



# Licensing of Alcohol and Gambling Sub- Committee

THURSDAY 22 NOVEMBER 2018 AT 2.00 PM

## 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 P Hearn

Councillor Link

For further information, please contact Corporate and Democratic Support or 01442 228209

## AGENDA

**1. MINUTES**

To agree 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 FOR A PREMISES LICENCE (Pages 2 - 45)**

**5. PROCEDURE FOR HEARING (Pages 46 - 48)**

# Agenda Item 4



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	22 November 2018
PART:	I
If Part II, reason:	-

Title of report:	<i>Application reference no: M46576</i> <b>Application for a 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 grant 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.</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 <u>DBC Statement of Licensing Policy 2016-2021</u> <u>Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</u> (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. 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 Appendix A 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. When determining an application for the grant of a premises licence (under section 17), 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 applications require consideration and determination by the Sub-Committee. Further details on each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Mighty Bite Pizzeria, 97 Akeman Street, Tring Herts HP23 6AA	Application for a premises licence (s.17 of the Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	Abbas Cirkin
<b>Name and address of premises</b>	Mighty Bite Pizzeria, 97 Akeman Street Tring Hertfordshire HP23 6AA
<b>Ward</b>	Tring Central

### 1. Application

1.1 The applicants have requested the following activities to be licensed:

The provision of late night refreshment

Friday & Saturday 23:00 to 00:00

Sale by retail of alcohol

Sunday to Thursday 17:30 to 22:30

Friday & Saturday 13:30 to 23:30

The opening hours of the premises

Sunday to Thursday 17:00 to 23:00

Friday & Saturday 13:00 to 00:00

The application and plan of the area in which the premises is situated is set out at Annexes A1 and A2 respectively.

### 2. Details of Representations

2.1 Eight representations were received during the consultation period, which refers to potential noise and nuisance as a result of the proposed sale of alcohol. The representations are set out at Annexe C.

2.2 Responses received from responsible authorities:

Police – Representation received, but withdrawn following discussion with applicant where it was agreed that only customers who were buying food would be able to purchase alcohol.

Environment & Community Protection – No objections

Hertfordshire Fire and Rescue Service – No objections

Planning- Responded to the consultation with the following information:

*'The use hereby permitted shall not take place before 9.30 am or after 11.00 pm on Mondays to Saturdays nor before 10.00 am or after 10.30 pm on Sundays and public holidays.'*

Although Planning and Licensing are to be considered indecently by councils that deliver these functions, relevant permissions must be in place in each case for such premises to legally operate. Therefore, unless planning permission is granted for hours in line with what has been applied for in the application, the business will have to trade only during the shorter hours permitted by its Planning permission.

**3. Pre-existing Licence**

- 3.1 The premises currently holds an existing premises licence that permits late night refreshment. There is nothing in the Act that prevents this from being permitted, and the application for a new licence application should be considered on its merit. However, the Sub-committee may wish to consider how it will be possible to identify which licence is activities are taking place under at any given time when the two licences both permit this. The existing licence is attached at Annex B

**4. Observations**

The relevant parts of the Council's Statement of Licensing Police and statutory guidance are set out at Annex D.

Annex A1  
Premises licence application



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Section 1 of 21

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

Your reference  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.

- Yes
- No

Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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



Continued from previous page...

**Address**

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

A large blue rectangular area redacting the address information.

**Agent Details**

- \* First name
- \* Family name
- \* E-mail
- Main telephone number  Include country code.
- Other telephone number
- Indicate here if you would prefer not to be contacted by telephone

Are you:

- 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.
- A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No Note: completing the Applicant Business section is optional in this form.

