



Licensing of Alcohol and Gambling Sub- Committee

MONDAY 20 MAY 2019 AT 2.30 PM

Council Chamber - Berkhamsted Civic Centre

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.

Committee members to be confirmed

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

AGENDA

1. **MINUTES**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**
4. **PREMISES LICENCE APPLICATIONS UNDER THE LICENSING ACT 2003** (Pages 2 - 75)
5. **PROCEDURE FOR HEARING** (Pages 76 - 78)

Agenda Item 4



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	20 May 2019
PART:	I
If Part II, reason:	-

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

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2016-2021 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, 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 part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

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

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

4. Options available to the Sub-Committee

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

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
 - (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) refuse to specify a person in the licence as the premises supervisor;
 - (d) reject the application.
- 4.2. 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.
- 4.3. 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 applications

- 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	Carluccios, 196 High Street Berkhamsted Hertfordshire HP4 3BA	Variation of premises licence (s.34 Licensing Act 2003)
B	Mode, 156 Marlowes Hemel Hempstead Hertfordshire HP1 1BA	Grant of premises licence (s.17 Licensing Act 2003)

- 5.2. Local policy considerations and national guidance relevant to both applications can be found at Appendix C.

**APPLICATION TO VARY PREMISES LICENCE UNDER
S.34 OF THE LICENSING ACT 2003**

Applicants name Copper House Bars Ltd

Name and address of premises Carluccio's
196 High Street
Berkhamsted
Hertfordshire
HP4 3BA

Ward Berkhamsted Castle

1. Current Licence

1.1 The premises is subject to a current premises licence DAC 029417

1.2 The current licence authorises the following activities:

Sale by retail of alcohol for consumption both on and off the premises
Monday to Sunday 08:00 until 00:00

Late night refreshment – both indoors and outdoors
Monday to Sunday 23:00 until 00:00

Hours premises currently open to the public
Monday to Sunday 08:00 until 00:30

The current licence is attached to this report at Annex A.

2. Application

2.1 The application seeks to vary the licence to extend the hours that currently authorised activities take place, and to add the provision of live and recorded music. The requested variation is summarised as follows:

Provision of live music – indoors
Thursday to Saturday 08:00 until 01:00

Provision of recorded music – indoors
Monday to Wednesday 08:00 until 00:00
Thursday to Sunday 08:00 until 01:00

Late night refreshment – both indoors and outdoors
Sunday to Wednesday 23:00 until 00:00
Thursday to Saturday 23:00 until 01:00

Sale by retail of alcohol for consumption both on and off the premises
Sunday to Wednesday 08:00 until 00:00
Thursday to Saturday 08:00 until 01:00

Hours premises to be open to the public
Sunday to Wednesday 08:00 until 00:30
Thursday to Saturday 08:00 until 01:30

The applicant is also requesting the removal of a condition on the current licence that limits off sales of alcohol to the delicatessen bar only, as they wish for customers to be able to purchase bottles of alcohol to take away.

The variation application is attached to this report at Annex B

3. Details of Representation

- 3.1 Two representations were received during the consultation period, one from Berkhamsted Town Council, citing concerns in respect of public nuisance, in particular the potential for disruption to neighbouring residents. The other representation is from the Ward Councillor for Berkhamsted Castle ward, citing concerns relating to the use of the outside area. Both representations are set out at Annexes C1 and C2.

- 3.2 While not making formal representations to the application, Dacorum Borough Council Planning Department have advised that the application appeared to contradict with the hours of operation stated in conditions within the planning permission that were imposed by the case officer in the interests of residential amenity.

- 3.3 There is no history of complaints for this premises.

- 3.4 A map of the area in which the premises is situated is attached at Annex D

Carluccio's, 196 High Street Berkhamsted Herts – current premises licence



Licensing Act 2003
Premises Licence

Premises Licence Number:	DAC 29417	Version reference:	047823
		Date issued:	5 March 2019

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description	
Carluccio's 196 High Street Berkhamsted Hertfordshire HP4 3BA	
Telephone number	01442 877807

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
The provision of late night refreshment Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
<u>The provision of late night refreshment</u> Provision for both on and off the premises Monday-Sunday 23.00 until 00.00
<u>Sale by retail of alcohol</u> For consumption both on and off the premises Monday-Sunday 08.00 until 00.00

<u>The opening hours of the premises</u>
Monday-Sunday 08.00 until 00.30 The premises will open from 8am for breakfast.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Alcohol may be supplied for consumption both ON and OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Mrs Amanda Worth XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXX XXXXXXXXXXXXXXX XXXXXXXXXX XXX XXX	
Telephone number: XXXXXXXX	
Email address: XXXXXXXXXXXXXX.XXX	

Registered number of holder, for example company number, charity number (where applicable)
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
XXXXXXXXXXXXXXX.XXX XXXXXXXXXXXXXX XXXXXXXXXXXXXX

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:
Licence number: XXXXXX
Issuing authority: XXXXXXXXXXX

Signed:		Date issued:	5 March 2019
	Nathan March – Licensing Team Leader		
	On behalf of: Mark Brookes Solicitor to the Council		

NOTES

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

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

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

No supply of alcohol may be made under this licence:

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

Condition A2.

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

Condition A3.

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

Condition A4.

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

Condition A5.

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

Condition A6.

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Condition A7.

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

In the above conditions, ‘responsible person’ means the holder of the Premises Licence, the Designated Premises Supervisor, or any other person over the age of 18 years who has been authorised to sell alcohol at the licensed premises.

Annex 2: Conditions consistent with the Operating Schedule

GENERAL STATEMENT OF LICENSING OBJECTIVES

The Licence holder shall ensure off sales of alcohol will only be made from the delicatessen area (marked retail upon the plan).

The Licence holder shall ensure they respect current legislation and staff have ongoing regular training, monitored by the head office on a random but regular basis. Staff shall be provided with an introductory pack relating to the relevant legislation for which they have to sign.

THE PREVENTION OF CRIME AND DISORDER

The Licence holder shall ensure staff are trained in relation to the sale of alcohol to persons under the age of 18.

