



# Licensing of Alcohol and Gambling Sub- Committee

WEDNESDAY 27 OCTOBER 2021 AT 2.00 PM

Council Chamber, The Forum

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

Membership

**Substitute Members:**  
Councillors

For further information, please contact Corporate and Democratic Support or 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 - 38)**

# 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



## AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	27 October 2021
PART:	I
If Part II, reason:	-

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

Background papers:	Licensing Act 2003, and associated regulations <a href="#">DBC Statement of Licensing Policy 2021-26</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (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, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations received , and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

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

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

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

## 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	Orange Buffalo Unit A2 Riverside Shopping Centre Hemel Hempstead Herts HP1 1BT	Grant of premises licence (s.17 Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	S J Males & Co Basepoint Business Centre 110 Butterfield Great Marlings Luton Bedfordshire LU2 8DL
<b>Name and address of premises</b>	Orange Buffalo Unit A2, Riverside Shopping Centre Hemel Hempstead Hertfordshire HP1 1BT
<b>Ward</b>	Hemel Hempstead Town

### 1. Current Licence

- 1.1. This is a new application. Prior to this the site was occupied by a licensed restaurant.

### 2. Application

- 2.1 The application is for a New York style chicken wing restaurant and bar, with live sport on television, and recorded music with DJs on Fridays and Saturdays, and the provision of covered outside seating for 24 customers as per the attached plan.

The standard hours sought are as follows:

Sale of alcohol and provision of recorded music

Sunday to Thursday : 12:00 – 22:00

Friday and Saturday : 12:00 – 01:00

Provision of similar entertainment to live music, recorded music or performances of dance:

Friday and Saturday: 12:00 – 01:00

Late night refreshment:

Friday and Saturday: 23:00-01:00

Opening hours:

Sunday to Thursday: 12:00 – 22:00

Friday and Saturday 12:00 – 01:00

(Note: the Sunday hours on the application form were initially incorrect, but have since been corrected by the applicant to reflect the hours

above).

A copy of the application is attached at Annex A.

A plan of the premises is attached at Annex B.

A map of the general location is attached at Annex C.

### **3. Details of Representation**

3.1 One representation was received from the ward councillor for Hemel Hempstead Town. The ward councillor has confirmed that he has not been asked to represent any residents in his ward, and that the views in the representation are his own. The representation refers to the potential for noise nuisance and disturbance to residents. This is attached at Annex D.

3.2. Some discussions have taken place between the applicant and the objector ahead of the hearing, and some suggestions to address potential noise have been put forward by the applicant. However, full agreement which would enable the objector to withdraw their representation has not been achieved. This correspondence is attached at Annex E.

3.3 Responses received from responsible authorities:

Police – no representations

Fire Officer – no representations

Public Health – no representations

Planning – no representations

Environment and Community Protection – no representations

Local Safeguarding Children Board – no representations

Licensing Authority – no representations

### **4. Observations**

4.1 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

5 – Licensing objectives;

10 – Licensing hours; and

11 – Licence conditions.

4.2 The parts of Section 182 Statutory Guidance relevant to the application are:

1.17 – Each application on its own merits

2 – Licensing objectives: Public Nuisance

9.37 - Considering applications

16 – Recorded music exemptions

4.3 Exerts from these documents are set out an Annex F.



# ANNEX A

## APPLICATION FOR GRANT OF PREMISES LICENCE



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

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

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  
 Yes  No

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

#### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

#### Applicant Business

Is your business registered in the UK with Companies House?  Yes  No

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

PRIVATE LIMITED COMPANY. BASED AT SJ MALES & CO AT THE BELOW ADDRESS

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

ORANGE BUFFALO IS A NEW YORK STYLE CHICKEN WING RESTAURANT AND BAR, THE INTENTION IS TO SUPPLY FOOD AND ALCOHOLIC BEVERAGES AS WELL AS SHOW LIVE SPORT ON TELEVISIONS AND RECORDED MUSIC INCLUDING DJ'S ON FRIDAY AND SATURDAY NIGHTS. THE LAYOUT WILL BE TABLES WITH ROUGHLY 80-100 COVERS WITH THE IDEA TO CLEAR SOME TABLES TO MAKE A DANCEFLOOR ON WEEKENDS. THE PREMISES WILL INCLUDE A SMALL COVERED OUTDOOR SEATING AREA IN WHICH FOOD & ALCOHOLIC BEVERAGES WILL BE SERVED.