- Registration number
- Business name  If your business is registered, use its registered name.
- VAT number  Put "none" if you are not registered for VAT.
- Legal status
- Your position in the business
- Home country  The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	UNIT 17 ASHLEY HOUSE,
Street	ASHLEY ROAD
District	TOTTENHAM HALE
City or town	LONDON
County or administrative area	
Postcode	N17 9LZ
Country	United Kingdom

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**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	Mighty Bite Pizzeria, 97
Street	Akeman Street
District	
City or town	Tring
County or administrative area	
Postcode	HP23 6AA
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	14,000

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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<b>INDIVIDUAL APPLICANT DETAILS</b>	
<b>Applicant Name</b>	
Is the name the same as (or similar to) the details given in section one?	
<input checked="" type="radio"/> Yes	<input type="radio"/> No
If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.	
First name	<input type="text" value="Abbas"/>
Family name	<input type="text" value="Cirkin"/>
Is the applicant 18 years of age or older?	
<input type="radio"/> Yes	<input type="radio"/> No
<b>Current Residential Address</b>	
Is the address the same as (or similar to) the address given in section one?	
<input checked="" type="radio"/> Yes	<input type="radio"/> No
If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.	
Building number or name	<input type="text" value="15"/>
Street	<input type="text" value="Hoblets Road"/>
District	<input type="text" value="Hemel Hempstead"/>
City or town	<input type="text" value="Hertfordshire"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="HP2 5LS"/>
Country	<input type="text" value="United Kingdom"/>
<b>Applicant Contact Details</b>	
Are the contact details the same as (or similar to) those given in section one?	
<input checked="" type="radio"/> Yes	<input type="radio"/> No
If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.	
E-mail	<input type="text" value="info@advancerarchitecture.co.uk"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="10"/> / <input type="text" value="09"/> / <input type="text" value="1988"/> dd mm yyyy

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* Nationality	<input type="text"/>	Documents that demonstrate entitlement to work in the UK
<input type="button" value="Add another applicant"/>		
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**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises is Take Away and the alcohol will sell OFF the licence. The alcohol will sell with delivery food ONLY.

Supply of alcohol OFF the premises

Sunday-Thursday 17:30-22:30

Friday-Saturday 13:30-23:30

Operation hours

Sunday-Thursday 17:00-23:00

Friday-Saturday 13:00-00:00

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

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<b>Section 6 of 21</b>
<b>PROVISION OF PLAYS</b>
<a href="#">See guidance on regulated entertainment</a>
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
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<b>Section 7 of 21</b>
<b>PROVISION OF FILMS</b>
<a href="#">See guidance on regulated entertainment</a>
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
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<b>Section 8 of 21</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
<a href="#">See guidance on regulated entertainment</a>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes  No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes  No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes  No

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**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes  No

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

[See guidance on regulated entertainment](#)

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

Yes  No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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

*Continued from previous page...*

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

- Indoors                       Outdoors                       Both

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

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

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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<b>SUPPLY OF ALCOHOL</b>	
Will you be selling or supplying alcohol?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
<b>Standard Days And Timings</b>	
MONDAY	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Start <input type="text" value="17:30"/>	End <input type="text" value="22:30"/>
Start <input type="text"/>	End <input type="text"/>
TUESDAY	
Start <input type="text" value="17:30"/>	End <input type="text" value="22:30"/>
Start <input type="text"/>	End <input type="text"/>
WEDNESDAY	
Start <input type="text" value="17:30"/>	End <input type="text" value="22:30"/>
Start <input type="text"/>	End <input type="text"/>
THURSDAY	
Start <input type="text" value="17:30"/>	End <input type="text" value="22:30"/>
Start <input type="text"/>	End <input type="text"/>
FRIDAY	
Start <input type="text" value="13:30"/>	End <input type="text" value="23:30"/>
Start <input type="text"/>	End <input type="text"/>
SATURDAY	
Start <input type="text" value="13:30"/>	End <input type="text" value="23:30"/>
Start <input type="text"/>	End <input type="text"/>
SUNDAY	
Start <input type="text" value="17:30"/>	End <input type="text" value="22:30"/>
Start <input type="text"/>	End <input type="text"/>
Will the sale of alcohol be for consumption:	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.
<input type="radio"/> On the premises <input checked="" type="radio"/> Off the premises <input type="radio"/> Both	

*Continued from previous page...*

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

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

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**Dacorum**  
**Application for a premises licence**  
**Licensing Act 2003**

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

\* required information

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

N/A

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• required information

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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• required information

**Section 18 of 21**

**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.

The applicant will accept the follow conditions. The alcohol only will sale in operation hours and the alcohol will be consumed OFF the premises. Cctv will be installed to the premises, installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The premises shall install and maintain a CCTV system as per the minimum requirements of a Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. THE CCTV SHALL BE IN OPERATION AT ALL THE PREMISES ARE OPEN TO THE PUBLIC. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS OF THE PERMITTED HOURS.

ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT AND RESPONSIBLE ALCOHOL RETAILING.

WRITTEN TRAINING RECORDS WILL BE KEPT.

THE PREMISES WILL ACTIVELY ENGAGE WITH AND WORK WITH THE POLICE SAFER NEIGHBOURHOOD TEAM.

the premises will keep strong management controls and train all staff so they are aware of the licence and its requirement.

In particular:

No service of alcohol to underage people.

Being vigilant to prevent disorderly behavior.

b) The prevention of crime and disorder

Cctv is already installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in 'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system.

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received regards crime and disorder

*Continued from previous page...*

- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

d) The prevention of public nuisance

All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months. Suitable signage will be displayed at the point of exit advising customers leave the premises quietly. Deliveries to the premises shall only be made during normal working hours.

e) The protection of children from harm

Any alcohol must be sold by DPS or a person authorised by the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme.

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\* required information

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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**NOTES ON REGULATED ENTERTAINMENT**

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.
  - 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:
  - 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.
  - 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.
  - 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.

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\* required information

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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 (£)

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.

It is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an

\* adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I

\* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or

\* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

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.

Continued from previous page...

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

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

\* Full name   
\* Capacity   
\* Date  /  /   
          dd      mm      yyyy

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

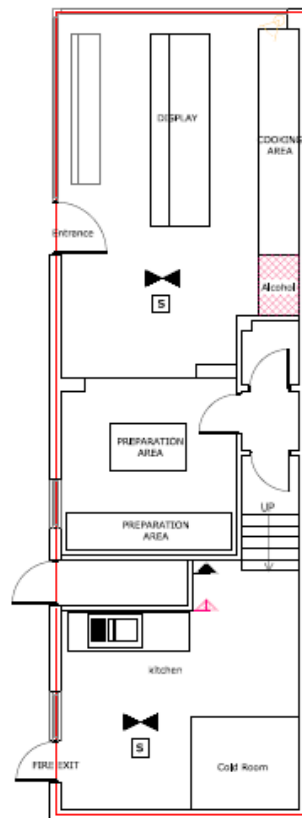
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**











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**GROUND FLOOR PLAN**

**LEGEND**

-  AMBIT OF PREMISES
-  LIQUOR SALES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
-  30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
-  CCTV OPERATING SYSTEM
-  FIRE BLANKET IN CONTAINER



**ADVANCE**  
ARCHITECTURE

ARCHITECTURE / PLANNING / LICENSING  
Unit 17, Ashley House, Ashley Road  
London N17 9LZ  
020 8801 8601 / 0 7879 909 178  
www.advancepl.co.uk  
info@advancepl.co.uk

**PLEASE NOTE**

1. All dimensions to be verified on site.
2. All dimensions are in millimeters.
3. No work shall commence until all approvals and agreements have been obtained. These include, Planning, Building Regulations, Water and party Wall.
4. The Copyright of this drawing belong to Advance Planning and Licensing Limited.

