



Licensing of Alcohol and Gambling Sub- Committee

TUESDAY 18 AUGUST 2020 AT 10.00 AM

Microsoft Teams - Microsoft Teams

*This meeting of the Licensing of Alcohol and Gambling Sub-Committee will be held remotely via the Microsoft Teams application.

Should any members of the public wish to join this meeting, please contact member.support@dacorum.gov.uk by 5pm on Monday 17 August.

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Mrs Bassadone
Councillor Bhinder (Chairman)

Councillor R Sutton

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

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. PROCEDURE OF THE HEARING (Pages 2 - 3)

5. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003 (Pages 4 - 70)

Agenda Item 4

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chair 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 Chair 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 Chair will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chair 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 Chair 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 Chair will establish whether all Members of the Sub-Committee have read the papers before them, and then announce the order of speakers.
5. The Chair 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 Chair 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 (or representative, if applicable), any other party who has made relevant representations (in that order).
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 Chair will invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chair 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. The Chair may request that the applicant or licence holder, other persons, representatives (if any) and any Officer present (with the exception of the Legal Officer and Corporate and Democratic Services Officer) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chair will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted).
15. The Sub-Committee's decision will be confirmed in writing by the Assistant Director (Corporate and Contracted Services).

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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

Agenda Item 5



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	18 August 2020
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence application under the Licensing Act 2003
Contact:	Sally McDonald, Lead Officer, Licensing, Corporate and Contracted Services
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable 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>Ensuring efficient, effective and modern service delivery</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 necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

- 4.1. While considering an application for the variation of an existing licence, only the proposed variation may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.

4.2. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the licence (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

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

5. Details of application

5.1. The following 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	The Craft Yard, The Cottage, Parsonage Place, Tring, Hertfordshire HP23 5AT	Application for full variation of premises licence (s.34 Licensing Act 2003)

APPENDIX A

Applicants name	Jakes Ginale Ltd
Name and address of premises	The Craft Yard The Cottage Parsonage Place Tring Hertfordshire HP23 5AT
Ward	Tring Central

1. Current Licence

- 1.1 The premises has held a licence since April 2017.
- 1.2 Since grant, the licence holder has applied for the following variations to the licence:

June 2017: Minor variation to authorise use of the courtyard area at the rear of the premises: granted.

November 2017: Full variation to extend opening hours: granted with additional conditions by the Licensing of Alcohol and Gambling Sub-Committee on 17 November 2017.

March 2018: Minor variation to extend the licence by the addition of benches at the front of the premises: refused by the Licensing Team Leader under delegated authority.

- 1.3 The current licence authorises the following licensable activities and timings:

Sale by retail of alcohol

For consumption both on and off the premises.

Monday to Saturday 11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off sales)

Sunday 11.00 hours until 23.00 hours (11.00 hours until 21.30 hours for off sales)

The opening hours of the premises

Monday to Saturday 11.00 hours until 23.45 hours

Sunday 11.00 hours until 23.00 hours

A copy of the current licence is set out at Annex A.

2. Application

- 2.1 The application seeks authorisation to extend the licensable area to the front of the premises, and to remove two conditions deemed by the applicant to be unnecessary/unenforceable as a result.

The application is set out at Annex B.

The plan of the premises that accompanies the application is set out at Annex C1.

A map of the area in which the premises is situated is attached at Annex C2.

3. Details of Representations

- 3.1 18 representations have been received from residents and businesses living and operating in the vicinity of the premises, and Tring Town Council.

12 representations contain objections to the application, which relate to concerns about anti-social behaviour, public safety and the prevention of public nuisance. These representations are set out at Annexes D1 to D12.

6 representations support the application, with reference to the promotion of public safety if the variation is granted. These are set out at Annexes D13 to D18.

- 3.2. A further representation has been received from the Licensing Team Leader on behalf of the licensing authority, relating to concerns in respect of the public safety objective. This is attached at Annex E.

- 3.3 The following responses have been received from the responsible authorities in their capacity as consultees under the Licensing Act:

Police: No representations

Fire Officer: No representations

Public Health: No representations

Environmental and Community Protection: No representations

Planning: No representations

Trading Standards: No representations

Hertfordshire Children's Board – no representations

Licensing authority – representation received – see Annex E

4. Observations

- 4.1 Relevant extracts from local policy and statutory guidance are set out at Annex F

**Annex A
Current premises licence**



**Licensing Act 2003
Premises Licence**

Premises Licence Number:

DAC-042788

Version reference:

044088

Date issued:

17 November 2017

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, Ordnance Survey map reference or description

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

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

For consumption both on and off the premises.

Mondays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Tuesdays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Wednesdays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Thursdays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Fridays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Saturdays	→	11.00 hours until 23.45 hours (11.00 hours until 21.30 hours for off-sales)
Sundays	→	11.00 hours until 23.00 hours (11.00 hours until 21.30 hours for off-sales)

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The opening hours of the premises

Mondays → 11.00-hours-until-23.45-hours

Tuesdays → 11.00-hours-until-23.45-hours

Wednesdays → 11.00-hours-until-23.45-hours

Thursdays → 11.00-hours-until-23.45-hours

Fridays → 11.00-hours-until-23.45-hours

Saturdays → 11.00-hours-until-23.45-hours

Sundays → 11.00-hours-until-23.00-hours



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

Alcohol both ON and OFF sales



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¶
Part-2
 ¶

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

Jakes-Ginale-Ltd ¶

The-Cottage ¶

Parsonage-Place ¶

Tring ¶

Herts ¶

HP23-5AT ¶

¶

Email-address: darrellpeter@talktalk.net ¶

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

10668297 ¶

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

Mr-Darrell-Peter ¶

23-Longfield-Road ¶

Tring ¶

Hertfordshire ¶

HP23-4DG ¶

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

Licence-number: DAC-043021 ¶

Issuing-authority: Dacorum-Borough-Council ¶

¶

¶

¶

Signed: ¶

R.Hill

Date-issued: ¶ 17-November-2017 ¶

¶ Ross-Hill—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. ¶

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Annex 1: Mandatory Conditions

¶

Condition A1.