*Continued from previous page...*

ORANGE BUFFALO IS A FRANCHISE AND WE WOULD BE LOOKING TO RUN OUR FRANCHISE VERY SIMILAR TO THERE EXISTING TOOTING & HOXTON LOCATIONS IN LONDON WHICH HAVE PROVED TO BE RUN EXTREMELY SUCCESSFULLY UNDER THE LICENSING LAWS, DETAILS FOR THE OTHER PREMISES CAN BE FOUND ON THE ORANGE BUFFALO WEBSITE.

THE PREMISES WAS PREVIOUSLY GRANTED A VERY SIMILAR LICENSE UNDER THE PREVIOUS OWNERS CHIQUEN WHICH WAS A SIMILAR BUSINESS IN TERMS OF FOOD AND DRINKS SUPPLIED.

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Continued from previous page...

**Standard Days And Timings**

MONDAY

Start 12:00

End 22:00

Start

End

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

TUESDAY

Start 12:00

End 22:00

Start

End

WEDNESDAY

Start 12:00

End 22:00

Start

End

THURSDAY

Start 12:00

End 22:00

Start

End

FRIDAY

Start 12:00

End 01:00

Start

End

SATURDAY

Start 12:00

End 01:00

Start

End

SUNDAY

Start 12:00

End 22:00

Start

End

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

- Indoors       Outdoors       Both

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

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

MUSIC WILL PLAYED THROUGH STANDARD RESTAURANT SPEAKERS

State any seasonal variations for playing recorded music

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

N/A

Continued from previous page...

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

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

WOULD LIKE THE TIMINGS TO BE EXTENDED TO 01:00 WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY. WOULD ALSO LIKE THE TIME TO BE EXTENDED TO 01:00 ON DAYS IN WHICH ENGLAND PLAY IN FIFA WORLD CUP OR UEFA EUROPEAN CHAMPIONSHIP GAMES. IN THE SIX WEEK DURATION OF THOSE TOURNAMENTS THESE GAMES USUALLY TAKE PLACE ONCE OR TWICE A WEEK.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

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

See guidance on regulated entertainment

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

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

LIVE DJ'S

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

AMPLIFIED MUSIC TO BE PLAYED BY A DJ WITH AN ORGANISED DANCEFLOOR TO BE LAYED OUT

State any seasonal variations for entertainment

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

WOULD LOOK TO POTENTIALLY INCLUDE SEPERATE DAYS IN SUMMER MONTHS ON DAYS IN WHICH ENGLAND PLAY IN FIFA WORLD CUP OR UEFA EUROPEAN CHAMPIONSHIP GAMES. IN THE SIX WEEK DURATION OF THOSE TOURNEMANTS THESE GAMES USUALLY TAKE PLACE ONCE OR TWICE A WEEK. WOULD ALSO LIKE TO INCLUDE CHRISTMAS EVE & NEW YEARS EVE IF THEY FALL ON DAYS THAT ARE NOT FRIDAY OR SATURDAY.

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

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

WOULD LIKE THE TIMINGS TO BE EXTENDED TO 01:00 WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY. WOULD ALSO LIKE THE TIME TO BE EXTENDED TO 01:00 ON DAYS IN WHICH ENGLAND PLAY IN FIFA WORLD CUP OR UEFA EUROPEAN CHAMPIONSHIP GAMES. IN THE SIX WEEK DURATION OF THOSE TOURNEMANTS THESE GAMES USUALLY TAKE PLACE ONCE OR TWICE A WEEK.

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors       Outdoors       Both

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

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

SALE OF HOT FOOD BETWEEN THE HOURS OF 23:00 - 01:00 ON FRIDAYS & SATURDAYS

State any seasonal variations

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

Continued from previous page...

WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY.

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

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

WOULD LIKE THE TIMINGS TO BE EXTENDED TO 01:00 WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY.

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start 12:00

End 22:00

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

Start

End

TUESDAY

Start 12:00

End 22:00

Start

End

WEDNESDAY

Start 12:00

End 22:00

Start

End

THURSDAY

Start 12:00

End 22:00

Start

End

FRIDAY

Start 12:00

End 01:00

Start

End

SATURDAY

Start 12:00

End 01:00

Start

End

Continued from previous page...

