237

Date issued:

24 July 2017

### Part 1 – Premises Details

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

The Craft Yard  
The Cottage  
Parsonage Place  
Tring  
Herts  
HP23 5AT

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence**

Sale by retail of alcohol

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

**Sale by retail of alcohol** (for consumption both on and off the premises)

Mondays	11.00 hours until 21.30 hours
Tuesdays	11.00 hours until 21.30 hours
Wednesdays	11.00 hours until 21.30 hours
Thursdays	11.00 hours until 21.30 hours
Fridays	11.00 hours until 21.30 hours
Saturdays	11.00 hours until 21.30 hours
Sundays	11.00 hours until 21.30 hours

**The opening hours of the premises**

Mondays	11.00 hours until 21.30 hours
Tuesdays	11.00 hours until 21.30 hours
Wednesdays	11.00 hours until 21.30 hours
Thursdays	11.00 hours until 21.30 hours
Fridays	11.00 hours until 21.30 hours

Saturdays	11.00 hours until 21.30 hours
Sundays	11.00 hours until 21.30 hours

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

Alcohol both ON and OFF sales

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Jakes Ginale Ltd  
The Cottage  
Parsonage Place  
Tring  
Herts  
HP23 5AT

Email address: darrellpeter@talktalk.net

**Registered number of holder, for example company number, charity number (where applicable)**

10668297

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Darrell Peter  
23 Longfield Road  
Tring  
Hertfordshire  
HP23 4DG

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

Licence number: DAC 043021  
Issuing authority: Dacorum

Signed: \_\_\_\_\_

*R.Hill*

Ross Hill – Licensing Team Leader

Date issued: \_\_\_\_\_ 24 July 2017

On behalf of: **Mark Brookes**  
**Solicitor to the Council**

**NOTES**

This licence is issued subject to the provisions of the Licensing Act 2003 and is subject to compliance with the conditions in the following Annexes.

Possession of this document does not guarantee that the licence remains in force, nor does it imply that the premises are fit for use. Validity and current status of the licence may be confirmed by reference to the Council's Licensing officers.

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**Annex 1: Mandatory Conditions****Condition A1.**

No supply of alcohol may be made under this licence:

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

**Condition A2.**

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

**Condition A3.**

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
    - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**Condition A4.**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Condition A5.**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**Condition A6.**

The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
  - i) beer or cider: 1/2 pint;
  - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Condition A7.**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:-
  - (a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-
    - i) P is the permitted price,
    - ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
    - i) the holder of the premises licence,
    - ii) the designated premises supervisor (if any) in respect of such a licence, or
    - iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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## Annex 2: Conditions consistent with the Operating Schedule

### GENERAL - ALL LICENSING OBJECTIVES

Staff shall receive comprehensive training in legal obligations and the responsible sale of alcohol.

Refusal and incident logs shall be maintained on site, and made available for inspection upon the request of an officer of the licensing authority or a responsible authority.

Alcohol supplied in open drinking vessels shall be consumed indoors within the licensed premises only, or outdoors within the designated smoking area (marked on the attached plan). Staff shall ensure that no such alcohol is taken outside of these areas.

All alcohol supplied for consumption off the premises shall be in sealed containers.

### THE PREVENTION OF CRIME AND DISORDER

A suitable CCTV system shall operate within the licensed premises with camera coverage of both internal areas and the premises boundaries. Recordings shall be made available for inspection upon the reasonable request of a police officer.

Staff shall be trained to be vigilant and to report any suspicious behaviour via appropriate channels.

The premises shall participate in relevant local crime prevention schemes, if available.

### PUBLIC SAFETY

The licence-holder shall arrange for regular (at least annual) checks of the premises by an appropriate health and safety adviser(s), to include fire safety matters, and shall act upon any reasonable requirements made by that adviser.

### THE PREVENTION OF PUBLIC NUISANCE

Notices shall be displayed near the exit of the premises asking customers to leave the vicinity in a manner considerate to local residents.

Staff will monitor areas in the vicinity of the premises, including external consumption areas, for any anti-social behaviour or public nuisance, and in the event of such shall take appropriate action.

Regular visual checks shall be made for any waste or other detritus emanating from the premises, with appropriate action taken to remove any such waste.

### THE PROTECTION OF CHILDREN FROM HARM

No unaccompanied children to be permitted to remain on the premises at any time. No children under 18 (excluding members of staff) shall be permitted on the premises after 19.00 hours.