PUBLIC SAFETY

The Licence holder shall ensure risk assessments are carried out at regular intervals and revised if there are any change in methods used at the premises and ensure all staff are fully trained in carrying out risk assessments.

THE PREVENTION OF PUBLIC NUISANCE

The Licence holder shall ensure the use of the outside area is always monitored by staff, and service to that area is by waiter/waitresses.

The Licence holder shall ensure low background music is played inside the unit and there is never any issue of noise escape.

The licence holder shall work closely with neighbours, residents and other businesses to ensure there are no public nuisance issues.

THE PROTECTION OF CHILDREN FROM HARM

The Licence holder shall ensure staff are trained so there is no sale of alcohol to persons under 18 by seeking identification from everyone who appears to be under 21, to prove they are 18 years of age, prior to the sale of alcohol. Convincing evidence is:

- A passport with photograph
- A photo driving licence
- A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.

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

N/A

ANNEX B Application to vary premises licence



Dacorum
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* required informatio

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 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?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* 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:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? 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

Continued from previous page...

Your position in the business	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="10"/>	
Street	<input type="text" value="Queen Street Place"/>	
District	<input type="text"/>	
City or town	<input type="text" value="London"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="EC4R 1AG"/>	
Country	<input type="text" value="United Kingdom"/>	

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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	<input type="text" value="196"/>
Street	<input type="text" value="High Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Berkhamsted"/>
County or administrative area	<input type="text" value="Herts"/>
Postcode	<input type="text" value="HP4 3BA"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

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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.

We are a new restaurant and bar opening on 12th April. The site comprises 320 sqm internal use and 30 sqm external seating area. The site is currently vacant, having previously been in established use as a restaurant (A3) use for around 20 years (since around 1998). It comprises a main restaurant/ bar area, kitchen, storage and staff rooms, bin store at ground floor level. The upper levels, which are not part of this planning application comprise a range of community uses.

This application relates to an extension of opening hours by 3 hours per week over an above the existing premises license transferred to us from Carluccios.

Planning permission for change of use to A4 and opening hours via APPLICATION - 4/02899/18/FUL
CHANGE OF USE OF THE GROUND FLOOR FROM RESTAURANT (A3) TO BAR (A4) USE AND ASSOCIATED WORKS.
Was granted on 16 November 2018 and received valid on 19 November 2018.

Planning permission for listed building consent via APPLICATION - 4/02900/18/LBC
CHANGE OF USE OF THE GROUND FLOOR OF THE PREMISES FROM RESTAURANT (A3) TO BAR (A4) AND ASSOCIATED WORKS.
Was granted on 16 November 2018 and received valid on 19 November 2018.

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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?

<i>Continued from previous page...</i>	<input type="radio"/> Yes	<input checked="" type="radio"/> 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?		
<input type="radio"/> Yes <input checked="" type="radio"/> 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?		
<input type="radio"/> Yes <input checked="" type="radio"/> 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?		
<input type="radio"/> Yes <input checked="" type="radio"/> 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?		
<input checked="" type="radio"/> Yes <input type="radio"/> No		
Standard Days And Timings		
MONDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
TUESDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
WEDNESDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>

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.

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of live music 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.

State any seasonal variations for the performance of live music

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

We may use a DJ to play music indoors on occasion, but this will not be standard activity.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

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

Yes No

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

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music 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.

Background music will be played via 6 restaurant-quality speakers across the internal site. The playlists are curated by Sound Concierge who also ensure the required royalties are paid against the music being used.

State any seasonal variations for playing recorded music.

Continued from previous page...

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 playing of recorded music 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.

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

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 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?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

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.

Continued from previous page...

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 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.

There is a 24-cover terrace on the high street frontage to the property where food and alcohol will be served to seated customers only. No music will be played externally and low tables and chairs are provided rather than bar stools or poser tables. On a Wed and Sat during the day time market in the High Street, the usable terrace area will be reduced by half to c.12 covers. This is covered by a separate pavement license provided by the Berkhamsted Market Fund.

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 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.

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

MONDAY

Start

End

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.

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 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.

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.

Section 14 of 18

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.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 08:00

End 00:30

Start

End

THURSDAY

Start 08:00

End 01:30

Start

End

FRIDAY

Start 08:00

End 01:30

Start

End

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start 08:00

End 00:30

Start

End

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 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.

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

Please remove the condition that off sales of alcohol are only made from the delicatessen area. We are a hosted, table-service bar and would like customers to be able to buy un-opened wine and champagne to consume at home.

I have enclosed the premises licence

Continued from previous page...

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.

We are undertaking a full risk assessment against all licensing objectives and will repeat this activity at regular intervals. All employees will go through thorough induction training and be provided with a handbook which underlines their obligations in this regard and will sign to confirm they understand their obligations.

In addition to our General Manager, one of our investors has also undertaken to obtain a full personal license to provide continuity to the site in the event of any change of leadership personnel and to ensure the business investors are also fully understanding of their obligations in this regards.

In advance of applying for changes to this license, we conducted a residents evening inviting all local residents to the site to discuss any concerns they had around our venture and the four licensing objectives. These points have then been built into our operating procedures and steps of service. This also resulted to no resident objections to our main planning application for change of use to A4 and change of opening hours.

b) The prevention of crime and disorder

We will produce an in-depth risk assessment on this topic and repeat at regular intervals.

We have installed a new CCTV system to the site (there has never been one at the premises before) which covers the front entrance, bar area, main restaurant and corridor to toilets.

A new lobby entrance with a tighter security features has been installed to protect the building.

An exit lighting scheme has been installed to slowly dim the lights upon closure and lock-up of the site so that the attending staff have light to exit and lock-up safely.

We have strict processes in place with regards to the management of cash both on and off the site to the Bank which will be adhered to at all times.

We have installed an alarm system that features both panic buttons in the office area where the safe is stored and behind the bar next to the cash till. The alarm is also monitored 24 hours, 365 days a year and has direct connectivity to the police in the event that 2 sensors or the panic buttons are activated.

In line with Alcohol and Social Responsibility policy, there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

The General Manager shall actively participate in and support the local Pubwatch scheme.