SUNDAY

Start 12:00

End 22:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

N/A

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

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

WOULD LIKE THE TIMINGS TO BE EXTENDED TO 01:00 WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY. WOULD ALSO LIKE THE TIME TO BE EXTENDED TO 01:00 ON DAYS IN WHICH ENGLAND PLAY IN FIFA WORLD CUP OR UEFA EUROPEAN CHAMPIONSHIP GAMES. IN THE SIX WEEK DURATION OF THOSE TOURNAMENTS THESE GAMES USUALLY TAKE PLACE ONCE OR TWICE A WEEK.

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

**Name**

First name

Family name

Date of birth

dd / mm / yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="HEMEL HEMPSTEAD"/>
County or administrative area	<input type="text" value="HERTFORDSHIRE"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="DACORUM BOROUGH COUNCIL"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start  End   
Start  End

WEDNESDAY

Start  End   
Start  End

THURSDAY

Start  End   
Start  End

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

State any seasonal variations

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

N/A

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

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

WOULD LIKE THE TIMINGS TO BE EXTENDED TO 01:00 WHEN CHRISTMAS EVE & NEW YEARS EVE FALL ON DAYS OTHER THAN FRIDAY OR SATURDAY. WOULD ALSO LIKE THE TIME TO BE EXTENDED TO 01:00 ON DAYS IN WHICH ENGLAND PLAY IN FIFA WORLD CUP OR UEFA EUROPEAN CHAMPIONSHIP GAMES. IN THE SIX WEEK DURATION OF THOSE TOURNAMENTS THESE GAMES USUALLY TAKE PLACE ONCE OR TWICE A WEEK.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

STAFF WILL BE TRAINED TO ENSURE ALL LICENSING OBJECTIVES ARE MET, EXAMPLES OF TRAINING WILL BE HEALTH & SAFETY, FOOD HYGEINE & FIRE TRAINING. ALL TRAINING WILL BE MONITORED, TRACKED AND RECORDED IN THE CASE THAT ANY RELEVANT AUTHORITIES WILL NEED INFORMATION ON THIS. THIS WILL ALSO HELP KEEP TRACK OF WHEN NEW TRAINING WILL BE NEEDED.

THERE WILL BE RELEVANT SIGNAGE PLACED THROUGHOUT THE PREMISES TO PROMOTE LICENSING OBJECTIVES. EXAMPLES OF THESE ARE SIGNAGE TO RESPECT NEIGHBOURS WHEN LEAVING TO PREVENT PUBLIC NUISANCE, CHALLENGE 25 SIGNAGE & CCTV SIGNAGE TO PREVENT CRIME & CHILD SAFETY AND WET FLOOR SIGNS TO PREVENT PUBLIC SAFETY.

THE USE OF CCTV WILL ALSO HELP COMBAT ANY DAMAGES TO THE LICENSING OBJECTIVES AS IT CAN PROVIDE ANY EVIDENCE TO POLICE OR OTHER RELEVANT AUTHOROTIES IF NEEDED.

b) The prevention of crime and disorder

CRIME & DISORDER WILL BE PREVENTED BY THE USE OF ON THE DOOR SECURITY ON FRIDAY & SATURDAY NIGHTS. ALSO BY THE USE OF PERMANANT CCTV AND INTRUDER ALARMS WHICH WILL BE ACTIVE AT ALL TIMES AND HAVE RECORDINGS SAVED FOR ONE CALENDER MONTH TO BE ACCESSED BY POLICE AND ANY OTHER AUTHORITIES UPON REQUEST.

c) Public safety

PUBLIC SAFETY WILL BE ENSURED BY THE USE OF ON THE DOOR SECURITY ON FRIDAY & SATURDAY NIGHTS. AS WELL AS THIS ALL STAFF WILL BE TRAINED ON THE CHALLENGE 25 RULE WHICH WILL ENSURE ANYONE THAT LOOKS UNDER THE AGE OF 25 WILL BE ASKED TO PROVIDE PHOTO ID SUCH AS A DRIVING LICENSE OR PASSPORT TO PROVE THEY ARE OVER 18 TO PREVENT UNDERAGE DRINKING.