Date 17/08/18

Scale (@ A4) 1 : 100

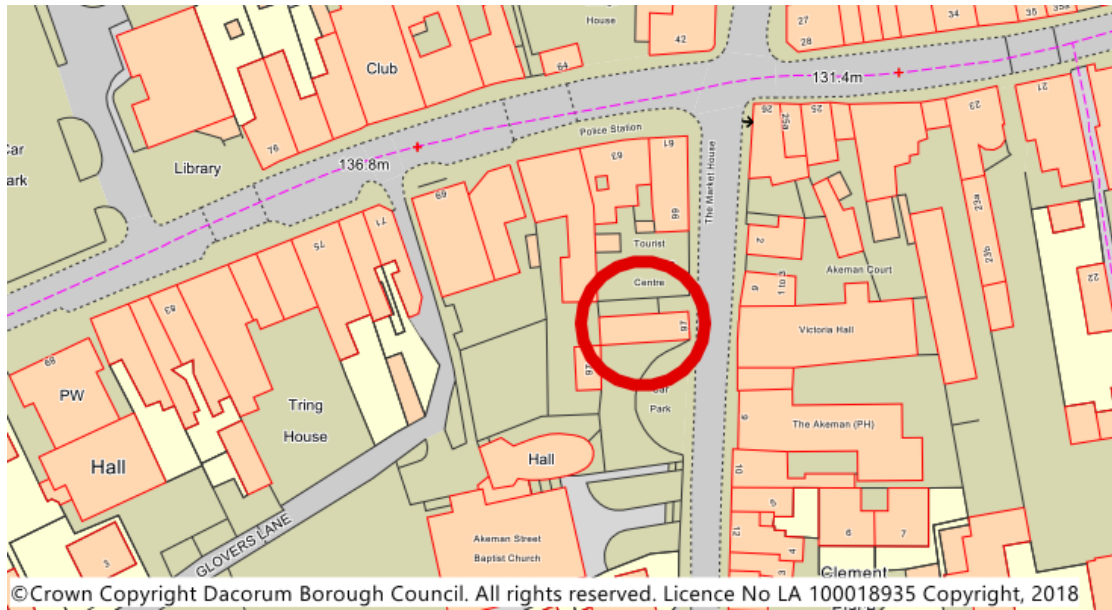


Drawn by AZ

Checked by KK

<b>PROJECT STATUS</b>	<b>LICENSING</b>
	<b>PROPOSED</b>
<b>PROJECT</b>	97 Akeman Street, Tring, HP23 6AA
<b>SHEET</b>	PREMISES LICENCE
<b>JOB No.</b>	
<b>DRAWING NUMBER</b>	<b>P100</b>
	REV

**Annex A2**  
**Plan of area where premises is situated**





# PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 008254

## Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Mighty Bite (Tring)			
Address: 97 Akeman Street			
Post town:	Tring	Post code:	HP23 6AA
Telephone number:	01442 828556		

Where the licence is time limited the dates:

N/A

Licensable activities authorised by the licence:

The provision of late night refreshment

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

### The opening hours of the premises:

Monday	17.00 hours until 23.00 hours
Tuesday	17.00 hours until 23.00 hours
Wednesday	17.00 hours until 23.00 hours
Thursday	17.00 hours until 23.00 hours
Friday	12.00 hours until 24.00 hours
Saturday	12.00 hours until 24.00 hours
Sunday	17.00 hours until 23.00 hours

### The provision of late night refreshment

Friday	23.00 hours until 24.00 hours
Saturday	23.00 hours until 24.00 hours

Indoors

Hot take-away food only

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

Sale of alcohol NOT permitted

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Name: Mr Abbas Cirkin

Address: [REDACTED]

Telephone Number: [REDACTED]

E-mail Address: [REDACTED]

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

Registration Number: N/A

Date issued: 23rd November 2005

Signed SB  
On behalf of  
Steven Baker, Assistant Director  
(Legal, Democratic & Regulatory)

**NOTES**

This licence is issued subject to the provisions of the Licensing Act 2003 and subject to the attached conditions (including those in the Operating Schedule).

**POSSESSION OF THIS DOCUMENT DOES NOT GUARANTEE THAT THE LICENCE IS IN FORCE NOR DOES IT IMPLY THAT THE PREMISES ARE FIT FOR USE. ITS VALIDITY MAY BE ESTABLISHED BY REFERENCE TO THE COUNCIL'S LICENSING OFFICER.**

ANNEX 1

**MANDATORY CONDITIONS**

ANNEX 2

**GENERAL STATEMENT OF LICENSING OBJECTIVES**

Objectives do not apply other than those mentioned below

**THE PREVENTION OF CRIME AND DISORDER**

All persons are supervised and asked to behave themselves.

**PUBLIC SAFETY**

Fire extinguishers shall be regularly maintained and fire proceures put in place.  
No customers allowed in the kitchen or near hot appliances.

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 - Minicom 01442 228656 www.dacorum.gov.uk

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

Customers are asked to leave quietly with respect for the neighbours.  
People who appear intoxicated or who are known to cause anti social behaviour shall not be served and will be asked to leave the premises quietly.

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

Children are not allowed in the kitchen or near hot appliances.