The external terrace will be supervised at all times by waiting staff.

The license holder will ensure that all employees are trained in how to manage difficult patrons and the process of

Continued from previous page...

escalation to on-site management.

c) Public safety

We are employing an external risk assessor to conduct a full risk assessment before opening to inform our operating procedures, such as our opening and closing routine to ensure any risks to public safety are checked daily or at a frequency dictated within our operating manuals. We will refresh our risk assessments at frequent intervals.

Externally to the site we have ensured that the terrace area is protected by movable planters that are sufficient height to avoid being a trip hazard and that all external furniture will be moved indoors during closing hours.

The refurbishment of the site has been professionally project managed to ensure that all fixtures and fittings have been installed with public safety at the heart of this process.

A fire risk assessment will be completed before opening and all recommendations from this report will be implemented.

d) The prevention of public nuisance

We will produce an in-depth risk assessment on this topic and repeat at regular intervals.

We have already liaised with our local residents as part of our planning process but intend to continue to keep communications open between Managers and local residents to resolve any reasonable concerns that are raised.

We are introducing signage within the venue to ask customers to respect our neighbours and keep noise to a minimum when exiting the premises and the licence holder will ensure reasonable steps are taken to encourage customers to leave the premises quietly.

For any guests needing a taxi, we will book this for them and ask them to wait inside, only calling them outside when their taxi arrives to avoid groups standing on the street.

We are not applying to have music played outside on the terrace area in respect of our neighbours.

We have specifically applied for our closing hours to be 30 mins earlier than other late night venues in the town to "stagger" the exit of the venues and ensure that we do not all close at the same time thus creating unnecessary noise.

e) The protection of children from harm

We will produce an in-depth risk assessment on this topic and repeat at regular intervals.

We are only employing over-18's within the venue.

We shall be ensuring all employees receive training around the sale of alcohol to under-18s and the checks that they need to undertake before serving anyone who could be deemed as looking under-age.

We will not have any gambling or games machines in the venue.

We will not be selling any tobacco products in the venue.

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

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

APPENDIX C1
Representation from Berkhamsted Town Council

From: Deputyclerk
Sent: 27 March 2019 15:15
To: Sally.Mcdonald@dacorum.gov.uk
Subject: RE: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Hi Sally,

Following the Berkhamsted Town Planning Meeting on Monday the 25th of March, the comment made by the Council about the licensing application is as follows:

Licensing application M048008.

'The Committee expressed a concern that the proposed outdoor furniture would clutter the High Street, particularly on market days and would also cause an obstruction to pedestrians. It was requested that this furniture be removed on market days. The proposed late-night drinking hours outside are a concern, especially as it is a 'no-alcohol zone'. A closing time of midnight was considered to be more appropriate. It was felt that the proposed late-night drinking hours and live music would be disruptive to the neighbouring properties, particularly to the residential block situated opposite.'

Kind Regards,
Joanna

Joanna Harley
Deputy Town Clerk
Berkhamsted Town Council
01442 800 146
deputyclerk@berkhamstedtowncouncil.gov.uk
www.berkhamstedtowncouncil.gov.uk

Please note that I do not work Fridays

From: Licensing Mailbox <Licensing@dacorum.gov.uk>
Sent: 03 April 2019 11:14
To: Deputyclerk <deputyclerk@berkhamstedtowncouncil.gov.uk>; Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: RE: [M048008] Licensing Act 2003 - LA2003 s.34: Premises licence - Full Variation application - Carluccio's

Dear Joanna,

Thank you for your objection, the application that you have referred to was invalid, and a new application was submitted (M08085) which you will have received a memo in regards to, please can you confirm that it is the later application that is subject of your objection.

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

Dacorum Borough Council | The Forum | Marlowes | Hemel Hempstead | HP1 1DN
Ext. 2654 | Direct Dial 01442 228654 | Email: nathan.march@dacorum.gov.uk

Visit www.dacorum.gov.uk/licensing for information on all of our licences and registrations.

Hi Nathan,

Thank you for your email.

Yes please, the objection relates to M08085, apologies for the omission.

Kind Regards,
Joanna

Joanna Harley
Deputy Town Clerk
Berkhamsted Town Council
01442 800 146
deputyclerk@berkhamstedtowncouncil.gov.uk
www.berkhamstedtowncouncil.gov.uk

Representation received from Councillor Ritchie, Ward Councillor

From: Tom Ritchie
Sent: 26 March 2019 09:26
To: Sally Mcdonald
Cc: David Collins; Licensing Mailbox
Subject: RE: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Dear Licensing Officers

I am writing, as one of the Elected Borough Ward Councillors, to comment on this application for licence changes to the former Carluccio premises at The Town Hall, Berkhamsted. My comments are as follows:

1. Generally, I am concerned about the introduction of a “cocktail bar”/all-day drinking establishment, with the intention of extending the used area onto the public High Street in the busiest part of the Town and for extended hours, with live and recorded music being played until 1.00am.
2. The current music licence is limited to background at a low volume; this is appropriate as the adjoining Town Hall premises are used for a wide range of social and long-established activities, including the Clock Room, immediately above, being used for wedding ceremonies - these would all be affected by loud music.
3. Regarding the pavement usage, this would interfere substantially with pedestrian traffic, including the long-established use of the whole pavement for market days, held two and sometimes three times each week.
4. The premises are immediately opposite the newly built retirement homes on the previous police station site and residents would be inconvenienced by intrusive music and noise until late hours, additional at weekends.
5. Returning to the outside usage, the immediately adjacent main door to the Town Hall is used by many groups, including young people, on a daily basis.
6. I do not agree with the request that the licence should cover alcohol for off-site consumption.

I should be happy to represent these views and comments at any future hearing.