WE WILL ABIDE BY ALL RELEVANT HEALTH & SAFETY AND FIRE REQUIREMENTS INCLUDING VISIBLE FIRE EXIT SIGNS AND REGULAR SERVICING OF ALARMS, FIRE EXTINGUISHERS, EXTRACTION PIPES AND LIGHTING. ALL AREAS OF PREMISES INCLUDING INDOORS AND OUTDOORS WILL BE REGULARLEY CLEANED TO ENSURE NO LEFTOVER GLASS OR CROCKERY IS LEFT TO POTENTIALLY CAUSE HARM.

d) The prevention of public nuisance

WE WILL PREVENT PUBLIC NUISANCE WITH THE USE OF ON THE DOOR SECURITY ON FRIDAY & SATURDAY NIGHTS WHICH WILL HELP ENSURE NOISE IS KEPT TO A MINIMUM OUTSIDE OF THE PREMISES. WE WILL ALSO HAVE CLEAR SIGNAGE ASKING CUSTOMERS TO RESPECT OUR NEIGHBOURS WHEN LEAVING THE PREMISES.

THE PREMISES ALSO BENIFITS FROM HAVING AN EXISTING WELL ROUTED VENTING SYSTEM WHICH VENTS OUT AT THE REAR OF THE BUILDING ON TO A BUSY ROAD WHICH WILL NOT CAUSE PUBLIC NUISANCE.

e) The protection of children from harm

TO ENSURE THE PROTECTION OF CHILDREN FROM HARM THE PREMISES WILL BE STRICTLY OVER 18'S AFTER 5PM ON FRIDAY AND SATURDAY EVENINGS AS WELL AS THE OTHER SPECIFIED DATES MENTIONED PREVIOUSLY WHERE THE PREMISES WILL BE OPEN UNTIL 01:00. THIS WILL BE CONTROLLED BY THE USE OF DOOR SECURITY WHO WILL ENSURE ANYONE ENTERING THE PREMISES AFTER THIS TIME IS OVER 18 BY ASKING FOR PHOTO ID SUCH AS A PASSPORT OR DRIVING LICENSE.

AS WELL AS THIS ALL STAFF & DOOR SECURITY WILL BE TRAINED ON THE CHALLENGE 25 RULE WHICH WILL ENSURE ANYONE THAT LOOKS UNDER THE AGE OF 25 WILL BE ASKED TO PROVIDE PHOTO ID SUCH AS A DRIVING LICENSE OR PASSPORT TO PROVE THEY ARE OVER 18 TO PREVENT UNDERAGE DRINKING.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

Continued from previous page...

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

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises licence application fees are determined by the non-domestic rateable value of the premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at: <https://www.gov.uk/correct-your-business-rates>

Band A | Premises not rated, or rateable value up to £4,300  
Application fee: £100.00

Band B | Rateable value between £4,301 and £33,000  
Application fee: £190.00

Band C | Rateable value between £33,001 to £87,000  
Application fee: £315.00

Band D | Rateable value between £87,001 to £125,000  
Application fee: £450.00 #

Band E | Rateable value £125,001 or greater  
Application fee: £635.00 #

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

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

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

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

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

**DECLARATION**

- \* It is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.
- It is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an
- \* adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.
- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I
- \* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or
- \* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.
- I understand that I must now advertise my application, by arranging for a public notice to be published in a local
- \* newspaper within the next 10 working days, and by displaying notices printed on blue paper at or near the premises and conveniently readable at all times for the next 28 days.
- Ticking this box indicates you have read and understood the above declaration

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

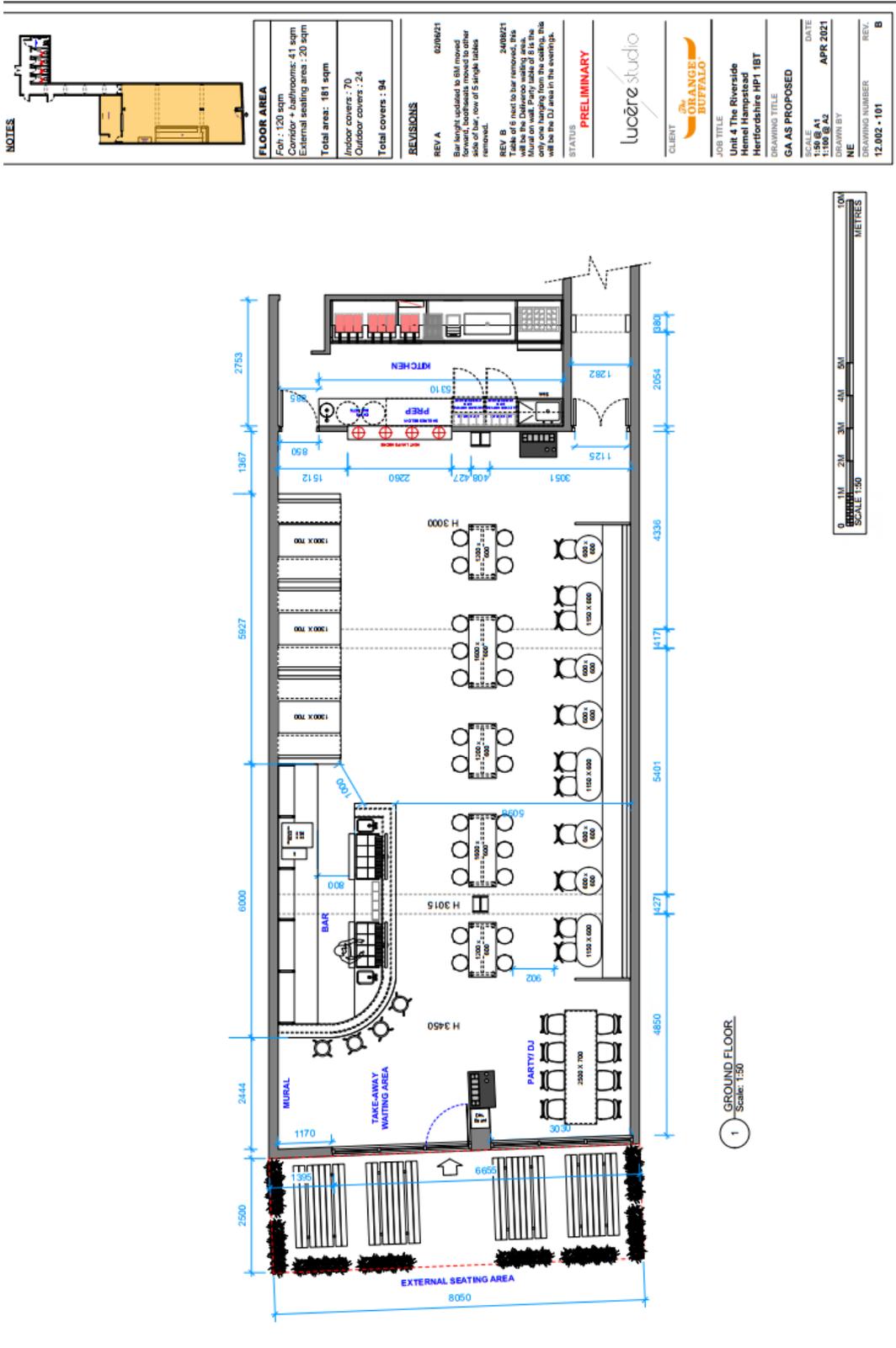
* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