A "Challenge 25" scheme shall be operated at the premises in respect of sales of alcohol, whereby any person attempting to purchase alcohol who appears to staff to be under 25 years of age shall be required to produce acceptable ID demonstrating that they are of legal age to purchase the product. Acceptable ID shall be:

- An ID card bearing the PASS hologram,
- A photographic driving licence, or
- A passport

Staff shall be trained in respect of the operation of the Challenge 25 scheme, and in respect of the prevention of proxy sales.

Children shall not be permitted to sit at the bar counter area.

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

Not applicable



**ANNEX C**  
**Location map of area in which the premises is situated**



-----Original Message-----

From: \*\*\*\*\* [mailto:\*\*\*\*\*]

Sent: 12 October 2017 19:54

To: Licensing Mailbox

Subject: Re Jakes Ginale ltd T/A The Craft Yard

Dear Sir

I am writing to object to the extended licensing hours for the above property.

I am the landlord of the property opposite and the ground floor flat kitchen is 8 metres away from the bars front door. The extended hours will 1. Have a detrimental affect on my tenants well being. They have contacted me, and said they would have to re think their tenancy as the unsocial hours of the bar in a residential area will affect their daily lives.

2. Tring Park school rent the top flat to pupils under 18. The proposed license change will make the property rentable for me.

Please acknowledge receipt of this email.

Yours faithfully

**ANNEX D2**  
**Representation from Tring Town Council**

**From:** Tring Town Clerk [mailto:clerk@tring.gov.uk]  
**Sent:** 16 October 2017 11:11  
**To:** Licensing Mailbox  
**Subject:** M044088 The Craft Yard, The Cottage, Parsonage Place, Tring

Dear Sir/Madam

At the meeting of its Planning Committee held on Monday 9<sup>th</sup> October, Tring Town Council resolved to recommend refusal of this application on the grounds that it would cause public nuisance.

The original planning application and licence application were granted on a business model for a beer tasting establishment i.e. a retail type establishment where customers could taste beer before buying to takeaway. This is a clear distinction from a pub where customers are drinking socially. The Council would have opposed an application from a pub because of the location in a residential area. The licenced hours granted i.e. to 9:30pm are in keeping with a retail establishment.

The application to change the hours to 11:30 confirms the change in use to social drinking and being a pub. This is inappropriate to the residential location with increased noise at an unsocial hour causing a public nuisance.

Yours faithfully,

Michael Curry

**Michael Curry**  
**TOWN CLERK**  
**TRING TOWN COUNCIL**  
**Market House, 61 High Street**  
**Tring, Herts HP23 4AB**  
**Tel: 01442 823347**  
**Fax: 01442 827178**  
**Email: clerk@tring.gov.uk**  
**Web: [www.tring.gov.uk](http://www.tring.gov.uk)**

ANNEX D3  
Representation from the Licensing Authority

Date: 23 October 2017  
Your reference: M044224  
Our reference: M044224  
Contact: Ross Hill  
Email: licensing@dacorum.gov.uk  
Direct line: 01442 228654

Jakes Ginale Ltd  
The Craft Yard  
The Cottage, Parsonage Place  
Tring  
Hertfordshire  
HP23 5AT



The Forum  
Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1DN  
Telephone: 01442 228000  
www.dacorum.gov.uk

D/deaf callers, Text Relay:  
18001 + 01442 228000

Dear Sir/Madam,

**Representation on behalf of Licensing Authority  
Licensing Act 2003: Premises Licence (full variation) application  
The Craft Yard – The Cottage, Parsonage Place, Tring, HP23 5AT**

I write in respect of your recent application to vary a Premises Licence, for the above premises, reference number M044088.

Having considered your application, I am minded to make representation in respect of it, on behalf of the licensing authority. I have been granted delegated authority to do so by the Council.

As you will recall, I made representation in respect of your original application for the premises licence earlier this year, in respect of which conditions were ultimately agreed and added to the licence. That representation included the following paragraph:

*I note that you have described the proposed business as being primarily off-sales, with a tasting bar to allow people to 'try before they buy' and for tasting events. I do not consider that it would be appropriate to add conditions to assure this at this time – however, I would highlight cases around the country where tasting-led premises have transitioned into full bars with associated disorder and nuisance, and have ultimately had their licences reviewed. If the licence is granted, we trust that you will contact us to discuss any future changes to your business model prior to making such changes.*

Continues over...



100% recycled paper

It is disappointing that no such communication was received prior to the submission of this current application, as this could have led to the concerns set out below being discussed in advance, and possibly reflected in your proposed operating schedule measures, thus alleviating the need for this representation.