Yours sincerely

Councillor Tom Ritchie

From: Nathan March <Nathan.March@dacorum.gov.uk>
Date: Tuesday, 26 Mar 2019, 1:31 pm
To: Tom Ritchie <Tom.Ritchie@dacorum.gov.uk>
Subject: FW: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Dear Cllr Ritchie,

Thank you for your email below raising concerns about the application to vary this licence. Unfortunately without further information it is not possible to accept these comments as a valid objection. The reason being that the issues raised do not specify why you expect that the variation is reasonably likely to lead to the problems that you have highlighted. In addition to this, you would need to ensure that any concerns clearly relate to the licensing objectives, which are the only matters that can be considered under this type of application. These are:

- prevention of crime and disorder
- promotion of public safety
- prevention of public nuisance
- protection of children from harm

It is not enough to express that you simply disagree with any aspect of the application, you must make any objection relevant to the above objectives, specific to the application, and evidenced to highlight why there is a reasonable likelihood that these issues will be caused by the variation.

Please consider whether you would like to resubmit the comment, with the required additional information required to make this acceptable as a relevant objection. If you would like to discuss the application any further, please feel free to contact me and I will be happy to help.

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

Dacorum Borough Council | The Forum | Marlowes | Hemel Hempstead | HP1 1DN
Ext. 2654 | Direct Dial 01442 228654 | Email: nathan.march@dacorum.gov.uk

Visit www.dacorum.gov.uk/licensing for information on all of our licences and registrations.

From: Tom Ritchie
Sent: 26 March 2019 16:18
To: Nathan March
Cc: Berkhamsted Town Council External
Subject: RE: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Dear Nathan March

Thank you for your response to my comments and I appreciate that one has to follow the accepted procedures for objection.

Having considered my original comments, may I suggest that they actually fulfil the criteria for objection, measured against your four options:

My comments 2 and 4 can be classified as public nuisance for High Street businesses and users and especially for the retirement flats immediately opposite.

My comment 3 can be classified as both public nuisance and public safety, especially on Market days when the pavement width is already restricted by market stalls, which have an age-old right to be there. This is always twice per week and once a month is three times a week.

My comment 5 can be classified as public nuisance and protection of children, who are long-established Hall users.

My comment 6 can be classified as public nuisance and prevention of disorder, from which the High Street already suffers.

My colleagues and I are experienced Councillors, representing the residents of our town; we welcome suitable licenced businesses in this valuable and historically important building, as the previous restaurant businesses have been. The conditions sought by this new business fall outside of suitable use for the reasons given above.

Councillor Tom Ritchie

From: Tom Ritchie
Sent: 28 March 2019 15:27
To: Nathan March
Cc: Berkhamsted Town Clerk External
Subject: RE: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Nathan

I understand from correspondence received that the withdrawal was for technical reasons, with regard to the newspaper advertisement and a new application, 48085, has been received - this looks to be exactly as 48008.

Are you, therefore, able to accept and transfer my comments and reason explanation from the earlier application and apply to the new one?

Tom Ritchie

From: Nathan March
Sent: 28 March 2019 15:30
To: Tom Ritchie <Tom.Ritchie@dacorum.gov.uk>
Cc: Berkhamsted Town Clerk External <townclerk@berkhamstedtowncouncil.gov.uk>
Subject: RE: [M048008] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Carluccio's

Dear Cllr Ritchie,

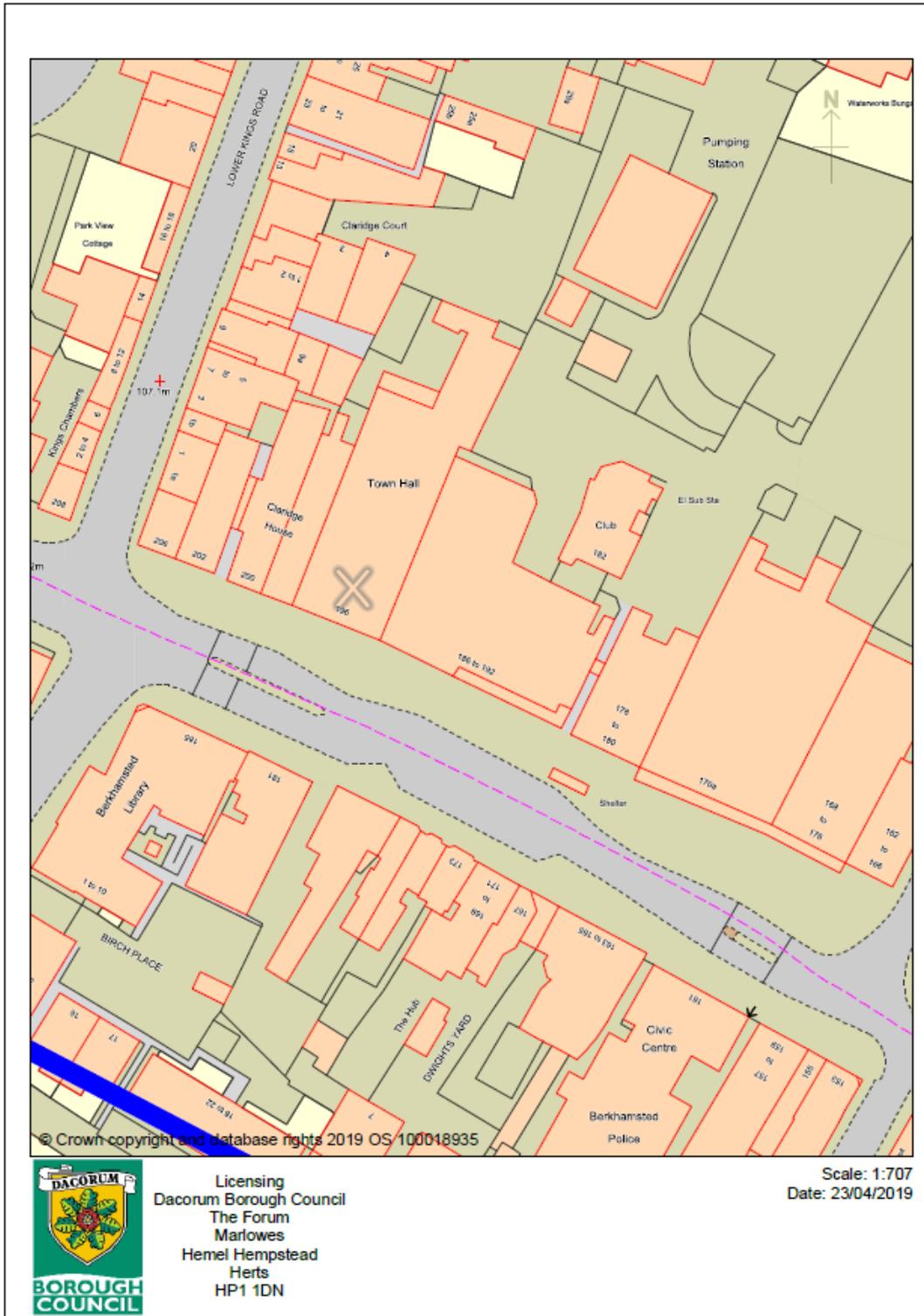
Thank you for your email, yes I can accept this email from you as confirmation that you would like your objection to the previous application to apply to this application (48085) due to the details of the application remaining the same, and therefore your earlier concerns still remaining.