No supply of alcohol may be made under this licence:

¶

a) At a time when there is no designated premises supervisor in respect of the premises licence; or

¶

b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

¶

Condition A2.

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

¶

Condition A3.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

¶

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

¶

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

¶

→ (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises

→ before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or

→ (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

¶

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

¶

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

¶

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

¶

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

¶

Condition A4.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

¶

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

¶

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

¶

¶

(a) a holographic mark, or

¶

(b) an ultraviolet feature.

¶

Condition A5.

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

¶

Condition A6.

The responsible person must ensure that

¶

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

¶

i) beer or cider: 1/2 pint;

¶

ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

¶

iii) still wine in a glass: 125 ml; and

¶

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

¶

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

¶

Condition A7.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

¶

(2) In this condition:-

¶

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where

→ (i) P is the permitted price,

→ (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

→ (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

¶

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

¶

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

→ (i) the holder of the premises licence,

→ (ii) the designated premises supervisor (if any) in respect of such a licence, or

→ (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

¶

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

¶

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

¶

¶

¶

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. ¶

¶

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day. ¶

¶

Condition S1. ¶

Each individual at the licensed premises to carry out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act) must: ¶

¶

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or ¶
- b) be entitled to carry out that activity by virtue of section 4 of that Act. ¶

¶

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¶

Annex 2: Conditions consistent with the Operating Schedule

¶

GENERAL - ALL LICENSING OBJECTIVES

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

¶

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

¶

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

¶

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

¶

THE PREVENTION OF CRIME AND DISORDER

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

¶

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

¶

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

¶

The premises shall only open later for organised functions where the licence holder has already obtained the contact details of customers requesting the function. These details may be passed to the relevant authorities should any incidents occur either during the event or while customers are leaving the premises. ¶

¶

PUBLIC SAFETY

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

¶

Relevant training will be provided for staff. ¶

¶

THE PREVENTION OF PUBLIC NUISANCE

Notices shall be displayed near the exit of the premises asking customers to leave the vicinity in a manner considerate to local residents. Customer behaviour will be monitored throughout opening hours to minimise issues. ¶

¶

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

¶

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

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¶

THE-PROTECTION-OF-CHILDREN-FROM-HARM¶

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

¶

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

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

¶

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

¶

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

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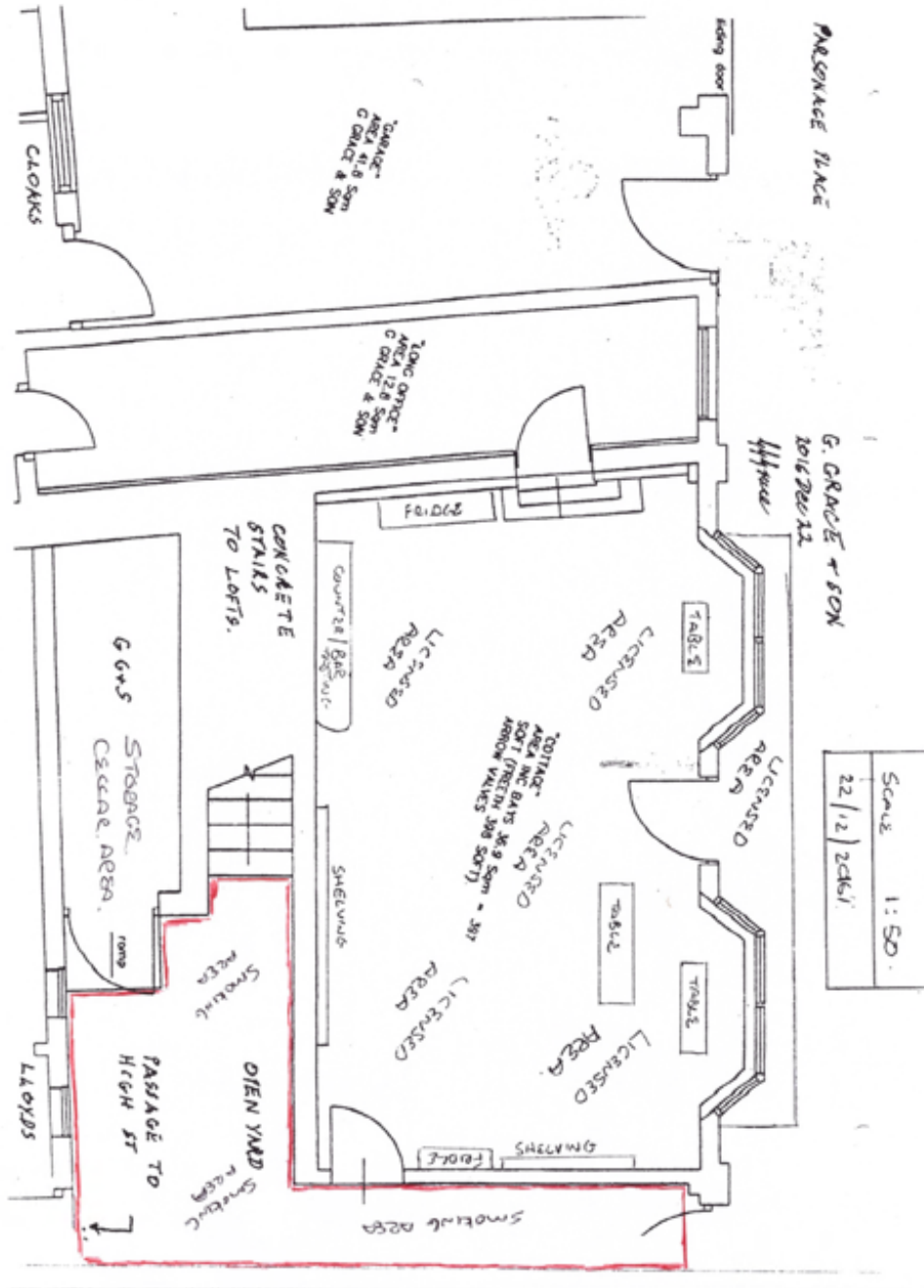
Annex 3: Conditions attached after a hearing by the licensing authority**Licensing of Alcohol and Gambling Sub-Committee 16th November 2107**

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

¶

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Annex-4:Plans



Annex B
Application for full variation

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Jakes Ginale LTD

(Insert name(s) of applicant)

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

Premises licence number DAC042788

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Craft Yard The Cottage Parsonage Place Tring Hertfordshire			
Post town	Tring	Postcode	HP23 5AT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10,750

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Brandon House, 90 The Broadway, Chesham, Buckinghamshire		
Post town	Chesham	Postcode	HP5 1EG

Please tick as appropriate

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

Yes

No

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

DD MM YYYY
□ □ □ □ □ □ □ □ □ □

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

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

Extension of licensable area and removal of unnecessary/unenforceable conditions.

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
				Both	<input checked="" type="checkbox"/>	
Mon	11:0 0		State any seasonal variations for the supply of alcohol (please read guidance note 6)			
		23:4 5				
Tue	11:0 0					
		23:4 5				
Wed	11:0 0					
		23:4 5				
Thur	11:0 0			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
		23:4 5				
Fri	11:0 0					
		23:4 5				
Sat	11:0 0					
		23:4 5				
Sun	11:0 0					
		23:0 0				

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	11:00		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p>
		23:45	
Tue	11:00		
		23:45	
Wed	11:00		
		23:45	
Thur	11:00		
		23:45	
Fri	11:00		
		23:45	
Sat	11:00		
		23:45	
Sun	11:00		
		23:00	

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

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

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

The licence will be sent via post upon request.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Given the nature of the premises and the type of clientele that it attracts it is not envisaged that any additional conditions will be necessary to promote the licensing objectives beyond those already in force.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

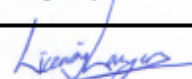
Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

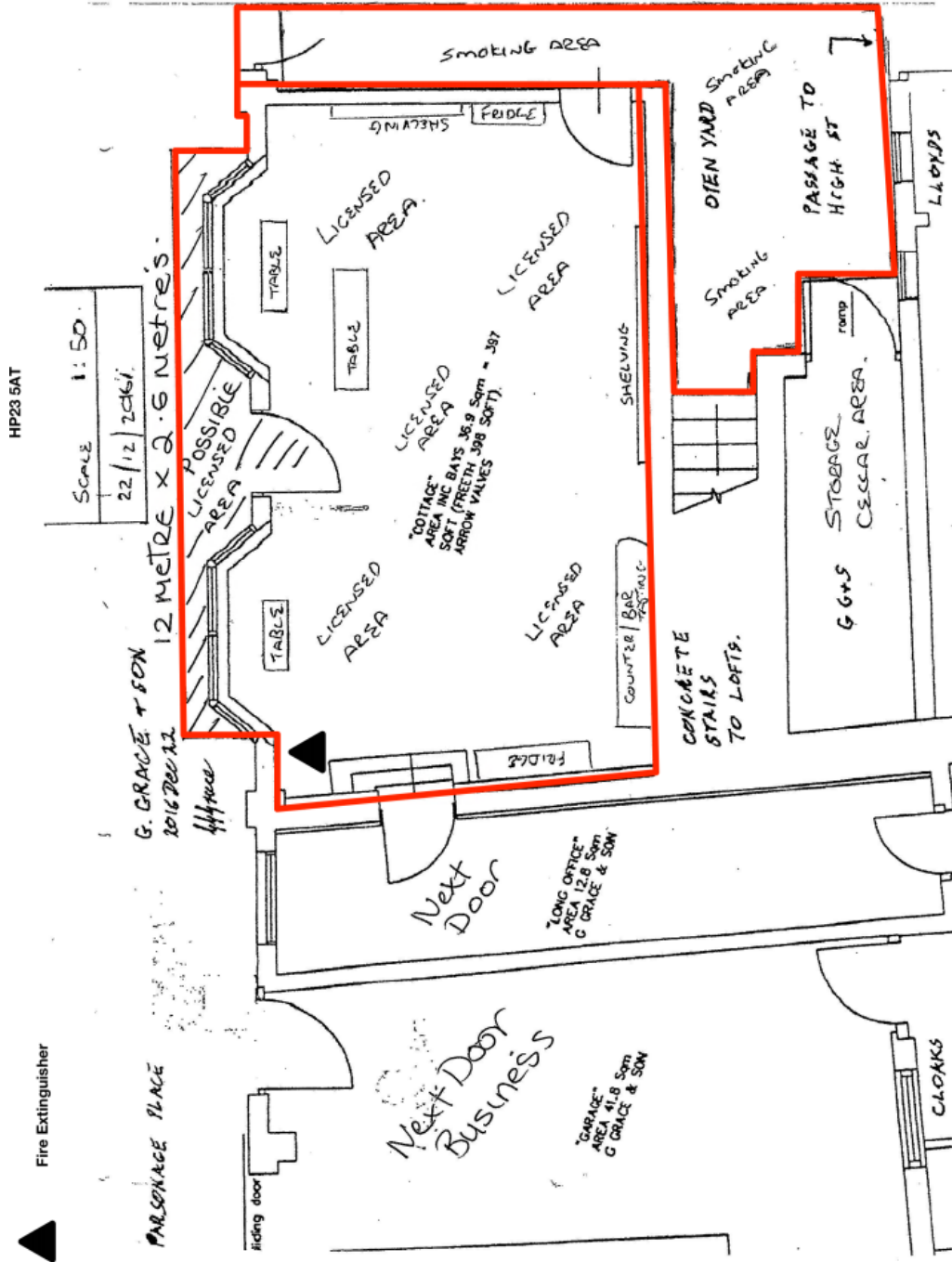
Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	25 th June 2020
Capacity	Solicitors and agents for the applicant

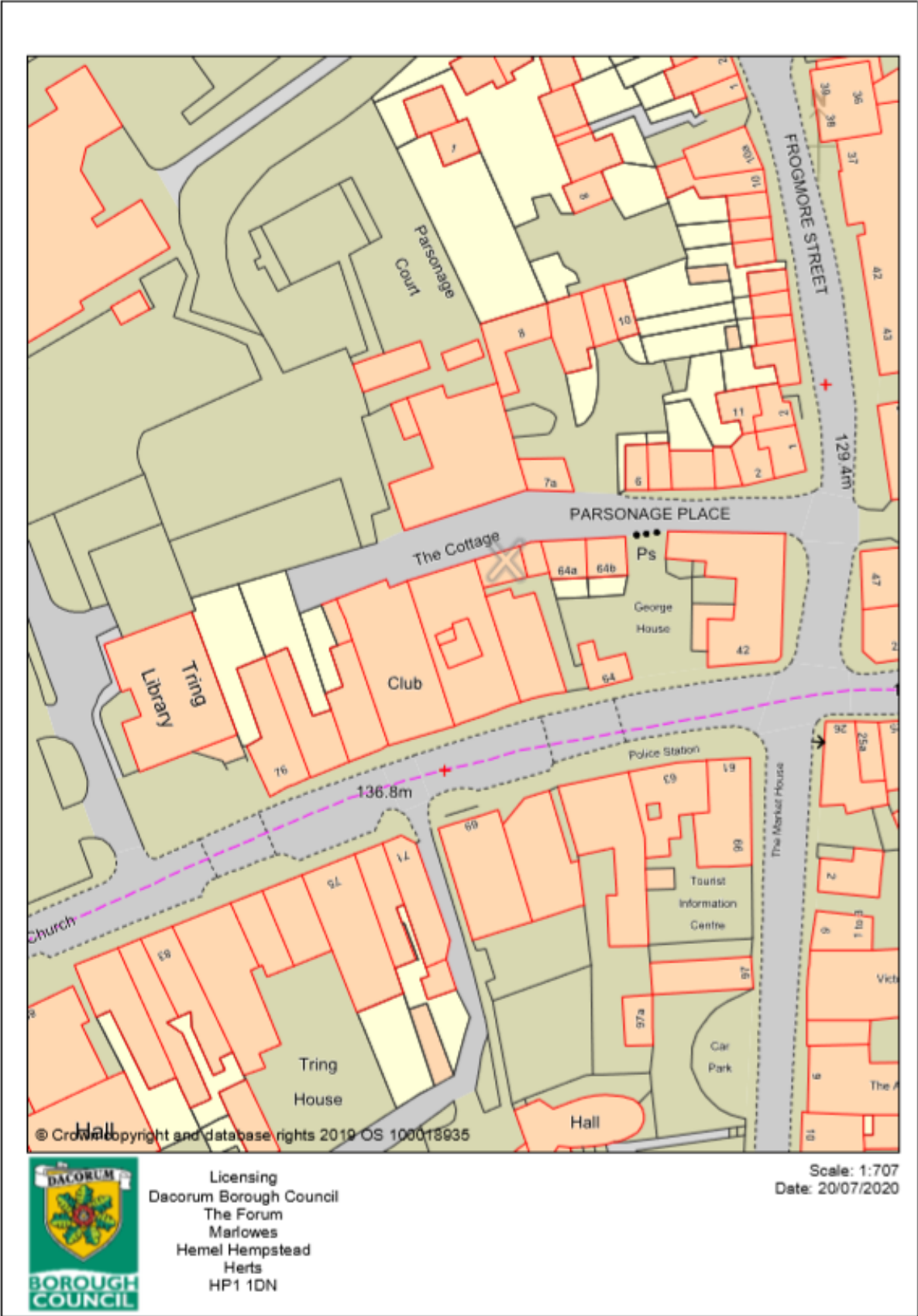
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Licensing Lawyers The Old Counting House 82e High Street			
Post town	Wallingford	Post code	OX10 OBS
Telephone number (if any)	0844 556 1192		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) applications@licensinglawyers.co.uk			



**Annex C2
Map of area**



**Annex D
Representations**

Annex D1

From:
Sent: 26 June 2020 22:15
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: admin@tring.gov.uk; gagan.mohindra.mp@parliament.uk
Subject: M050980 - Objections

To Whom It May Concern,

I writing to formally object to the licence application made by The Craft Yard. Ref: M050980.

The Craft Yard when it originally opened was meant to be licenced as a small beer tasting room providing mainly Off Sales and with limited opening hours. It has grown into a full bar with many customers and increasing extended opening hours. **It is not the correct location for such a venue.** Since opening I have noticed a huge increase in motor traffic, footfall and noise generated in our street generated from either the endless brewery delivers or customers.

The new application is asking permission for permeant outside seating for upwards of 75 people. The Craft Yard has done this previously on a temp basis but with only 12 seats available and this attracted many complaints from the streets residents.

I object based on the following points:

Safety: With the road completely blocked there will be no easy access for emergency service vehicles. See attached when they did this before but for less people. Its unsafe. If the licence is granted and something bad was to happen because a fire engine couldn't quickly gain access for example, the council would be liable.

Noise: The noise generated from their new outdoor seating will be unbearable. We know this from previous temporary outdoor events held.

Proximity to residents: The new seating will be under 5m away from the nearest residents front door.

Anti-social behaviour: On previous times when they had seating outside residents have had to put up with many hours of drunk people shouting and screaming directly outside. Flower pots were damaged.

At the end of the day, we have to live here. I can accept the extra traffic, the noise **as it is currently** but extra noise from having a large seating area outside my front door is really going too far. **I object in the strongest possible terms.** How are we expected to sleep with people shouting directly outside our windows until midnight every night. Surely no one would ever expect us to put up with that.

Furthermore, I attached objections from my fellow neighbours when the last application for seating was made. Nothing has changed.

Please confirm receipt of this email.

Thank you,



From:
Sent: 28 June 2020 09:51
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Licence application Craft Yard M050980

Dear Sir/Madam

I am writing to object to the licence application (reference number M050980) by the Craft Yard which is seeking permission for permanent outdoor seating.

I am a local resident at * Parsonage Place so will be directly affected by this change.

The business has experimented with outdoor seating in the past which I presume was under a temporary license and during that time we experienced a substantial increase in noise in close proximity to residential properties. There was also difficulty for vehicles trying to access the upper end of Parsonage Place and increased littering.

The nature of the business has changed considerably since it first opened. We were given verbal reassurances by the owner at the time that it would only be open on certain days and at certain times and that we would be largely unaffected. This has not been the case and there has been a gradual increase in opening hours, finally arriving at the point where the owner would like it to be open all the time.

I noticed that the application states ...'given the nature of the premises and the type of clientele that it attracts' as reasons for the application. Unfortunately it is no longer just a craft beer establishment and serves a wide variety of Gins /Prosecco and I think pre lockdown they had also begun to serve wine. As the clientele has begun to include larger groups including hen parties and birthday parties I presume this change has been brought about by demand.

My feeling is that the owner has developed a very successful business that has outgrown the existing premises which are tiny, but that the answer to this problem should not be to push it out onto the street. The previous experiments with outdoor seating tells me that this has all the potential for a further increase in noise levels and anti-social behaviour and will lead to bad feeling amongst the local residents.

Finally..as well as blocking access to the narrow road I also feel that it will change the rather quirky nature of Parsonage Place itself which includes a tithe barn dating back to the 16th century. It just doesn't feel like a good fit unfortunately.

Kind regards

From:
Sent: 28 June 2020 16:07
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Reference Number M0500980: LA2003 s34 Premises Licence

I'm writing with reference to the above application. I live at *Parsonage Court, Tring, ***** and strongly object to the grant of this licence.

Parsonage Place is an extremely narrow private unlit road leading to Parsonage Court. Vehicles cannot pass on it. One vehicle stopping or attempting to park on it creates untold delay in accessing or leaving Parsonage Court never mind a stream of them dropping off or picking up inebriated gin drinkers. Elderly residents cannot use the stairs to reach Frogmore Street as they are unlit in winter and hazardous so are only able to enter or leave Parsonage Court on foot via Parsonage Place which is now already frequently full of noisy groups of drinkers certainly not following the social distancing regulations.

Dacorum has already made one error in miscalculating the number of car park spaces required in Parsonage Court when the houses were originally built. The idea that random drinkers unwilling to use the public car parks will create congestion, anxiety among and danger to residents is unthinkable. Parsonage Court is a quiet backwater and as such is a place of safety for its elderly residents as well as families with children. Loud and unruly drinkers do not belong in this highly restricted area.

From:
Sent: 29 June 2020 10:16
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application reference number M050980

I wish to make a representation against the application M050980 regarding the Craft Yard premises in Tring.

Main grounds for objecting would be public nuisance. A large crowd consuming alcohol, as already occurs apparently, is very likely to lead to anti-social behaviour

From the website I cannot see how much the applicants wish to increase the area for outside alcohol consumption, but understand it includes additional seating for which the location is totally unsuitable.

From:
Sent: 29 June 2020 10:39
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Objection to Craft Yard Tring licence extension.

Hi Sally,

Thank you for your recent email. As requested I writing to you directly to formally object to the licence application made by The Craft Yard. Ref: M050980.

I object based on the following points:

Safety: With the road completely blocked there will be no easy access for emergency service vehicles.

Bishop Wood School Safety:

With the new tables and the inevitable crowd of people on the street that the tables will create, the upper part of the road and the rear entrance to the school will be blocked potentially between 11am and midnight daily. As the rear entrance is a designated **fire evacuation route** having the road blocked, even partially would be of concern on safety grounds. For example, if the school couldn't use the exit due to the road being blocked or if a fire engine couldn't gain access.

Noise: The noise generated from their new outdoor seating will be unbearable. We know this from previous temporary outdoor events held.

Proximity to residents: The new seating will be under 5m away from the nearest residents front door.

Anti-social behaviour: On previous times when they had seating outside residents have had to put up with many hours of drunk people shouting and screaming directly outside. Flower pots were damaged.

Please confirm receipt of this email.

Thank you,

Annex D6

From:
Sent: 29 June 2020 16:42
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: RE: Mo50980

Sorry for my eager finger deleting what I had written.

Parsonage place is a very narrow road and I felt it would create issues of public safety whilst the risk of noise with partying would do little to improve the peace and tranquility of the area.

Dear Sir/Madam

I would like to object to the licence application for seating extension. Address the craft yard the cottage Personage place Tring Herts HP23 5BA on the grounds of the added traffic, anti social behaviour and the increased noise levels close to home.

[REDACTED]

REFERENCE NO M050980

CENTRAL ADMIN
30 JUN 2020

From:
Sent: 01 July 2020 16:23
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: M050980

I write in regard to the planning permission application reference M050980 for the Craft Yard which is situated at the top of my road.

I strongly object to the passing of permission for outdoor seating which will create too much traffic and footfall for such a small road where residential houses are situated less than 50 metres away, not to mention the fact that the infrastructure of the small road is entirely unsuitable for big vans and lorries delivering supplies. There are no parking facilities for the extra footfall which will put pressure on the limited parking spaces available for residents and the added traffic on a road with no pavements is hazardous.

The noise from the bar can be heard already and the thought of the continuous noise facilitated by the outdoor seating is extremely worrying.

The fact that the premises in question is a licensed bar also gives rise to the additional worry of anti social behaviour.

Yours Sincerely

Hi Sally,

Please see response below:

I would like to object to the licence application mentioned above.

We live in the vicinity and the noise levels and anti social behaviour are already bad enough without extending the license outside until midnight. We have had vomit on the back wall of our house, litter, large groups gathering after closing making noise waiting for transport or congregating to say their goodbyes.

There are many residential houses surrounding the property and having the licence extended will exacerbate these issues, especially seeing as our bedroom window is next to the entrance/exit likely well after midnight.

I look forward to hearing the outcome of this application and sincerely hope the objections are taken in to account.

Kind regards

From:
Sent: 05 July 2020 11:44
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application M050980. The Craft Yard, Tring

Application M050980. The Craft Yard, Tring

I object to this licence application as this will result in blocked access to my property.

* Parsonage Court
Tring
Herts

Licence: Full Variation Application M05098 The Craft Yard, The Cottage, Tring

At the meeting of Tring Town Council's Planning Committee held on Monday 6th July 2020 the application above was considered. Whilst wishing to support local businesses, the Council decided on balance if the licence variation was granted this benefit was outweighed by the detrimental to local residents. Consequently, the Council opposes the application on the grounds of public safety and public nuisance.

The applicant refers to the measures to promote the licensing objectives in the original application in support of this variation. The original application did not extend to the area outside on Parsonage Place where circumstances are different. Consequently, the measures need to be amended/extended to be applicable.

Whilst the area for the proposed extension ('the extension') extends across the front of the Cottage, the area is narrow. The accompanying diagram gives a maximum depth of just 2.6m and it is considerably less in front of the bay windows. The applicant's social media proposes the installation of double-sided benches in the extension. This does not seem to be a viable proposition within the confines of the extension (even when there are no social distancing measures, let alone 1m+). No details are given on how customers taking drinks outside will be managed.

Unfortunately, reference must be made to the pictures provided by a member of the public showing customers spilling across the area in front of the Cottage. To be compliant, a strict limit on the number of people permitted in the extension would have to be set and enforced. This would not be realistic, therefore the extension should not be permitted.

When considering the above, it should be noted that the centre of the proposed extension is a primary entrance/exit and should be kept clear.

Clarity is required on permission to use the suggested area for the licence extension as this is outside the property's boundary. Where does it sit relative to the point where the adopted Parsonage Place finishes and private property begins? If the area for the extension is on the highway, it is clearly inappropriate. Even if on private property, one must question the safety of customers spilling out onto Parsonage Place which provides vehicle access to dwellings and for deliveries and customers to the adjacent businesses.

The use of the area in front of the Cottage is inappropriate because of noise given its proximity to the properties on Parsonage Place. One must bear in mind the original licence was granted for a beer tasting establishment where sales would be predominately to take away, with the interior used for sampling. This bears little resemblance to the current activities which the applicant wishes to extend out into the open in a quiet residential cul-de-sac.

Clerk to the Council
Tring Town Council
Market House
61 High St
Tring
Herts
HP23 4AB

From:
Sent: 20 July 2020 10:08
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: admin@tring.gov.uk
Subject: M050980 - Additional representation

Hi Sally,

Could you please add the following representation in addition to the one previously made. Both in objection to the recent application M050980 relating to The Craft Yard, Tring.

As you're aware The Craft Yard has been allowed repeated TENs over the last few weekends which has caused noise complaints from myself and my neighbours. These have been filed with ECP and the Police now.

The images attached show the tables crowded full of people. It was like this all day and night. The customers blocking the road. Not a single one adhering to the new social distancing regulations which contravenes their licence. At one point early in the day the owner of The Craft Yard used his car to try and obstruct the view from where I normally take photos from. See attached image.

The Craft Yard is operating now in a significantly different manner to when the original licence was granted. It is not a small tap room / tasting room providing mostly off sales as it was described. It now operating now as a full bar and feel it may not be the correct location for such a venue. However in the spirit of compromise I'm happy to live with the additional noise, traffic and foot fall generated from the bar as it stands now but an extension to the licensable hours or area to allow any outside activity on the street would just be too noisy and would disrupt our lives considerably.

Could you advise when the hearing for the application will be held and is it something that's open to the public?

Thanks again for your on-going assistance.





From:
Sent: 21 July 2020 10:01
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Craftyard Tring - M050980

My name is ***** and I am the owner of ***** Tring which is located near to Craft Yard. I also live in Tring and I wish to make a representation in support of the application by Jakes Ginale Ltd as I believe that the amendments proposed will continue to promote the licensing objectives and will have no adverse effect on the surrounding area.

The customers who drink at the craft yard are well behaved and at present cannot be said to undermine the licensing objectives; it is highly unlikely that the changes that have been proposed will effect this. Whilst during the day the road is occasionally used by vehicles this stops at 5pm when the other business in the area close, therefore there is little traffic during the hours that craft yard operates. I do not believe that the application will undermine any of the 4 licensing objective and therefore I urge the licensing committee to grant the variations.

From:
Sent: 21 July 2020 14:31
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Craftyard tring representation

My name is ***** and I am the licensee of Craft Yard. I wish to make a representation in support of the application by Jakes Ginale Ltd as I believe that the amendments proposed will continue to promote the licensing objectives and will have no adverse effect on the surrounding area.

It is highly unlikely that the changes that have been proposed will effect the licensing objectives Whilst during the day the road is occasionally used by vehicles this stops at 5pm when the other business in the area close, therefore there is little traffic during the hours that craft yard operates. We have successfully had temporary events each weekend since 4th July 2020 in order to create as safe environment for social distancing for our customers. This has proved to be a huge success as we have been asking all customers to come inside or to the smoking area at 9.30pm (despite our TENS applications Setting 11pm, as we have felt it only right to protect our neighbours from any Issues such as public safety and public nuisance) Children are allowed onsite until 7pm therefore protecting their welfare. We close at 10.30 (Friday & Saturday) 9.30pm tues-thurs therefore having no impact on the ASB or disturbance to our neighbours whom we engage with regularly to ensure they are happy with our processes. It is our plan to do the same under the license application for customers to sit outside until no later than 10pm therefore I do not believe that the application will undermine any of the 4 licensing objective and therefore I urge the licensing committee to grant the variations.

Regards

Craftyard Tring

From:
Sent: 21 July 2020 16:45
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: RE: Craftyard- Jakesginale LTD - representation

I *****, wish to make a representation in respect of the application by Jakes Ginale LTD to vary the premises licence for The Craft Yard, Tring, HP23 5AT.

I have worked at the premises for three years as a personal licence holder and prior to this spent ten years as a Police community support officer; I am therefore well aware of the dangers presented by alcohol-induced Anti-social behaviour.

Granting this application will allow the premises to continue to trade whilst being required to adhere to social distancing guidelines, maintaining and protecting customer safety. I believe that the application proposed by Jakes Ginale LTD will have no adverse effect on the promotion of the licensing objectives.

With regard to the public using the outside area, I believe the applicant will be able to promote the licensing objectives by creating a wooden barrier to cordoned off seating zone with restricted times outside the front of CraftYard for customers to use safely when seated. I feel this zone have been designed in a way to minimise conflict and the opportunity for crime and disorder (for example, lighting, layout, etc); to promote & maintain public safety.

From:
Sent: 22 July 2020 20:08
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: Licencing- Craft Yard Tring

Good evening,

I hope that you see this licence as a huge opportunity to not only the Craft Yard but to the customers who visit, in so many ways. It would be so greatly appreciated as this would assist the business to survive and generate relaxing safe and considerate areas. We are all aware these days the cost of stress to our health and to relax in a safe area is a huge bonus to health and safety for all. On top of this it allows human interaction which many of us have missed during the COVID-19 situation. We know lack of human interaction is also negative to our health and mind.

At a time like this especially, I feel that this would be hugely beneficial to not only the company but the customers who visit. I believe that it will not only allow the company to continue with their good level of health and safety but also improve it. Having space outside is absolutely essential for the customers safety and from observing it in action on a temporary license, it has been working superbly.

I am of course grateful for the procedures and oversight as this helps prevent crime and disorder. During the periods the temporary licence has been granted (Friday and Saturdays) there have been absolutely no issues in this area or the premises. This is not a busy residential area and the road, though quiet, is easily accessible if needed. Children are not allowed in after 7pm and this is strongly enforced by the staff. It has also been noted that the tables will not be out past 10pm meaning they will not be seen as anti social.

From what I have seen, the bar serves predominantly those who wish to have a pre-dinner or post-dinner drink, it is not in any way a rowdy bar. To support this, there is no television and doesn't come close to a noisy sports bar. It is very small compared to other establishments which is part of its attraction to the sophisticated clientel who drink there.

I believe the objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protecting Children from harm have been extremely well managed by the Craft Yard team and see no reason why an extension to the license in this case would change this at all.

I have noticed that the distanced tables on the temporary licence have already proved popular and put the customers at ease with their safety put first.

Thank you for your consideration

From:
Sent: 22 July 2020 10:00
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: Application Jakes Ginale LTD - trading as Craft Yard

Dear Sally,

I hope these days that one of the objectives to assist small businesses to survive and generate relaxing areas that the Craft Yard provides. We are all aware these days the cost of stress to our health and to relax in a safe area is a huge bonus to health and safety for all. On top of this it allows human integration which many of us have missed during the COVID-19 situation. We know lack of human interaction is also negative to our health and mind.

I am grateful for the procedures and oversight as this helps prevent crime and disorder. During the periods the temporary licence has been granted there have been no issues in this area. This is not a residential area and Children are not allowed after 7pm.

My observations are that this establishment serves those wishing a pre-dinner G&T and those wanting a post-dinner G&T, it is not in any way a rowdy sports bar! There is no TV and it is very small compared to other establishments which is part of its attraction.

I personally believe the objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protecting Children from harm have been very well managed by the Craft Yard team today and see no reason why an extension to the license in this case would change this.

The license could revert to the temporary license if this is not the case.

Thank you for your consideration

best regards

From:
Sent: 23 July 2020 10:41
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: M050980 - Craftyard Full Variation Application

To whom it may concern,

I am a regular customer at the Craftyard, and I hope these days that one of the objectives is to assist small businesses to survive and generate relaxing areas that the Craftyard provides. We are all aware these days the cost of stress to our health and to relax in a safe area is a huge bonus to health and safety for all. This is especially important during the current COVID-19 situation, that might negatively impact the mental health of some people, as it allows human interaction that so many of us missed. The adaptation of the licence would allow more people to meet safely during this time and in the future as space can be an issue during busy periods.

I am grateful for the procedures and oversight as this helps prevent crime and disorder. During the periods the temporary licence has been granted there have been no issues in this area and I have not observed any extreme increase in noise levels down the street above what would be acceptable. Furthermore, this is not a residential area and children are not allowed after 7pm.

My observations are that this establishment serves those wishing a pre-dinner and post-dinner drink, it is not in any way a rowdy sports bar! There is no TV and it is very small compared to other establishments which is part of its attraction.

I believe the objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protecting Children from harm have been very well managed by the Craftyard team throughout their licence so far and see no reason why an extension to the license in this case would change this. However if this was to change as a result of the change to the licence then the current license could be reverted to.

Thank you for your consideration.
Yours Faithfully,

Annex E Representation from Licensing Authority

Date: 16/07/2020
Your reference:
Our reference: M051018
Contact: Nathan March
Email: licensing@dacorum.gov.uk
Direct line: 01442 228654



The Forum
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1DN

Telephone 01442 228000
www.dacorum.gov.uk
D/deaf callers, Text Relay:
18001 + 01442 228000

The Forum
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1DN

Dear Sir/Madam,

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

I write in respect of the recent application to vary the Premises Licence, for the above premises, reference number M050980.

Having considered the application, I feel that it is necessary to make a representation on behalf of the Licensing Authority. I have been granted delegated authority to do so by the Council.