Your current application seeks to extend the terminal hour for sales of alcohol for consumption on the premises (and I am assuming, in the absence of any specific mention, that you intend for this to include the external consumption area added to your licence in an earlier minor variation application) from 21:30 hours Monday to Sunday at present, to 23:45 hours Monday to Saturday and 23:00 hours on Sunday. You have stated in your application that off-sales will retain the current terminal hour. You have stated in several places throughout your application that the variation will allow you to hold regular events and functions at the premises, in response to customer demand.

The proposed variation would, if granted, allow an on-sales business until late hours, 7 days a week, which represents a considerable change from the operation detailed in the original application (a daytime off-sales led enterprise), and which the current licence conditions reflect. In my professional opinion, the operating schedule you have supplied is inadequate to promote the licensing objectives, for the proposed on-sales led business model, and to control the potential issues and nuisances which may arise from this style of operation. We have previously experienced cases within the borough where similar premises have transitioned to an on-sales led business model, with resulting crime, disorder or public nuisance issues.

The premises is located in Tring town centre, up a narrow road just off Frogmore Street. It is possible to access the rear of the premises from the High Street via a private car park, part of which is licensed for use as an external consumption area under the current licence. There are residential properties adjacent to the premises and overlooking this area (64a/b High Street), and on the opposite side of Parsonage Place from the premises' frontage.

The close proximity of residential properties is likely to prove incompatible with a late-licensed external drinking area, due to the significant potential for public nuisance to be caused by patrons using such areas to local residents, by way of noise or anti-social behaviour. Additionally, such residents may also be affected by these issues as patrons utilise or disperse from licensed premises, particularly given the relatively remote location of the premises, away from other licensed premises.

To reduce the likelihood of such issues occurring, which may give rise to incidents of crime, disorder or public nuisance, I believe that additional conditions should be added to the licence if the variation is granted, to ensure the adequate supervision and control of patrons resorting to the premises, and to promote their orderly dispersal from the premises.

**I therefore recommend that the following conditions be imposed upon the premises licence, if the variation to extend the permitted hours for the supply of alcohol is to be granted:**

1. No alcohol supplied at the premises shall be permitted to be consumed in exterior areas associated with the premises after 21:30 hours. Any glassware

left behind in exterior areas after 21:30 hours shall be collected by staff for disposal.

2. A minimum of 2 door security personnel, licensed or otherwise authorised by the Security Industry Authority, shall be employed at the premises during any event which terminates later than 21:30 hours. Such personnel shall be present from no later than 21:30 hours until such time as all customers have departed the licensed premises.
3. Staff shall regularly monitor noise levels from the licensed premises at the boundary of nearby residential properties, and shall take appropriate action to ensure that such levels do not give rise to nuisance to occupiers of those premises.
4. The premises' windows and doors shall be kept closed at all times after 21:30 hours, save for immediate ingress and egress.
5. Toilet and hygiene facilities shall be made available for use by customers throughout the permitted hours.
6. Persons booking the premises for private functions shall be clearly advised either verbally or within booking documentation as to parking and transport facilities in Tring town centre, and shall be discouraged from parking in the vicinity of the premises.
7. Customers shall be encouraged by staff to disperse from the vicinity of the premises after egress.
8. Details of a local licensed taxi service shall be provided to customers upon request.
9. No waste materials, including waste glassware or empty bottles, shall be deposited in external bins between 22:00 and 08:00 hours daily. Such waste shall be stored in the premises until the following day.
10. A refusals log shall be maintained at the premises, and completed with details of all instances where sales of alcohol or admission to the premises, for any reason, are refused. Entries shall include, as a minimum, a description of the person who has been refused, the reason for refusal, the date and time of refusal, and the member of staff who made the refusal. The log shall be made available for inspection upon the reasonable request of an authorised officer of the licensing authority or a police officer.

Should you wish to discuss the contents of this representation, please contact me using the contact details given above.

Yours sincerely



**Ross Hill**  
**Licensing Team Leader**  
**Legal Governance**

M044224

Page 3 of 3

## **ANNEX E**

### **Local Policy considerations and statutory guidance**

#### **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 Public nuisance

5.13. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The licensing authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.th 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.

#### Planning and Building Control

26.1 The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee – the licensing authority is not bound by the decisions made by the planning authority, and vice versa.

26.2 The granting by the licensing authority of a licence or a variation thereof, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate. In particular, where licensable activities are proposed to be carried on at listed buildings, no works should be undertaken without first applying to the Local Planning Authority for listed building consent, where required.

26.3 There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.

26.4 The planning, building control and licensing regimes of the licensing authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously

26.5 The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements

26.6 Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the licensing authority from considering in detail the licensable activities, their management and conditions appropriate to them.

### **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

##### **Ensuring safe departure of those using the premises**

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

#### 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.

## 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 ... .