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

ANNEX D
Map of area in which premises is situated



**APPLICATION FOR GRANT OF PREMISES LICENCE
UNDER S.17 OF THE LICENSING ACT 2003**

Applicants name Mr Darren Miles

Name and address of premises 'Mode'
156 Marlowes
Hemel Hempstead
Hertfordshire
HP1 1BA

Ward Hemel Hempstead Town

1. Background

1.1 This is an application for a new grant. The premises was subject to a premises licence until the company that held the licence was dissolved on 27th November 2018, causing the licence to lapse. In these circumstances the Licensing Act allows a 28 day period in which the licence can be transferred to enable it to continue, but in this case no transfer took place.

The new application seeks authorisation for the same activities and times as those on the previous licence.

2. Application

2.1 The application seeks authorisation for the following licensable activities and times:

Provision of films – Indoors

Sunday to Thursday 09:00 until 02:00
Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day
1 additional hour on commencement of British Summer time

Provision of indoor sporting events

Sunday to Thursday 09:00 until 02:00
Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

Provision of live music - Indoors

Sunday to Thursday 09:00 until 02:00
Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

Provision of recorded music – Indoors

Sunday to Thursday 09:00 until 02:00

Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

Performances of dance - Indoors

Sunday to Thursday 09:00 until 02:00

Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

Late night refreshment - Indoors

Sunday to Thursday 23:00 until 02:00

Friday & Saturday 23:00 until 03:30

Sale by retail of alcohol – for consumption on the premises

Sunday to Thursday 09:00 until 02:00

Friday & Saturday 09:00 until 03:30

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

Hours proposed to be open to the public

Sunday to Thursday 09:00 until 02:30

Friday & Saturday 09:00 until 04:00

New Year's Eve 10:00 until terminal hour New Year's Day.

1 additional hour on commencement of British Summer Time.

The application for grant of premises licence is set out at Annex A.

3. Details of Representations

3.1 Seven representations were received during the consultation period, all from residents living in the vicinity of the premises, and all citing concerns of public nuisance, disorder and anti-social behaviour in the locality.

These representations are set out at Annexes B1 to B7.

3.2 Whilst not making formal representations to the application, Dacorum Borough Council Planning Department have advised in their response that planning permission would be required to change the use of the premises from a public house to a nightclub.

3.3 Three complaints have been received for this premises since 2015 – two received during 2015 (when the premises was 'Verve' Bar) related to noise emanating from inside the premises, and the third, received in January 2016 related to noise and disorder outside the premises.

3.4 A plan of the premises and map of the locality in which the premises is situated is set out at Annex C.

ANNEX A Application for grant of premises licence

ANNEX A Application for grant of premises licence



Dacorum
Application for a premises licence
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* required information

Section 1 of 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 you would prefer not to be contacted by telephone

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="156"/>
* Street	<input type="text" value="marlowes"/>
District	<input type="text"/>
* City or town	<input type="text" value="hemel hempstead"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="HP11BA"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

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	<input type="text" value="156"/>
Street	<input type="text" value="marlowes"/>
District	<input type="text"/>
City or town	<input type="text" value="hemel hempstead"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="hp11ba"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="07468563872"/>
Non-domestic rateable value of premises (£)	<input type="text" value="37,500"/>

Section 3 of 21	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input checked="" type="checkbox"/> An individual or individuals <input type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> 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 <input type="checkbox"/> The chief officer of police of a police force in England and Wales	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 21	
INDIVIDUAL APPLICANT DETAILS	
Applicant Name	
Is the name the same as (or similar to) the details given in section one?	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.
<input checked="" type="radio"/> Yes <input type="radio"/> No	
First name	<input type="text" value="DARREN"/>
Family name	<input type="text" value="MILES"/>
Is the applicant 18 years of age or older?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes 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

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes 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

Telephone number

Other telephone number

* Date of birth / /

* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

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

Continued from previous page...

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 venue is a nightclub, that is laid out over 2 floors. the ground floor is the bar area, the 1st floor is made of a staff area, customer toilets, and cellar/storage area.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

The playing of Films for customers and during this music will be played amplified and unamplified.

State any seasonal variations for the exhibition of film

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

N/A

Non standard timings. Where the premises will be used for the exhibition of film 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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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 viewing of televised sporting events such as the football world cup, rugby world cup or large scale boxing matches. music will be played in the venue amplified and unamplified

State any seasonal variations for indoor sporting events

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

N/A

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events 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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

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

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THURSDAY

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Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

The performance of live djs, bands, or singers. The music will be either amplified or unamplified, depending on the type of performance

State any seasonal variations for the performance of live music

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

N/A

Non-standard timings. Where the premises will be used for the performance of live music 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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

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.

Continued from previous page...

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 playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

THE PLAYING OF PRE RECORDED MUSIC FOR ENTERTAINMENT PURPOSES, THIS MUSIC WILL BE AMPLIFIED.

State any seasonal variations for playing recorded music

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

N/A

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

Continued from previous page...

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

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

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THURSDAY

Start

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Will the performance of dance 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.

Continued from previous page...