**ANNEX 3**

#### **CONDITIONS ADDED AT HEARING OF LICENSING OF ALCOHOL AND GAMBLING SUB COMMITTEE - N/A**

**ANNEX 4**

#### **PLANS**

Due to the size of the plan held in respect of this premises, it is not possible to reproduce it in this space. However, for the avoidance of doubt, the licensed area of the premises is as shown on plan number 4/0846/93 drawn by Dacorum Borough Council dated 17<sup>th</sup> June 1993

**Objection 1**

**From:** \*\*\*\*\*  
**Sent:** 09 September 2018 17:24  
**To:** Licensing Mailbox  
**Cc:**  
**Subject:** Licensing Application : M046576 (Mighty Bite, Akeman Street, Tring)

Dear Sir/Madam,

With reference to the above application, we wish the following observations to be actively noted and carefully considered:

A) There is a potential ambiguity in the application as published on the Dacorum site.

Under the header of Operating Schedule, in the 'white box' area' it is noted: **For consumption off the premises To accompany delivery only**

B) Under the 'Supply of Alcohol' Box it is noted: 'Alcohol may be supplied for consumption OFF the premises only' - but with no mention of sales of alcohol being permitted ONLY to accompany home deliveries.

C) This is an important and very concerning ambiguity.

**D) Home Delivery Only:** - if this application is only for alcohol to be provided as part of a home delivery service, along with food for presumed consumed in people's own homes, then we currently have no objection to this application.

**E) Alcohol Provided as part of a takeaway - if however the intention is **to provide alcohol to people purchasing takeaway food ... or even simply purchasing alcohol without even purchasing ANY food** from Mighty Bite, by customers on-site and in person, then we have many concerns and would object very strongly.**

F) Any such service as per E) above, is likely to cause significant problems under both;

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

G) If people were able to purchase alcohol along with takeaway food, or *even without buying any takeaway food at all*, when visiting Mighty Bite in person, there is a fair chance that some people would consume that same alcohol in the vicinity of Akeman Street, which fact would have a high probability of leading to issues under the above category headers and would, almost certainly, cause major problems to those who live nearby.

H) There are already nuisance issues arising from late night noise being caused by patrons of the Mighty Bite, visiting there after Pub-closing times. Provision of alcohol, on-site, to people buying food or simply wishing to buy alcohol only, can very reasonably be predicted to worsen an already troublesome issue.

If the application is genuinely only to provide alcohol for home delivery together with food orders, then we have no objection.

But if the intent of the application is as described by me under E) above, then we vehemently object and would respectfully request that this application be denied.

Yours sincerely,

## Objection 2

We write to voice our concerns about and to object to the application made by Mighty Bite to sell alcohol for consumption off the premises.

This business already attracts late night trade which frequently creates disturbance and traffic congestion in the local area. If permission is granted to allow the business to provide alcohol for sale to people purchasing takeaway food from Mighty Bite there is a greater chance of noise and disruption despite the conditions set out by the applicants relating to the

- Prevention of Crime and Disorder and
- Prevention of Public Nuisance

We believe that there is a strong likelihood that some people would consume that alcohol in the vicinity of Akeman Street that would inevitably lead to issues under the above categories and would cause major problems to those of us who live nearby. Even though sale may be restricted to people over the age of 25 years this is no guarantee that noise disorder and nuisance would not be increased.

We urge you to listen to our view that the provision of alcohol to customers of Mighty Bite is to the detriment of residents and other people visiting central Tring and hope that you will refuse the licensing application on the grounds stated above.

Yours faithfully

## Objection 3

Dear Sir/Madam,

Regarding the above application, I have the following comments;

It is not totally clear to me what this application is for.

**Delivery Only** - if it is only for alcohol to be provided as part of a **home delivery service**, along with food etc., the alcohol to be consumed in people's own homes, then I have no objection to this application.

**Alcohol Provided as part of a takeaway** - if however, the intention is to provide alcohol to people purchasing takeaway food from Mighty Bite, in person, then I object strongly. Any such service is likely to cause issues under both;

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

If people were able to purchase alcohol along with takeaway food, when visiting Mighty Bite in person, there is a strong likelihood that some people would consume that alcohol in the vicinity of Akeman Street which would inevitably lead to issues under the above categories and would cause major problems to those of us who live nearby. There are already issues with late night noise being caused by patrons of the Mighty Bite, attracted there after being to the pub, provision of alcohol to those people would only exacerbate the issues.

**To re-iterate, if the intention is only to provide alcohol for home delivery only then I have no objection.**

Kind Regards

#### **Objection 4**

My attention has been drawn to the above application and I wish to object for the following reasons.

My house backs onto Akeman Street with two bedroom windows facing that street at its narrowest part. We already suffer considerable noise from vehicles and people coming to and going from the commercial premises at that part of Akeman Street adjacent to the High Street all within a few yards of each other and within one hundred yards of my house.

The two takeaways in particular generate considerable noise and substantial litter as individuals walk up the street eating their takeaways and discarding packaging. To allow them to buy alcohol will only add to the litter and add to the noise. On summer evenings in particular we already have patrons of the public house spilling out onto the street and making a noise and dropping litter. There is just too much activity in this area and Tring is only a small town with other places from which alcohol can be purchased to late at night. There is no need for this premises to sell alcohol.

I question whether Mighty Bite with its limited staff numbers has the ability to police the customers leaving its premises with alcohol and deal with any rowdy or antisocial behaviour.

#### **Objection 5**

Dear Sir/Madam,  
regarding the above application, I have the following comments;

It is not totally clear to me what this application is for.

**Delivery Only** - if it is only for alcohol to be provided as part of a home delivery service, along with food etc., the alcohol to be consumed in people's own homes, then I have no objection to this application.

**Alcohol Provided as part of a takeaway** - if however the intention is to provide alcohol to people purchasing takeaway food from Mighty Bite, in person, then I object strongly. Any such service is likely to cause issues under both;

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

If people were able to purchase alcohol along with takeaway food, when visiting Mighty Bite in person, there is a strong likelihood that some people would consume that alcohol in the vicinity of Akeman Street which would inevitably lead to issues under the above categories and would cause major problems to those of us who live nearby. There are already issues with late night noise being caused by patrons of the Mighty Bite, attracted there after being to the pub, provision of alcohol to those people would only exacerbate the issues.

To re-iterate, if the intention is only to provide alcohol for home delivery then I have no objection.

Regards



## **Objection 6**

Ref: M046576 Premises licence for Mighty Bite, 97 Akeman Street, Tring

This premises licence was discussed by the Planning Committee on 10th September 2018. The following objections were made:

1) Prevention of nuisance: The purchase of alcohol for consumption off the premises would lead to loitering and anti-social behaviour in a predominantly residential area of the town. The presence of another licensed premises (The Akeman) opposite Mighty Bite in Akeman Street would exacerbate any noise and disturbance caused by patrons of both establishments

2) Protecting children from harm: The applicant states that monitoring of sales at the premises will take place by operating the "challenge 25" proof of age scheme. However, when alcohol is supplied by delivery with pizzas, there can be no certainty of the age of the recipient.

Therefore, the granting of a license to sell alcohol for consumption off the premises is inappropriate and should be refused.

Should you require any additional information, please do not hesitate to contact Tring Town Council

**Annex D**

**Relevant extracts from the Council's Statement of Licensing Policy 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.

#### **National Guidance**

##### Each application on its own merits

1.17. Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

##### Public Nuisance

2.15. 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.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (Ref: exclusions set out by Live Music Act 2012). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.19 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.

2.21 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

9.37 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.

9.38 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.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational.

#### Imposed conditions

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

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

# Agenda Item 5

## 5. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

### Introduction

The four licensing objectives, as established by the Licensing Act 2003, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance and
- the protection of children from harm.

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- the merits of the application;
- the promotion of the four licensing objectives;
- the policy of the Licensing Authority, a copy of which can be obtained from the Council's Licensing Officer;
- the guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport in July 2004, as amended in July 2006 and as further amended in June 2007.

### 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 and any Interested Party (in that order, except in the case of a Review where the order will be: the Interested Party or Responsible Authority which has made the application for Review, the Licence-Holder and any Interested Party and/or Responsible Authority which has not made the application for Review). 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 Interested Party, any Responsible Authority and the Applicant (in that order, except in the case of a Review where the order will be: any Interested Party and/or any Responsible Authority which has not made the application for Review, the Licence-Holder and the Interested Party or Responsible Authority which has made the application for 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.

**6. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

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