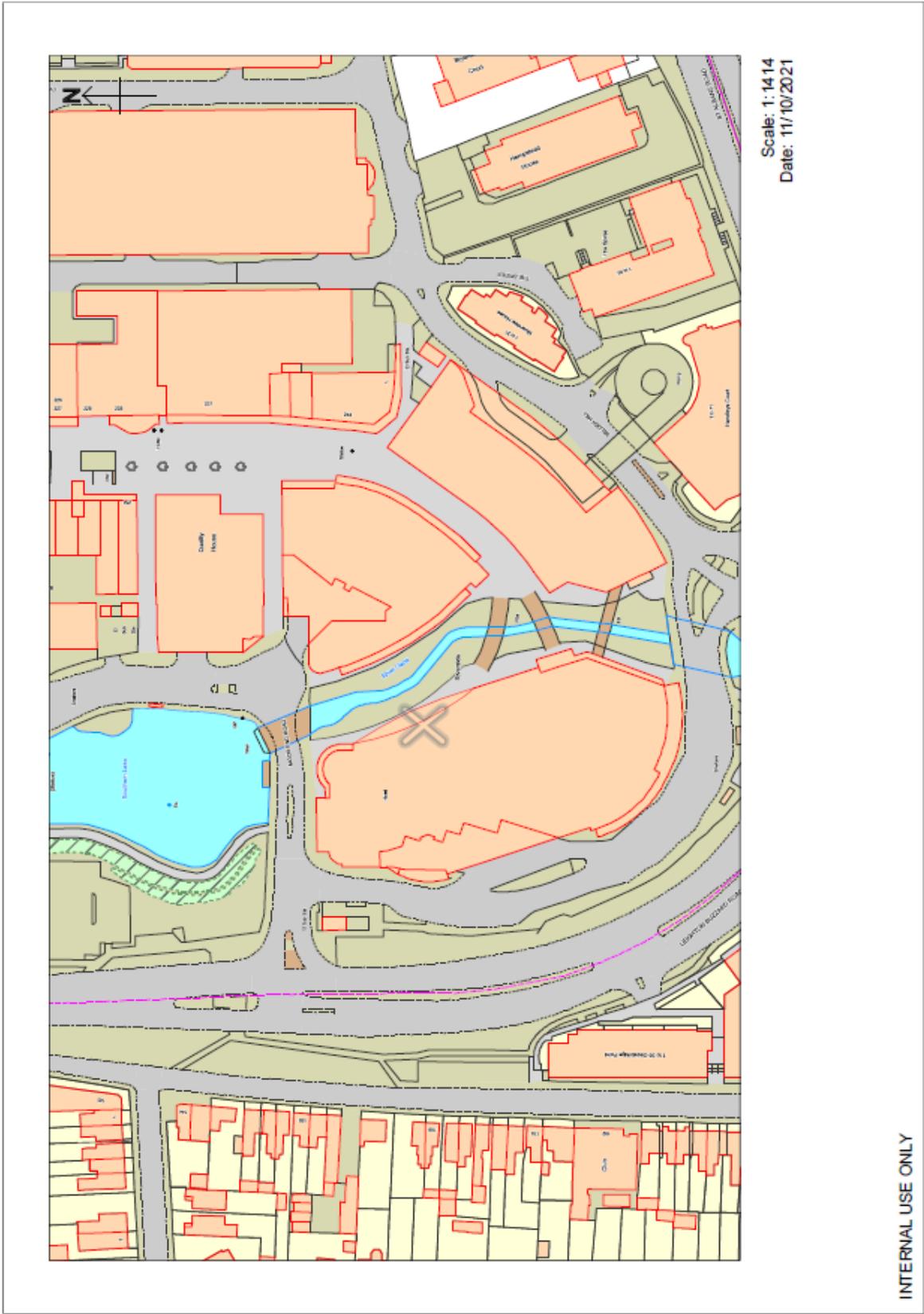
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

# ANNEX B PLAN OF PREMISES



**ANNEX C**  
**MAP OF AREA IN WHICH PREMISES IS LOCATED**



## ANNEX D REPRESENTATION

**From:**

**Sent:** 20 September 2021 15:30

**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>

**Subject:** Premises License Application M053087 The Orange Buffalo

As the Borough Councillor for Hemel Town, I welcome new businesses in the Riverside development area. However, I have several concerns regarding this application for a sports bar and Chicken style restaurant. Principally in regards to the hours of operation, which will see this business attracting large numbers of visitors drinking and listening to music up to 1 am and on Friday and Saturday evenings, together with other occasions. I am also concerned with regards music being available, both inside the premises and outside onto the pavement area late into the night and early hours.

This area while not yet residential, it does have many residential properties in close proximity. From my experience in the Old Town, where extended opening hours are permitted it has an adverse impact on the wellbeing of those living near-by and in the surrounding area. I am also concerned that currently the River Gade runs in a pristine condition within a few metres of 2a Riverside. If large-scale outside dining and crowds gathering of up to 100 people, as predicted by the applicant, and other debris could find itself into the river. Becoming detrimental to the wildlife and eco-systems within it.

I would therefore recommend the following amendments to the license:

- Opening hours should be limited to a maximum of 11.00pm on all nights and all occasions.
- Music should be limited to inside the premise only and the doors should be closed when not being used for entering and exiting of the premise. This would be order to limit the noise extending beyond the curtilage of the property.
- Outside drinking and eating should be via table service only, with no disposable products being used.
- The owner should be encouraged to join the BID Shop watch scheme in order that communication with the BID management team and security can be accessed and monitored.

I hope the licensing Committee will take these views on board when considering this application and act with due consideration to the residents and wider retail and community for the Town area.

Kind regards,

CLlr Rob Beauchamp  
Borough Councillor Hemel Hempstead Town

**From:**

**Sent:** 21 September 2021 17:26

**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>

**Subject:** RE: Premises License Application M053087 The Orange Buffalo

Hi Sally,

Thank you very much for your time on the Teams call earlier regarding the above licensing application, which was most helpful. I have concerns with regard to the late opening hours up to 1.0 am, in an area that has many residential properties in close proximity.

I believe if approved a license in its current form will have an adverse impact on the health and wellbeing of those living near-by and in the surrounding area. The application indicates large-scale inside and outside dining, dancing and watching of sporting events, consisting of gatherings of up to 100 people, furthermore page 3 of the application seeks to have recorded music played both inside and outside of the premises. At night the resultant potential noise from this application will be heard by those residents living in Waterhouse Street, Marlowes, Selden Hill and K2 Tower and other properties in Cotteralls. Together with those visitors to the Premier Inn. This is not currently, or has not previously been an issue in the Riverside area. Equally customers leaving a late night establishment in the early hours of the morning very rarely disperse in an orderly and quiet manner.

I hope this helps to represent suitable grounds for refusal of this application in its current form.

Kind regards,

Cllr Rob Beauchamp  
Borough Councillor Hemel Hempstead Town  
Email:

**ANNEX E  
DISCUSSIONS BETWEEN PARTIES**

**From:** Charlie Read  
**Sent:** 04 October 2021 14:58  
**To:** Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>  
**Subject:** Re: LA2003: Application for grant of premises licence: Orange Buffalo, 4 Riverside, Hemel Hempstead, HP1 1BT

Hi Sally,

Thank you for getting back to me.

Please see my response below:

Firstly I would like to appreciate councillor Beauchamp's concerns regarding our application. However I feel there are a few points of our application he has misunderstood.

While I understand his concern for residents in the local area, in his own words the riverside "is not yet residential" unlike other sites in the town centre such as the full house pub and fuse nightclub which are in a much closer proximity to residential properties while having approved premises licenses for similar closing times or even later in fuse's case. With that in mind we would politely decline the councillors suggestion to close at 11pm on all nights or occasions as other businesses have been allowed to do otherwise.

In regards to his concern about music being played outside, this was only planned to be quiet background music for our guests to enjoy while eating and is not to include the amplified music to be played late at night. However we would be happy to limit music for the premises to inside only. Regardless of the councillors suggestion it has always been our intention to keep the restaurant doors closed at all times except for entering or exiting the premises. This is due to us being based next to a river that inhabits obvious pests that we would not like to allow easy access to.

Regarding the service in the outside seating area, no disposable products would be planned on being used. However I do not agree with the councillors suggestion that this area should be table service only, we do not offer table service inside the restaurant so we would not be willing to offer it for outside only as it would complicate service. We would be offering a very similar style of service to the Nando's restaurant in Jarmans park which has a much larger outdoor seating area than us and is still allowed to be ordered at the bar. They have proven that this style of service can be executed without excess waste accumulating outside.

On top of this I would like to kindly attach a copy of our premises floor plan which clearly shows the outside seating area can only accommodate up to 24 guests and not the "large scale outside dining and crowds gathering up to 100 people" that the councillor is falsely suggesting. The outside dining area would also be regularly cleaned meaning there is no reason for debris to fall in the river, especially as pizza

express next door to us has a similar seating area and has shown no evidence of debris falling from there outside seating into the river.

I would also be happy to consider joining the BID shop watch scheme providing more information is given to me on this.

I hope both the councillor and licensing committee can agree with the fair points and examples I have given to show we are well within reason with our requests for our application. As both business owners and residents within Hemel Hempstead we understand how important consideration for local residents and the wider retail community is and we believe we have fair and proper standards in place to ensure no problems arise.

Many thanks,

Charlie Read

**From:** Rob Beauchamp  
**Sent:** 05 October 2021 11:44  
**To:** Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>  
**Cc:** Frances Arslan  
**Subject:** RE: LA2003: Application for grant of premises licence: Orange Buffalo, 4 Riverside, Hemel Hempstead, HP1 1BT

Good morning Sally,

Thank you for your email and the response from the applicant. It should be noted and I hope the applicant appreciates, that I will always welcome new and innovative businesses into our Town Centre. However, I am also conscious that Hemel Town Centre is an existing and fast growing residential area. Therefore I have to ensure there is a balance between resident's rights to their wellbeing and health and those of vibrant experience and retail businesses.

I think many of my points have been covered by the applicant, in particular the agreement to restrict music to inside only, with no external music. However, while I agree there is currently no residential premises immediately next to the proposed applicant's site, there are still many residential properties in the near-by area and these residents would not have yet had to endure drinking and rowdy crowds at night and into the early hours.

I hope if this licence application is approved, that the applicant will ensure that the outside area will be restricted to 24 guests and he will not permit crowds of more than 24 to gather on the pavements outside of his premises. Furthermore guests should be encouraged to leave quietly, as at the proposed closing times and these late hours their guests will be entering what is currently quiet residential areas in order to return to their vehicles or obtain transport to their homes.

I hope this helps and that we can work together to ensure an achievable outcome for all concerned.

Kind regards,

Cllr Rob Beauchamp  
Borough Councillor Hemel Hempstead Town

**ANNEX F**

**RELEVANT EXTRACTS FROM LOCAL POLICY AND STATUTORY GUIDANCE**

**Local Policy**

5. Licensing objectives

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

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

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

5.4. The Licensing Authority is committed to empowering local community action, and meeting the needs of its communities through close partnership working with others. The Licensing Authority recognises that licensed entertainment can provide a valuable contribution towards the economy of the Borough, and seeks to balance the needs of the local business holders and licensees, whilst protecting those of local residents.

10. Licensing hours

10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.

10.2. For this reason, the Licensing Authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may

consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

10.4. The Licensing Authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.

10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The Licensing Authority expects these times to be provided for all premises which may be accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.

10.6. At premises licensed to supply alcohol for consumption on the premises, the Licensing Authority encourages the inclusion of a 'cooling-off' or 'drinking-up' period between the terminal hour for supplies of alcohol, and the end of other licensable activities, typically of around 20 to 30 minutes. Inclusion of such a measure will ensure patrons have the opportunity to finish their drinks and gather their belongings prior to leaving the premises. This should be indicated within the timings given in the operating schedule for supplies of alcohol and opening hours. Where music is being played, applicants may also wish to consider a slower tempo of music within this period.

10.8. The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

## 11. 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, generally this will mean within the premises, or in the nearby vicinity

11.3. When we set conditions, we will follow the SMART methodology, and aim to ensure that the conditions are:

- Specific – directly related to the premises and the licensable activities carried on; the condition clearly and unambiguously states what is required of the licence-holder;
- Measurable – that it is possible to confirm whether the condition is being satisfied; if compliance cannot be readily verified, it is likely that a court will rule a condition is unenforceable;
- Achievable – that the licence-holder is able to satisfy the measures required to comply with the requirement: it is not something which is outside his control;
- Reasonable – that the condition does not place unachievable, disproportionate or unrealistic requirements on the licence-holder;
- Time-bound – where appropriate (for example, if substantial new equipment will have to be purchased and installed) a time period will be stated for the licence-holder to achieve compliance with the requirement.

11.4. We will also have regard to the work undertaken by the Institute of Licensing with regards licence conditions, and any guidelines that they issue.<sup>8</sup>

11.5. Lengthy lists of licence conditions are not viewed as particularly desirable, as they make it difficult for licence-holders and regulators alike to readily verify compliance with the licence. Where the authority is of the opinion that a substantial number of conditions are needed, consideration should be given firstly to whether the applicant is a suitable person to hold a licence, given that the effect of the numerous conditions will be to micromanage his business. In such circumstances, the authority must consider whether refusal of a licence would be a more appropriate decision to take.

## **National Guidance**

Each application on its own merits

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

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. Conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.

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 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.

## Hearings

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### Licence conditions

## Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate<sup>65</sup>) which relate to live

music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.