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 PERFORMANCE OF DANCE FOR ENTERTAINMENT E/G BACKING DANCERS, STILT WALKERS, OR PODIUM DANCERS.

State any seasonal variations for the performance of dance

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

N/A

Non-standard timings. Where the premises will be used for the performance of dance 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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 13 of 21

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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

Continued from previous page...

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 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.

HOT FOOD OR DRINK TO BE MADE AVAILBLE TO CUSTOMERS FOR PURCHASE INSIDE THE VENUE.

State any seasonal variations

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

N/A

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.

Continued from previous page...

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

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THURSDAY

Start

End

Start

End

FRIDAY

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End

SATURDAY

Start

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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.

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.

N/A

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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

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'.

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

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

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WEDNESDAY

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THURSDAY

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End

FRIDAY

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End

Continued from previous page...

SATURDAY

Start

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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.

N/A

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.

NEW YEARS EVE: 10:00 HOURS UNTIL TERMINAL HOUR NEW YEARS DAY. 1 ADDITIONAL HOUR ON COMMENCEMENT OF BRITISH SUMMER TIME

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.

o promote all four licensing objectives we will keep:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

No selling of alcohol to underage people.

No drunk and disorderly behavior on the premises area.

Vigilance in preventing the use and sale of illegal drugs at the retail area.

No violent and anti-social behavior.

no harm to any children.

- operating schedule providing the hours of operation and licensable activities during those hours.

- designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training to staff on the licensing Act (training record), to make or authorize each sale.

- clear challenge 25 information to prevent the supply of alcohol to under age drinkers.

-CCTV system installed

As a licensed premises we know that it is necessary to carry out our functions or operate their business with the purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

Continued from previous page...

b) The prevention of crime and disorder

The licence holder shall ensure toughened glass shall be used at the premises.
A dispersal policy will be operated at the premises.
A pre-call service for taxis service will be available for customers.
The licence holder shall actively participate in the local pub watch or equivalent scheme.
CCTV equipment will be installed at the premises in consultation with the police to cover both the external patio and smoking area and internally.
CCTV recordings will be stored for a minimum period of time as agreed with the police and during this period made available to an authorized officer of the licensing authority and police on request.
Regular toilet checks will be conducted at the premises.
The toilet pans will be boxed in to avoid flat surfaces being available for drug abuse.
No open vessels are to be allowed outside the premises (other than the smoking area).
The licence holder shall ensure if there is any doubt as to the age of customers, this venue will only accept photographic driving licences, passport or a form of identification with the pass hologram.
The requirement for door supervisors will be determined by a management risk assessment. However, from 20:00 hours, a minimum of one door supervisor per 100 customers and a minimum of 2 door supervisors will be employed at the premises during times perceived to be high risk.

c) Public safety

The position of type of fire safety and fire fighting equipment will be agreed with the fire officer.
The premises will be constructed and operated in accordance with health and safety and related legislation in order to ensure the safety of customers and staff.

d) The prevention of public nuisance

Notices asking patrons to leave quietly will be dispersed at the premises.
A door supervisor will monitor the outside areas, when in use, during perceived high risk times.
The licence holder shall continue to work with neighbors and local authority to reduce any incidents or pollution to the community.

e) The protection of children from harm

At events arranged for customers under the age of 18, only persons between the age of 12 - 17 will be allowed access when the event is going on beyond 21:00 hours.
The police will be given advance notice of events arranged for customers under the age of 18.
At events arranged for customers under the age of 18, all alcohol will either be locked away or removed and pumps shut off.
At events arranged for customers under the age of 18, additional attendants will be provided to ensure the safety of the patrons.
At events arranged for customers under the age of 18, at least one female member of door staff will be available.
at events arranged for customers under the age of 18, a designated 'child welfare officer' will be on duty.
Adult entertainment will not be allowed at any events arranged for customers under the age of 18.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.

Continued from previous page...

- 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

Continued from previous page...

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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.

Continued from previous page...

[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.

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

From: ***** [mailto:*****@gmail.com]
Sent: 10 April 2019 14:24
To: Licensing Mailbox
Subject: Re: Application ref. no: M048066. Opposed

Date received: 25 March 2019
Premises name: Premises address: Mode, 156 Marlowes, Hemel Hempstead, Hertfordshire
HP1 1BA Application ref. no: M048066 Application type: LA2003 s.17 Premises licence - New
licence application

To whom it may concern at Dacorum Borough Council.

I note the above application has been submitted. I am the owner of ** The Square,
Marlowes, Hemel Hempstead, HP1.

I vehemently oppose this application for the following reasons:

1. There are young families requiring a decent nights sleep. Later opening and live amplified music will impair the rest and peace of the residents and area.
2. This will also attract crowds and the high potential for anti social behaviour with late night drinking, potential drug users/dealers etc.
3. The existing doorway to our block is already heavily urinated in. It will not assist this issue.
4. I have a concern there would be an adverse effect on my property value. If I wish to sell this would not be a benefit, if anything it would put purchasers off.
5. I appreciate there should be an area for late/live events. But 02:30 weekdays and 03:30 at weekends in a densely populated area is inconsiderate. A maximum late opening time of 01:00 at weekends would be acceptable. They are advertising 4am closing times on Friday and Saturday. Residents cannot do 7 days of late opening times.
6. Since opening Mode has been nothing other than a nuisance to residents. It has not assisted in clear ups, attracts undesirables, drugs, anti social behaviour, drunks, shouting and abuse in the locality upon closing. I don't think any further licenses will improve the situation.

I thank you in advance for your time. And hope you appreciate that having a nightclub below my flat recently approved has already significantly changed lifestyles.

I look forward to a speedy decision.

Kind regards

From: *****@***** [mailto:*****@*****]

Sent: 12 April 2019 00:02

To: Licensing Mailbox

Subject: Application ref no: M048066

My name is ***** and I currently live at ** the square,marlowes *****.