The application gives rise to significant concerns as it appears that very little consideration has been given to the potential impact of what is being applied for, and it is not possible for me to understand what the licensee's intentions are in regards to changing the operation of the business in line with this variation should it be granted. It therefore follows that I cannot be confident that there will be no adverse impact in relation to the licensing objectives.

The applicant has submitted a full variation, but no steps have been proposed in the application to promote the licensing objectives. The applicant states that they believe that none are necessary, citing the 'type of clientele' the premises attracts as the main reason why this is considered to be the case.



Therefore the application is simply to remove the two conditions referred to within the application that they consider to be unnecessary/unenforceable (it is not clarified which in the application):

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

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

Given the nature of these conditions, I believe that they are both clearly enforceable, and therefore am left to consider whether they can be seen as 'unnecessary'.

As part of this consideration it is also worth noting that the current licence includes a condition that was attached after a hearing of the Licensing Authority on 16th November 2017 as follows:

Customers shall be encouraged by staff to disperse from the vicinity of the premises after egress.

Given the conditions that have been applied to be removed, the condition that has been attached previously by the Licensing Authority, and the lack of any detail within the application, the reasonable purpose of the variation must be to enable the sale of alcohol in open containers (such as pint glasses for example) to customers to be taken off of the premises, and away from the vicinity of the premises as required by the licence.

The existing condition that staff will 'encourage' customers to disperse from the vicinity means that any customer buying alcohol in an open vessel will be actively encouraged to take their purchase away from the premises, therefore resulting in patrons walking around Tring consuming their purchase, or at least travelling through part of the town to find somewhere to sit and drink - as there is no other reason for them to purchase this in an open vessel as far as I can understand. Given this being the case, I believe that it can be reasonably expected that there is a likelihood of public nuisance being caused by customers consuming alcohol in the town, and a public safety issue in relation to the potential for glass to be discarded around the town when alcohol has been consumed.

Despite the premises only trading a small number of times recently, with customers only being able to make use of off licence sales the Licensing team has received emails from a concerned resident via the Town Council, and also from a local Borough and County Councillor, advising us that 'there have been disturbances to neighbours during a recent opening involving use of the street'. In addition to this, the licensee has previously advised me of a complaint received by the police from a member of public, which led to the police attending the premises

In regards to the suggestion within the application that the type of clientele that the premises attracts means that it is not envisaged that any additional conditions will be necessary, it is a fact that the Craft Yard has been served a Community Protection Notice warning (CPNw) by Dacorum Borough Council in regards to concerns relating to off sales provision during the restrictions put in place by Government during the Covid-19 pandemic. The behaviour cited by our Environmental and Community Protection team in regards to the CPNw was stated as:

In connection with the running of your business, supplying food and drink for consumption off the premises which is not being appropriately managed as to prevent customers from congregating outside the premises, resulting in those customers / members of the public from being unable to follow social distancing guidelines and the associated nuisance from customer behaviour, specifically shouting and swearing.

This illustrates concerns held in regards to both the behaviour of the clientele the business attracts, and the management of the premises by the licence holder.

The photo below, which I have previously provided to the licensee, was provided by a resident and demonstrates the lack of management of customers who were supposed to be using a take away service during the time that on sales were restricted as part of Government restrictions. It demonstrates why I disagree with the statement in the application that the nature of the premises and the type of clientele that it attracts is justification for a view that no additional conditions will be necessary to promote the licensing objectives beyond those already in force.



Should patrons choose to use the road as an extension of the premises to drink on, I believe there is a risk to public safety with drinkers standing in the middle of a service road, and expect that this is the reason for the condition requiring staff to encourage dispersal of customers is there to prevent this.

I have met with the licensee at the premises as part of my consideration of this application, and the discussion that I have had with them has suggested that this application does not reflect the changes that they need to make to the licence in order to operate in the way they described to me. Following those discussions it may be that the Licensee seeks to make changes to the application, which would impact on the contents of my objection, but at this time I can only consider the variation as applied for, and the concerns that this raises.

As a result of the concerns the information above, The Licensing Authority has concerns in relation to this application that specifically relate to the Public Safety and Public Nuisance objectives

I therefore strongly recommend the variation to remove the specified conditions should be refused in its entirety.

Yours sincerely



Nathan March
Licensing Team Leader
Licensing team, Corporate and Contracted Services

Annex F

Local policy considerations and National Guidance

LOCAL POLICY

Public safety

5.9. When considering this objective, the licensing authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.

5.10. There are several regulatory regimes concerned with public safety, and the licensing authority will seek to avoid duplication with these insofar as is possible. In particular, we will not duplicate obligations placed upon licence-holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 (which is discussed further later in this Statement).

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. 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.

5.16. 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.

Applications

9.1. Every matter requiring determination by the licensing authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.

9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the licensing authority will apply the considerations set out below.

9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The licensing authority will now consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".

9.5. The licensing authority strongly encourages dialogue between applicants (or licence-holders) and persons affected or concerned about proposals within a licence application. In many cases, such concerns can be resolved informally, without the need for a hearing. Where parties give their consent, the licensing authority may facilitate mediation between parties to a prospective hearing, to explore whether an informal resolution can be achieved.

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

9.7. The options available when considering premises licence or club premises certificate applications will include the restriction of licensed hours or the imposition of additional conditions, which may be considered appropriate for the promotion of the licensing objectives.

Licence conditions

11.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

STATUTORY GUIDANCE

Each application on its own merits

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

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises
- Considering the use of CCTV in and around the premises

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases.

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 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.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply. 8.36 In such cases it will be not necessary to include the garden or other outdoor space on the

plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them). 8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed Revised Guidance issued under section 182 of the Licensing Act 2003 I 55 application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

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:

- Revised Guidance issued under section 182 of the Licensing Act 2003
- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

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.

Conditions attached to Premises Licences

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a

result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations. 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. [.....] Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. [.....]. Licensing authorities should ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.