



# Licensing of Alcohol and Gambling Sub- Committee

**MONDAY 16 JULY 2018 AT 10.00 AM**

**Conference Room 1 - 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 P Hearn

Councillor Taylor

For further information, please contact Member Support

## **AGENDA**

**1. MINUTES**

To confirm the minutes of the previous meeting.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

**4. APPLICATION TO VARY PREMISES LICENCE (Pages 2 - 28)**

**5. PROCEDURE FOR THE HEARING (Pages 29 - 30)**

# Agenda Item 4



Report for:	Licensing and Health & Safety Enforcement Sub-Committee
Date of meeting:	16 <sup>th</sup> July 2018
PART:	I
If Part II, reason:	N/A

Title of report:	<i>Application reference no: M45940</i> <b>Application to vary Premises Licence:</b>
Contact:	Nathan March – Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of an application in respect of the variation 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 determines 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.VFM</li> <li>• Performance excellence</li> <li>• Reputation and profile delivery</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 Dacorum Borough Council's Statement of Licensing Policy Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, April 2018)
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.
- 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 through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

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

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

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

- 4.1. 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 each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Shell Budgens Berkhamsted Cross Oaks Service Station, 345 High Street, Berkhamsted	Variation (under section 34 of the Licensing Act)

## APPENDIX A

<b>Applicants names</b>	Shell UK Oil Products Limited
<b>Name and address of premises</b>	Shell Budgens Berkhamsted 345 High Street Berkhamsted HP4 1AL
<b>Ward</b>	Berkhamsted West

### 1. Current Licence

- 1.1 The premises is currently subject to authorisation under the Licensing Act 2003 permitting the following licensable activities:

Supply of alcohol (for consumption off the premises)

Monday to Saturday	06:00 hours to 23:00 hours
Sunday	10:00 hours to 22:30 hours
Christmas Day	12:00 hours to 15:00 hours
Christmas Day	19:00 hours to 22:30 hours
Good Friday	08:00 hours to 22:30 hours

Opening hours of the premises

Monday to Sunday	00:00 hours to 00:00 hours (24 hours)
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### 2. Application

- 2.1 An application has been made for the variation of the premises licence under section 34 of the Licensing Act 2003. This is set out at Annex A.
- 2.2 Authorisation is sought for the following licensable activities:

Supply of alcohol (for consumption off the premises)

Monday to Sunday	00:00 hours to 00:00 hours (24hours)
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Provision of Late night refreshment

Monday to Sunday	23:00 hours to 05:00 hours
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Also, to add the following condition:

There will be two members of staff on duty between the hours of 23:00 hours and 06:00 hours each day. In the event that there is not, the doors to the shop will be closed and all service will take place through the night hatch.

To remove the following condition:

'Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request.'

and to replace it with the following updated condition:

'Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.'

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

**3. Details of Representations**

- 3.1 The consultation period for the application was between 25<sup>th</sup> May 2018 and 21<sup>st</sup> June 2018.

During this period 1 representation was received, from the Town Council, citing concerns in respect of public nuisance and crime and disorder. This representations is set out at Annex C1.

- 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

Public Health – no relevant representations

Environmental Health Pollution – 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 TO VARY A PREMISES LICENCE



**Dacorum**  
Application to vary a premises licence  
Licensing Act 2003

For help contact  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)  
Telephone: 01442 228000

\* required information

Section 1 of 18		
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 style="width: 95%;" type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input style="width: 95%;" type="text" value="SHELL BUDGENS BERKHAMSTED"/>	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 checked="" type="radio"/> Yes <input type="radio"/> No		
<b>Applicant Details</b>		
* First name	<input style="width: 95%;" type="text" value="SHELL UK OIL PRODUCTS LIMITED"/>	
* Family name	<input style="width: 95%;" type="text" value="N/A"/>	
<b>You must enter a valid e-mail address</b>		
* E-mail	<input style="width: 95%;" type="text" value="N/A"/>	
Main telephone number	<input style="width: 95%;" type="text" value="020 7934 1234"/>	Include country code.
Other telephone number	<input style="width: 95%;" type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		
Is the applicant:		
<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
<b>Applicant Business</b>		
Is the applicant's 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 style="width: 95%;" type="text" value="3625633"/>	
Business name	<input style="width: 95%;" type="text" value="SHELL UK OIL PRODUCTS LIMITED"/>	
VAT number	<input style="width: 20px;" type="text" value="GB"/>	<input style="width: 95%;" type="text" value="235763255"/>
		If the applicant's business is registered, use its registered name. Put "none" if the applicant is not registered for VAT.

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Legal status	<input type="text" value="Private Limited Company"/>	
Applicant's position in the business	<input type="text" value="DULY AUTHORISED AGENTS"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the applicant's headquarters are.
<b>Registered Address</b>		Address registered with Companies House.
Building number or name	<input type="text" value="SHELL CENTRE"/>	
Street	<input type="text"/>	
District	<input type="text"/>	
City or town	<input type="text" value="LONDON"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="SE1 7NA"/>	
Country	<input type="text" value="United Kingdom"/>	
<b>Agent Details</b>		
* First name	<input type="text" value="LOCKETT &amp; CO"/>	
* Family name	<input type="text" value="N/A"/>	
* E-mail	<input type="text" value="mark@lockett.uk.com"/>	
Main telephone number	<input type="text" value="01562 864488"/>	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"/>	An agent that is a business or organisation, including a sole trader	A sole trader is a business owned by one person without any special legal structure.
<input type="radio"/>	A private individual acting as an agent	
<b>Agent Business</b>		
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="2728479"/>	
Business name	<input type="text" value="CORRIGAN LOCKETT LIMITED"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB 589415592"/>	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.

**Agent 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 18**

**APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

83,000

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#### VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes

No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes

No

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 to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe 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.

CONVENIENCE STORE LOCATED ON A PETROL FORECOURT TRADING UNDER COMPANY OWN FORMAT SERVING THOSE LOCALLY AND FROM FURTHER AFIELD.

THIS VARIATION APPLICATION IS FOR THE FOLLOWING:

- 1) EXTEND ALCOHOL SALES (FOR CONSUMPTION OFF THE PREMISES) FROM 06:00 - 23:00 MONDAY TO SUNDAY TO 24 HOURS PER DAY MONDAY TO SUNDAY
- 2) ADD THE PROVISION OF LATE NIGHT REFRESHMENT (INDOORS) FROM 23:00 - 05:00 MONDAY TO SUNDAY
- 3) ADD THE FOLLOWING CONDITION TO THE PREMISES LICENCE:

There will be two members of staff on duty between the hours of 23:00 and 06:00 each day. In the event that there is not, the doors to the shop will be closed and all service will take place through the night hatch.

- 4) REMOVE THE FOLLOWING CONDITION FROM THE PREMISES LICENCE - UNDER ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE - UNDER GENERAL STATEMENT OF LICENSING OBJECTIVES

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

AND REPLACE IT WITH THE FOLLOWING UPDATED CONDITION:

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be

*Continued from previous page...*

undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Section 10 of 18**

<i>Continued from previous page...</i>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
Will the schedule to provide performances of dance be subject to change if this application to vary is successful?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
<b>Section 12 of 18</b>	
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>	
Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
<b>Standard Days And Timings</b>	
MONDAY	Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Start <input type="text" value="23:00"/>	End <input type="text" value="05:00"/>
Start <input type="text"/>	End <input type="text"/>
TUESDAY	
Start <input type="text" value="23:00"/>	End <input type="text" value="05:00"/>
Start <input type="text"/>	End <input type="text"/>
WEDNESDAY	
Start <input type="text" value="23:00"/>	End <input type="text" value="05:00"/>
Start <input type="text"/>	End <input type="text"/>
THURSDAY	
Start <input type="text" value="23:00"/>	End <input type="text" value="05:00"/>
Start <input type="text"/>	End <input type="text"/>
FRIDAY	
Start <input type="text" value="23:00"/>	End <input type="text" value="05:00"/>
Start <input type="text"/>	End <input type="text"/>

Continued from previous page...

SATURDAY

Start 23:00

End 05:00

Start

End

SUNDAY

Start 23:00

End 05:00

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 select 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 provision of hot drinks and heated snack foods (e.g. panini's, sausage rolls, pasties)

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 the premises will be used for the provision of late night refreshment at different times from those listed above, 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

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

NONE

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, 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

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**ADULT ENTERTAINMENT**

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

Provide 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

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**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Provide 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

Continued from previous page...

SATURDAY

Start 00:00

End 00:00

Start

End

SUNDAY

Start 00:00

End 00:00

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 above, 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

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

THE CONDITION LIMITING ALCOHOL SALES FROM 06:00 - 23:00

THE STAFF TRAINING CONDITION ON ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WHICH WILL BE REPLACED BY AN UPDATED CONDITION - SEE SECTION 16

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

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

#### Section 16 of 18

#### 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.

**Continued from previous page...**

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

b) The prevention of crime and disorder

ALL CONDITIONS CURRENTLY SHOWING ON THE PREMISES LICENCE WILL REMAIN IN PLACE FOR THIS SECTION

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

ALL CONDITIONS CURRENTLY SHOWING ON THE PREMISES LICENCE WILL REMAIN IN PLACE FOR THIS SECTION

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded 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.
  - o any playing of recorded 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.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**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:

<https://www.gov.uk/correct-your-business-rates>

Band A | Premises not rated, or rateable value up to £4,300

Application fee: £100.00

Band B | Rateable value between £4,301 and £33,000

Application fee: £190.00

Band C | Rateable value between £33,001 to £87,000

Application fee: £315.00

Band D | Rateable value between £87,001 to £125,000

Application fee: £450.00 #

Band E | Rateable value £125,001 or greater

Application fee: £635.00 #

# Premises in bands D or E used primarily for the consumption of alcohol on the premises are subject to fee multipliers, requiring fees of £900.00 or £1,905.00 respectively. Premises undergoing construction or redevelopment are treated as if they were in Band C for fee purposes.

Certain community premises, including church halls, chapel halls, village halls, community centres and schools and colleges, which are only licensed for entertainment and NOT alcohol or late night refreshment, may be exempt from licensing application and annual fees. Please contact us to discuss whether your premises will fall within this exemption.

Premises licences for large capacity events (i.e. more than 5,000 people attending) will require payment of an additional fee, based upon the number of people permitted to attend the event at any time. Please contact us for details of these additional fees.

\* Fee amount (£)

315.00

**DECLARATION**

\* 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.

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

**Continued from previous page...**

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/change-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, 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.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

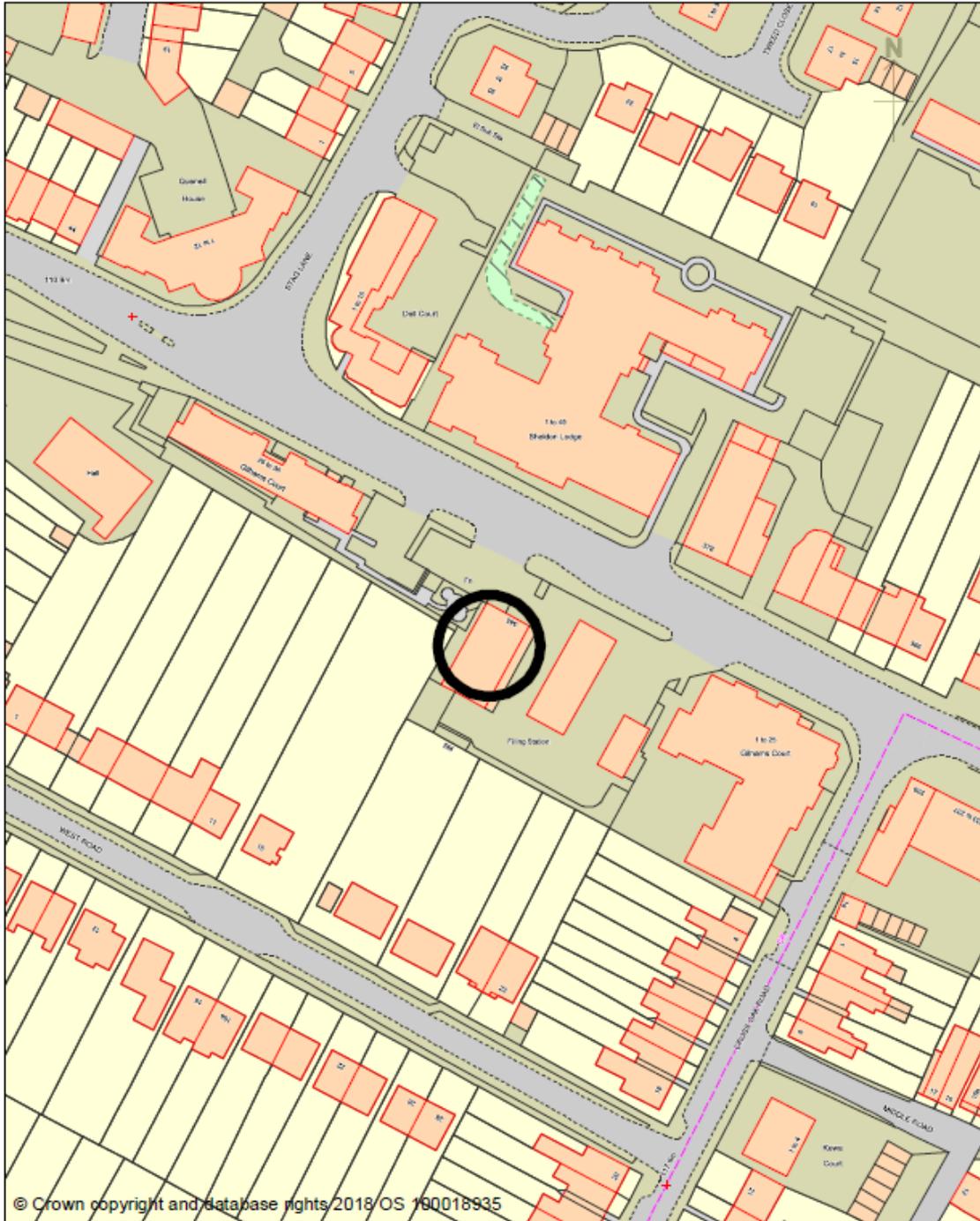
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**ANNEX B2  
MAP OF AREA**



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

Scale: 1:1001  
Date: 29/06/2018

Good morning

I have set out below an extract from Berkhamsted Town Council's Town Planning Committee minutes of the meeting held on 4 June 2018 regarding its objections to the above licensing application

Notification has been received from Dacorum Borough Council of the following licensing application:

LA2003: Premises license – Full Variation application  
Shell Budgens Berkhamsted  
Cross Oaks Service Station, 345 High Street, Berkhamsted

**Objection.**

Committee members noted that the surrounding area already suffered from drink fuelled noise and the proposed extended licensing hours would only serve to increase anti-social behaviour in the vicinity. This is a densely populated area with a number of accommodation units for the elderly and the proposals are unwelcome and inappropriate.

Kind regards

Berkhamsted Town Council  
Tel: 01442 800152

## **ANNEX D**

### **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 through 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 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 ... .