I am writing in order to state my objection to the extended opening hours of the mode night club at 156 marlowes.as it stands,the current opening hours have had enough of an affect on my sleep patterns that i dread to think what it will do if allowed to operate all week.its hard to describe living above a night club,I live on the second floor so i dont have it as bad as the lady who lives downstairs or her neighbors with their toddler but when 11pm comes on friday and Saturday and that music starts,i can feel it.if i have company and wish to play music,the bass and beat will be cancelled out by the noise coming from below.

As for sleeping through it,it's strange,you can get used to certain sounds in the place you live,and after time you don't pay as much attention to them,like having the washing machine or tumble dryer going while you sleep,or the noises in the pipes when the central heating comes on.(i cant speak for the people who live below me)so over time i started to sleep through the music but every so often some daft beat or bass line will wake me and keep me awake.im normally woken once a night buy people screaming at each other and the police are a regular sight in their vans and such.the noise and behaviour of a ton of people all boozed up is something to behold,the staff do what they can and the taxis can be prompt but im guaranteed to wake up at every closing time if only to pass out again.with summer coming and open windows being required i know i probably won't be going back to sleep until most of the patrons have gotten their lifts home or drifted away.i won't try and number the amount of times ive watched someone vomit.though there was this time where a young man was seated in the bus stop fiddling with his phone like he was using two thumbs to type,he then then hurled all over said phone,hands,trousers and shoes.wiped the phone and tried to carry on.he was steamboat.

Ive seen a ton of scuffles,nearly always booze fuelled and accompanied by crying girls. girls crying because someone hit them,girls puking in the bin or screaming at each other about being a slag.ive had folks just buzzing the hell out of my intercom over and over or using the main entrance as a place to relieve themselves.on occasion vomit,though thankfully the second occasion was largely to the side of the door but still,down the step and on the pavement.

Dreading the shrieking and shouting etc this summer

With regards to stating how this license will undermine the licensing objectives i will try and be more clear.seeing as how mode already does a terrible job of controlling their patrons,especially at closing time as I mentioned already,i can't see how putting up signs asking people to leave quietly is going to make any difference,infact I expect they already have signs that obviously do very little and i doubt they ask everybody to act accordingly.i dont see how being open seven days a week can improve this.so I believe this undermines the objectives of crime and disorder and also public nuisance prevention.the police are regular visitors to the establishment which shows that one security person for every 100 patrons doesn't cut it.so granting the license just means ill be seeing them outside every night when security fails to control drunk patrons,thats if they haven't already left before the police arrive and decided to cause trouble elsewhere.is this type of explanation sufficient?

Sincerely

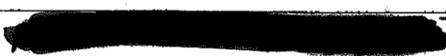
Night club noise

Reference No. 248066

Dear Sir/Madam,

I am writing to object about the new licensing hours being put forward, since living here all I can hear is music from my flat I put earplugs in every Friday and Saturday night. Also there are people vomiting on our door step fights outside after the club has finished and general noise from the night club after it shuts. Nobody in our block of flats is happy with this night club being next to us

Yours faithfully


owner of No 

ANNEX B4

From: ***** [mailto:*****@*****]
Sent: 15 April 2019 11:43
To: Licensing Mailbox
Subject: m048066 la2003 s.17: premises licence

My name is ***** and I live at ** the square Marlowes.
I am against the MODE at 156 Marlowes new licening hours as they are a public nuisance. People leave the mode shouting, singing and fighting on Friday to Sunday early mornings 00:00 to as late as 05:30am. And I do not want this to become a daily thing. They do not hang around the club they move up the street and hang around outside my block and wake me up or it keeps me from sleeping which affects my mental health. Please do not exstand their hours.

ANNEX B5

From: ***** [mailto:*****@*****]
Sent: 15 April 2019 12:57
To: Licensing Mailbox
Subject: Mode night club

As an owner of residential apartments in the market square I must oppose this new license request, it has already been proved that it causes discomfort, annoyance and anxiety to my tenants and other residents. Music being played well over legal limits and past permitted hours are only a couple of the complaints I have received over the years the other complaints are of the antisocial behaviour outside in the street of loud voices, swearing, fighting and litter not to mention using the entrance as a urinal, I had one tenant threatened with violence by the doormen when he complained about the volume of music one night, I Hope the incident was logged. When I first purchased my properties the venue in question was an electrical retailer before you people decided to grant Whitbread's the original licence and it has gone from bad to worse ever since, this is your chance to reverse this mistake.
***** owner of **, **, ** and formally ** The Square Marlowes

From: ***** [mailto:*****@*****]
Sent: 15 April 2019 20:59
To: Licensing Mailbox
Subject: M048066

We are writing regarding the application for the new club.
We are the tenants of the flat

** the square
HP1 1EP

We strongly disagree with the new opening hours. We have a 2 years old kid and the club has already affected us with weekend opening hours. There is noise in the street, we can hear the music from our own flat, there are fights outside the club. And to add there is people urinating and vomiting in the doorway, using our intercom at 3/4 am waking us up.

We absolutely don't want this to happen every night. We need to think about the well-being of our child.

We hope you will consider our objection.

Thank you
Best regards

From: *****@***** [mailto:*****@*****]
Sent: 17 April 2019 14:07
To: Licensing Mailbox
Subject: REF application number M048066

To Whom it may concern,

I am the owner of flat ** The Square which is located in the building above the licenced premises know as Bar Mode.

I can not begin to express my concern with this application, the building is clearly residential and not a suitable place for a licenced premises full stop but one which extends past 11 o clock is totally outrageous. These buildings when they were built were never intended for this type of use so are not adequately sound proofed. How are people living above these premises expected to live a normal life if they are going to be subjected to sleep deprivation caused by excessive noise from this venue if the licence is granted.

Quite simply if you put yourself into the shoes of my tenant living in number ** you would not for a moment be willing to grant the lease, imagine if it was a relative of yours living there. Someone who is simply entitled to a decent nights sleep so they can go about their every day work.

In addition to this I have recently been refused a new mortgage on this flat as it is located above an undesirable premises, when I purchased the flat many years ago this was not a consideration as the commercial premises were normal shops. I can not believe that there is even a consideration for a night club to be anywhere in the proximity of a residential dwellings.

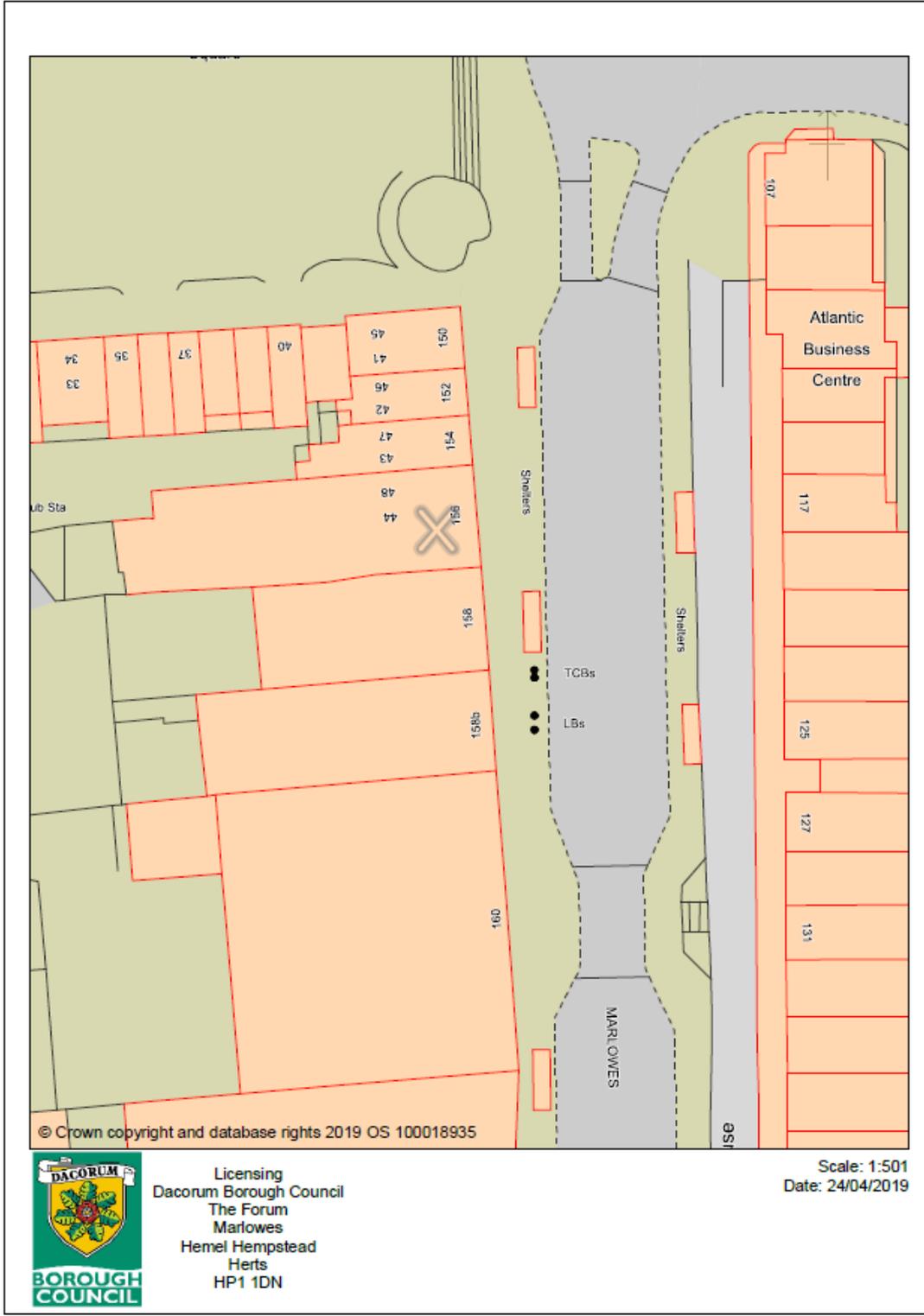
I can assure you that I will be contacting the council to conduct an environmental noise assesment if this application goes ahead.

This is not to mention the noise and disturbance that will be created by people leaving these premises.

I would like to be informed of the date the application is being heard so I can attend in person.

Yours Faithfully,

ANNEX C
Map of area in which premises is situated



APPENDIX C

Local Policy Considerations and National Guidance

Dacorum Borough Council Licensing Policy 2016-2021

5. Public nuisance

- 5.12. The licensing authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.
- 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.
- 5.14. The authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance. However, the licensing authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.
- 5.15. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.
- 5.16. The licensing authority will have regard to best practice guidance when considering this licensing objective, including but not limited to:¹
- Guidelines on Community Noise (World Health Organisation)
 - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
 - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 5.17. Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the licensing authority will require a comprehensive operating schedule listing

¹ See Annex B for links to these documents

measures that the applicant intends to implement to ensure the promotion of this licensing objective.

- 5.18. The licensing authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

7. Other persons

- 7.5. In addition to responsible authorities, any other person may make representation in respect of an application which is subject to public notice requirements, or apply for a review of a premises licence or club premises certificate. As well as people who live or work near licensed premises, this provision also allows any company, charity, community organisation or similar body, to make representations and apply for reviews in their own right.
- 7.6. Representations and review applications may also be made by persons who are democratically elected, such as borough, county, town or parish councillors, or an MP. Such representatives are free to make representations and review applications in their own right, and no specific evidence of being asked to represent any other person will be required.

10. Licensing hours

- 10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.
- 10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.
- 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.
- 10.6. At premises licensed to supply alcohol for consumption on the premises, the licensing authority encourages the inclusion of a 'cooling-off' or 'drinking-up' period between the terminal hour for supplies of alcohol, and the end of other licensable activities, typically of around 20 to 30 minutes. Inclusion of such a measure will ensure patrons have the opportunity to finish their drinks and gather their belongings prior to leaving the premises. This should be indicated within the timings given in the operating schedule for supplies of alcohol and opening hours. Where music is being played, applicants may also wish to consider a slower tempo of music within this period.
- 10.7. 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.

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. 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. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. 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.
- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of

the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Determining 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 and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 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;
 - Section 182 Guidance;
 - its own statement of licensing policy.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

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: