



Licensing of Alcohol and Gambling Sub- Committee

TUESDAY 11 JULY 2023 AT 10.00 AM

Conference Room 1 - The Forum

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

Membership

Councillor Bhinder
Councillor Link (Vice-Chairman)

Councillor Pringle (Chair)

Substitute Members:

Councillors

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

AGENDA

1. **MINUTES** (Pages 2 - 7)
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. **PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003 - PSM EXPRESS** (Pages 8 - 43)
5. **PROCEDURE OF THE HEARING** (Pages 44 - 45)

Agenda Item 1

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

1 MARCH 2022

Present –

MEMBERS:

Councillors: Hearn (Chairman), Bassadone and Sutton

OFFICERS:

Alex Kowalski	Trainee Solicitor
Phil Wortley	Licensing Officer
Sally McDonald	Lead Licensing Officer
Janet Hewitt	Corporate and Democratic Support Officer (Minutes)

OTHER PERSONS PRESENT:

Sgt Mike Saunders	Police
Vince Lampey	Police Licensing Officer
Paul Wright	Licensing Director for Stonegate Pubs
Richard Taylor	Goschalks Solicitors representing Stonegate Pubs

The meeting began at 10.30 am

1. MINUTES

The Minutes of the previous meeting will be signed at the next meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

4. APPLICATION TO REVIEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

The Sub-Committee were required to consider an application to review a premises licence for the following premises:

Tudor Rose
Long Chaulden
Hemel Hempstead

HP1 2HU

Closure Order granted on 4 February 2022 until 25 February 2022.

The Chairman introduced everyone.

The Chairman asked if all legal requirements had been complied with. P. Wortley confirmed that they had. The Chairman asked P. Wortley to introduce the application.

This application had come before the Sub-Committee as a result of the Closure Order. On 21st January 2022 (Friday), P. Wortley, Security Industry Authority investigators and the Police visited the Tudor Rose regarding unlicensed door staff. When they arrived it was a shambles, there was nobody in charge, customers were helping themselves behind the bar, although one person said he was serving. They couldn't contact the DPS and nobody appeared to know who was doing what. They refused to provide details of names and addresses but the Police did manage to obtain some information. As a result it was decided that they would leave the Police presence through the evening and contact the Licence Holder on the Monday morning. P. Wortley contacted the Area Manager, Kate Halloway, and she explained that the Licence Holder had been given Notice to Quit the premises on 25th February and that they had done everything they could to try to get him out of the premises, as he hadn't paid rent, he was buying beer out and not from the brewery which was in breach of their conditions. The problem was that he was not named on the Licence as a DPS therefore there was very little the Licensing Team could do in respect of him and it was purely down to the Licence Holders. It was decided that they would remove the DPS from the Licence to prevent alcohol being sold and this was done via application to the Council on 1 February 2022. This meant that there was no DPS and legally no alcohol could be sold. On Tuesday evening there was a type of party, travellers arrived at the property and alcohol was being sold and because of this a Closure Order was applied for. Stonegate were aware of all parts of this investigation and on Friday 4 February the Closure Order was granted, the premises was boarded up, therefore no one could enter the premises except the owners and the Licence Holder. The tenant wouldn't speak with the Licensing Department and therefore they were unable to get any details from him. It did appear that he was walking away from the business. The reason it had to come before the Sub-Committee is because Licensing Act 2003 regulations state that it must be determined by the Licensing Committee within 28 days.

Councillor Sutton asked if the routine checks are carried out when officers are called out. P. Wortley replied that they do routine checks and this one was highlighted by the SIA.

Councillor Bassadone asked who the Security Industry Authority were and where did they operate from. P. Wortley replied that they were a Government led Department and they were set up to monitor door staff and other different people that work in the security industry. They have a main office in London but the investigators are placed all over the country. They have very few investigators and they cover a large area so for them to attend this particular premises they would have had concerns. Councillor Bassadone went on to ask whether local people had complained. P. Wortley advised that they had received intelligence that the particular person that was working the door had been involved in violence at the premises and he had assaulted someone quite badly which was why the Police, P. Wortley and SIA had attended but when they arrived there was no evidence of this person actually carrying out any enforcement of the door, however, it was apparent that he did have something to do with the premises because he was the only one that spoke to the Police and was fairly co-operative.

Councillor Bassadone continued and said that on page 16 of the agenda it stated that the date the Licence was issued was 5th July 2021, was this when this particular tenant who we

are not aware of actually took over and what was the significance of the date of 5th July 2021. P. Wortley explained that this was the date that the Designated Premises Supervisor was given permission to work at the premises and hold the authority to serve alcohol. Each time a Licence came up for a change the date changed. Councillor Bassadone mentioned that on page 21 it mentioned plans but that there was not room to attach a copy of these plans, and she felt it would have been useful to have been able see some kind of plan of the premises interior. P. Wortley explained that the plans are sent in and this would have been sent in in 2003/4 when the original application went in for the transfer of the premises licence. Usually they are kept on file and unless they changed throughout the life of the Licence they were not normally attached.

Councillor Hearn asked Sergeant Saunders to introduce the case for the Police.

Sergeant Saunders advised that P. Wortley had covered most of the details. There had been sporadic incidences throughout the last 8-10 months but on 1st of the month there was an anniversary of a death and that the travellers attended the premises and, because there was no licence in place, the Closure Order was applied for. On the evening of the Closure Notice there was one other person on the premises who was renting or it had been sub-let.

Sergeant Saunders reported that the Police advised of the Closure Notice and Closure Order to a person on the premises and requested that the information was forwarded to the DPS and that the case would be heard in Court on the Friday morning. If a Closure Order is signed by an Inspector they only have 24 hours to close the premises and the application has to be heard in Court within 48 hours. However on this occasion it was signed by a Superintendent. During this process the Police have been working with Stonegate who have been very supportive. The application for the Closure Notice was only for a short period and the premises were vacated completely.

Councillor Bassadone noted that the Police had been working with Stonegate and asked where did they operate from. Richard Taylor from Gosschalks Solicitors replied that Stonegate were the biggest pub company in the country and owned about 4500 pubs. There was a base in Birmingham and one in Luton.

Councillor Hearn asked R. Taylor to present their case. R. Taylor thanked Sergeant Saunders for acknowledging their support to the Police. EI Group Ltd. was part of the Stonegate pub company and Stonegate were the biggest pub company in the country and owned about 4500 pubs. The vast majority of these pubs were the subject of lease or tenancy agreements through which the tenant ran their own business out of the premises and payed rent and sometimes there were other purchasing obligations. EI/Stonegate sat in the place of the old brewery. This is what was happening at the Tudor Rose which was subject to a one year tenancy with a company known as Triple B Scaffolding and at the time that company took over the running of the pub Stonegate did all of the background and credit checks etc. When a DPS application for example was submitted, the Police and Licensing Authority do their checks too and there was nothing in June last year to suggest that this wouldn't be a successful operation. In this case, the tenant didn't pay the rent and didn't comply with the lease agreement and as a result of his failure to do this he was served with a Notice to Quit. This Notice to Quit expired in February. As a result of the information received at the end of January, steps were taken to force the closure of the pub and remove the Designated Premises Supervisor with the effect that alcohol sales were illegal but sales continued. The letters also stated that the Police and Licensing Authority were aware of this as a criminal offence. Unlawfully the event took place on 1st February. They went to the Magistrates on 4th February, and the Closure Order was issued, Stonegate staff went to the premises with the Police and the building was boarded up and the Police issued the necessary notices on the premises. The Closure Order only lasted until 25 February 2022. The tenants had already gone and the locks were changed. The next step is to seek a new

tenant and when they have been found they will speak to the Police and introduce the new tenant.

Councillor Hearn asked when was the last time the tenant had paid his rent.

R. Taylor advised that they had not received any rent from him. Councillor Hearn asked if this was not a warning sign. R. Taylor explained that there are payments up front but as far as he was aware there had never been any payments and he had not fulfilled the purchasing obligations. The lease required certain drinks to be purchased through the company.

Councillor Bassadone asked with regard to the tenant, what was the previous record that was checked.

R. Taylor replied that he was unable to answer that question but he could find out if it would help. However, he did say that they didn't just let people into premises without any experience of running the business. There is always someone new to the business so they ask the potential tenant to attend a number of training courses.

Councillor Bassadone said it was now about what was the best way forward and looking for a new tenant. R. Taylor replied that they were looking for a new tenant for a very difficult industry to be in at the moment but they would not rush into anything and suspected that it may take some time, and there were also repairs to be carried out.

Councillor Hearn thought that it sounded like there would be quite a lot of work needed inside the premises. P. Wright replied that the premises have been closed for a period of time and there will be some dilapidation to be taken care of.

Councillor Sutton asked how confident they were that they would be able to get a new tenant to be able to handle difficult customers/situation such as this case. R. Taylor replied that is the company had a lot of experience at looking for the right people and fortunately this sort of situation did not happen very often.

Councillor Hearn asked R. Taylor to sum up.

R. Taylor said that this was a very odd case in that everyone was "singing from the same hymn sheet" and in a review case where no one is asking for any steps to be taken. Any decision needed to be evidence based. The evidence here was clear and it was the "bad apple" where action needed to be directed. The tenant had already been removed and looking at the options, no one is seeking, revocation or suspension of the premises licence or seeking to change the conditions or hours, and one thing that you would normally see in proceedings like these was the removal of the DPS but this had been done. Therefore this was a very unusual case in which you can look at what has been done and determine to do nothing because it had already been done. The evidence that they have is that the Tudor Rose had never had a problem until this last tenant. Stonegate was a professional pub company which the Police had confidence working with and which had supported the Police all the way through and would continue to do so.

Councillor Hearn thanked everyone.

A Kowalski wished to clarify the position with regard to the steps for the Sub-Committee because there were three recommendations in the report but the legislation was clear in that there were five steps available and it wasn't mentioned about the suspension or removal of the DPS and excluding licensable activity so there were a couple of other options.

R. Taylor advised that from a legal perspective these steps were all discretionary and there was a sixth option of doing nothing.

Councillor Hearn asked everyone to leave whilst the Committee considered their decision.

The meeting ended at 11.10 am

Decision:

When determining a review of a premises licence (under section 167 of the Licensing Act 2003), the Sub-Committee must, having regard to the closure order and any relevant representations made, take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives.

Steps considered:

- (a) modify the conditions of the premises licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor from the licence;
- (d) suspend the licence for a period not exceeding three months; or
- (e) revoke the licence

The Sub-Committee has decided to not to take any of the above steps and therefore to allow the premises licence to continue in its current format.

The Sub-Committee notes that whilst the closure order confirms that there was crime and/or disorder at the Premises, this was done so under the occupation and control of the Tenant who has now vacated the Premises. The Sub-Committee further notes that there were no representations from responsible authorities.

The Sub-Committee is satisfied that the premises licence holder had co-operated with the police and the Licencing Authority to promote the licensing objective of preventing crime and disorder. The premises licence holder had terminated the lease with the Tenant, removed the Designated Premises Supervisor from the premises licence to prevent the sale of alcohol at the Premises and supported the closure order. The Tenant had also not paid any rent under the lease to the premises licence holder (Ei Group Ltd) and breached further covenants including purchasing obligations with the Stonegate Group.

The Sub-Committee notes that the premises licence holder has confirmed that it will now look to seek a new tenant for the Premises and will liaise with the police to ensure the new tenant is suitable and carry out the necessary due-diligence checks accordingly and continue to co-operate with all responsible authorities. The premises licence holder shall also carry out a refurbishment of the Premises and has given assurances to the Sub-Committee as to the future running of the Premises.

The Sub-Committee confirms that the Licensing Authority has statutory responsibilities under the Licensing Act 2003 to review the premises licence, at the request of a responsible

authority or any other person, should there be relevant grounds concerning one or more of the licensing objectives in the future.

Appeal:

A right of appeal is conferred by the Licensing Act 2003. The time within which any such appeal may be brought to a magistrates' court shall be 21 days from the date on which you were notified by the Licensing Authority of this decision.

Costs:

If an appeal is lodged and the appellant is successful in their appeal, it is the intention of the Licensing Authority to resist any application for costs.

If an appeal is lodged and the appellant is unsuccessful in their appeal, it is the intention of the Licensing Authority to apply for full costs to be awarded to the Licensing Authority in respect of the appeal.

Agenda Item 4



AGENDA ITEM: 3

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	11 July 2023
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence application under the Licensing Act 2003
Contact:	Sally McDonald – Lead Licensing Officer, Legal and Democratic 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 2021-2026 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, December 2022)
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. 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	PSM Express, 15 Stoneycroft, Hemel Hempstead, Hertfordshire HP1 2QE	Grant of premises licence under s.17 of the Licensing Act 2003

APPENDIX A

Applicants name	PSM Express Limited
Name and address of premises	PSM Express 15 Stoneycroft Hemel Hempstead Hertfordshire HP1 2QE
Ward	Chaulden and Warners End

1. **Current Licence**

- 1.1 The premises is not currently subject to a premises licence. It is located in a shopping precinct in Warners End Hemel Hempstead, which has a number of retail units within it. Prior to this application, the premises was a newsagents, selling newspapers, cards and confectionary.

2. **Application**

- 2.1 Authorisation is sought for the following licensable activity and hours:

Sale by retail of alcohol, for consumption off the premises.

Monday to Sunday 06:00 to 23:00

The application is set out at Annex A on page 14 of the agenda.

A plan of the premises is set out at Annex B on page 34 of the agenda.

A map of the local area is set out at Annex C on page 35 of the agenda.

3. **Details of Representation**

- 3.1 The period for receipt of representations in respect of the application was 18th May 2023 to 15th June 2023.

During the consultation period one representation was received from a ward councillor for Chaulden and Warners End, who was making that representation as an individual in his own right, and citing concerns about a potential increase in drunkenness and anti-social behaviour in the vicinity of the premises should the licence be granted.

This representation is set out at Annex D1 on page 36 of the agenda.

3.2 The applicant had previously indicated that they were willing to mediate with those persons that had made representations, however this option was not taken up, with the objector expressing his preference that the matter go straight to the Committee for determination. This correspondence is set out at Annex D2 on page 37 of the agenda.

3.3. Responses received from responsible authorities:

Police – no response

Fire Officer – no representations

Public Health – no response

Planning – no representations

Environment and Community Protection – no representations

Trading Standards – no representations

Local Safeguarding Children Board – no response

Licensing Authority – no response

4. Observations

4.1 Extracts from local police and national statutory guidance are set out at Annex E on page 39 of the agenda.

Annex A
APPLICATION FOR GRANT OF PREMISES LICENCE



Application for a premises licence to be granted under the Licensing Act 2003

I/We PSM Express Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
15 Stoneycroft			
Post town	HEMEL HEMPSTEAD	Postcode	HP1 2QE
Telephone number at premises (if any)		07411 992447	
Non-domestic rateable value of premises		£11,500	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	X	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)

f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(B) Other applicants

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

Name PSM Express Ltd
I Emperor Lane Broughton AYLESBURY HP22 7DE
Registered number (where applicable) 14292055
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 07411 992447
E-mail address (optional) rajmrh@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	062023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Convenience Store situated in a parade of retail and fast food outlets offering a large range of products including alcoholic beverages for both online sales and delivery

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

What licensable activities do you intend to carry on from the premises?

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	
f) recorded music (if ticking yes, fill in box F)	
g) performances of dance (if ticking yes, fill in box G)	
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box I)	
Supply of alcohol (if ticking yes, fill in box J)	X

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
		h		Both	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
		h		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors
				Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri			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 (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon				Both	
Tue					
			Please give further details here (please read guidance note 4)		
			State any seasonal variations for the performance of live music (please read guidance note 5)		
			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 (please read guidance note 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors
					Outdoors
Day	Start	Finish			Both
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			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 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) 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 (please read guidance note 6)
Day	Start	Finish	
Mon	06.00	23.00	
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

When considering this application, we have reviewed the current operating hours and procedures that are in place to promote the licensing objectives - which we understand are currently working well. Additionally we have considered the Dacorum Borough Council Statement of licensing policy 2021 - 2026 and the guidance issued under S182 of the Licensing Act 2003, have undertaken research with regards to population demographics and Home Office crime mapping. As a consequence the intention is to add the following conditions in order to promote the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times the Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format. CCTV download and access will be provided to an authorised local authority Trading Standards Officer or the Local Authority within 48 hours of being requested or on demand in the event of a serious incident as defined by a senior police officer of the rank of at least Police Inspector.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised local authority Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIAB Level 1 or any other training recognised and agreed with the local authority Trading Standards, (All existing staff shall be trained within one month of the date that this condition appears on this licence).

All new staff shall be trained within one month of taking up employment.

All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised local authority Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand. Training will cover the following matters as a minimum:
Conflict resolution
Selling alcohol to under age person
Selling to drunks
The sale of all other age restricted goods offered for sale at the premises.

c) Public safety

No public safety issues are identified at this juncture.

d) The prevention of public nuisance

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. The premises licence holder will display notices which are prominent, clear and legible (in not less than 32 font bold), advising the public not to consume any alcohol purchased from the premises at or near to the premises.

e) The protection of children from harm

Age Verification:

A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age.

A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 25 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Council.

Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location where alcohol is displayed and offered for sale.

INTERNET SALES:

The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council. The website shall contain a declaration to the fact that purchasers' details will be checked to ensure eligibility to the sale.

The terms and conditions of the company website will contain the following: -

- a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
- b) An age confirmation requirement when registering to purchase.
- c) Reference to the operating of a Challenge 25 policy.
- d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age

DELIVERIES:

The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

Checklist:**Please tick to indicate agreement**

• I have made or enclosed payment of the fee.	
• I have enclosed the plan of the premises.	X
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
• I understand that I must now advertise my application.	X
• I understand that if I do not comply with the above requirements my application will be rejected. • [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	X

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.

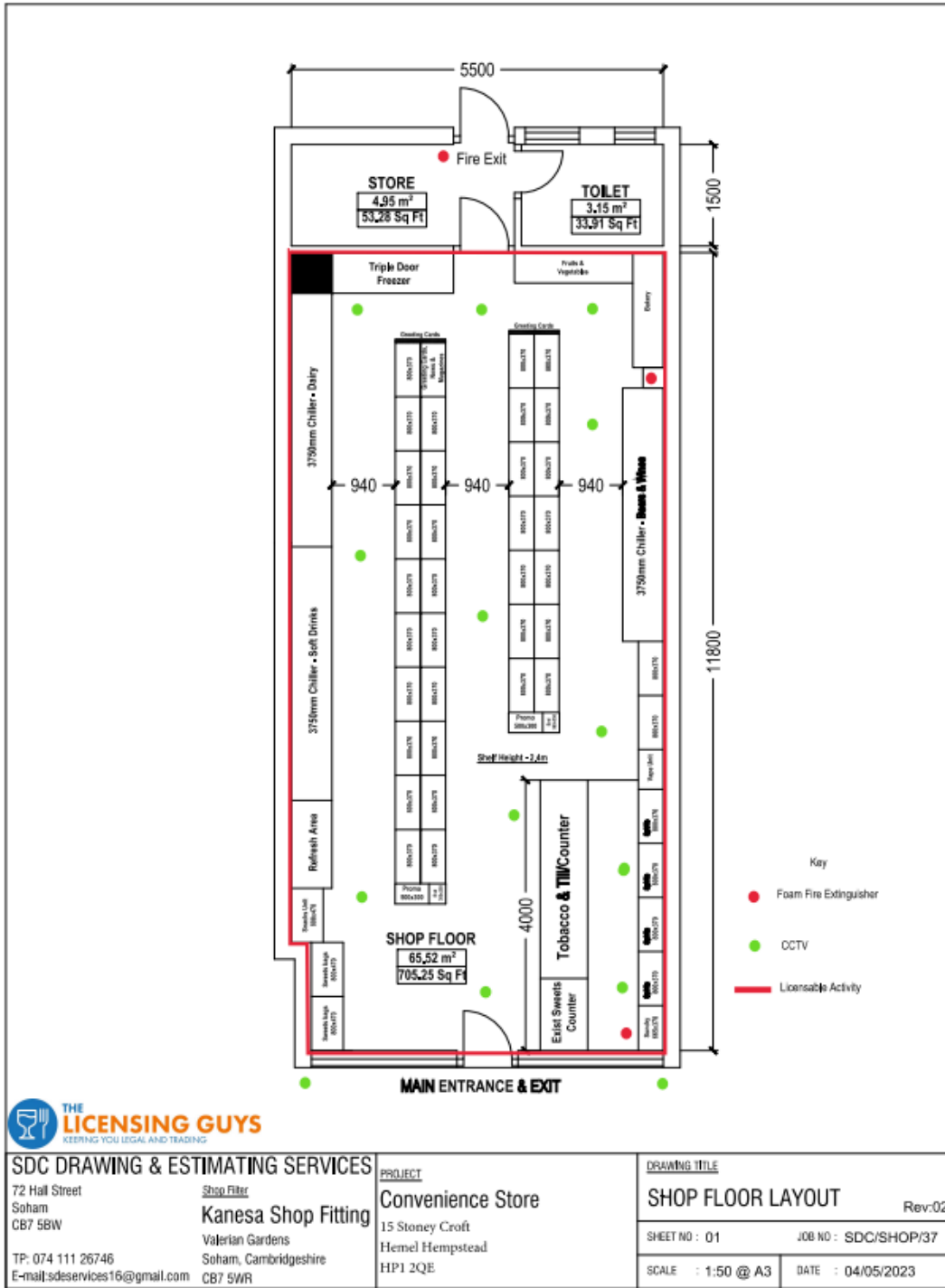
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

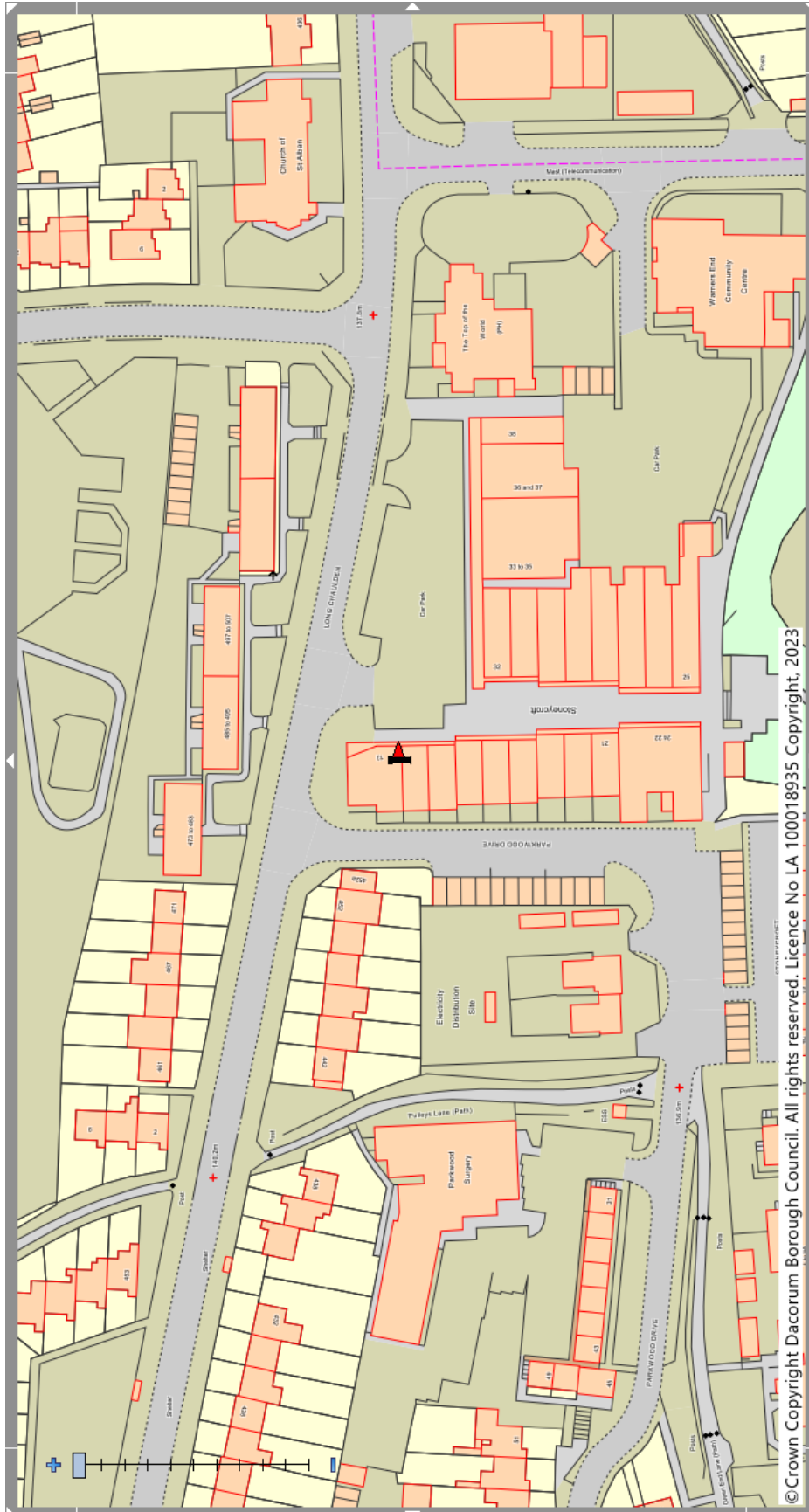
Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am 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 (please read guidance note 15). • 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Colin HOULT for The Licensing Guys
Date	18/05/2023
Capacity	Licensing Consultant & Agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
The Licensing Guys			
Rural Enterprise Centre			
Vincent Carey Road			
Rotherwas Business Park			
Post town	HEREFORD	Postcode	HR2 6FE
Telephone number (if any)	01432 700024		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
licensing@thelicensingguys.com			

**ANNEX B
PLAN OF PREMISES LAYOUT**



ANNEX C
MAP OF LOCATION IN WHICH PREMISES IS SITUATED



**ANNEX D1
REPRESENTATION**

From: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Sent: 13 June 2023 16:23
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Hi,

I am one of Ward councillors for the area, where the newsagent which has just changed hands (15 Stoneycroft) has applied for a licenses to sell alcohol. I formally lodge my objection to this application for the following reasons.

The shopping area back consists of a disused toilet block and adjacent to the area are studio flats with garages PLUS dilapidated garages. This blackspot is a hangout for drug dealing and I feel this off license will attract more anti-social behaviour. There is a secondary school nearby and I would not want them exposed to undesirable people who my congregate near the shops. I feel drunkenness will increase, as we have an elderly and vulnerable population nearby (William Crook House), I fear for their safety as they use the shops for daily essentials.

Regards

Graeme

Graeme Elliot

**Councillor for Chaulden & Warners End
Dacorum Borough Council**

T: 07496 579448

E: graeme.elliott@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

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ANNEX D2
FURTHER CORRESPONDENCE WITH OBJECTOR

From: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Sent: 14 June 2023 15:52
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: RE: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Hi Sally,

I would like this to go forward to the licensing committee please

Regards

Graeme

Graeme Elliot

**Councillor for Chaulden & Warners End
Dacorum Borough Council**

T: 07496 579448

E: graeme.elliott@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

From: Licensing Mailbox <Licensing@dacorum.gov.uk>
Sent: 14 June 2023 09:48
To: Graeme Elliot <Graeme.Elliot@dacorum.gov.uk>
Cc: Nigel Durrant <Nigel.Durrant@dacorum.gov.uk>; Fiona Guest <Fiona.Guest@dacorum.gov.uk>
Subject: RE: M056780] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – PSM Express Ltd

Good morning Graeme

Thank you for your e-mail.

In accordance with statutory guidance I have forwarded your representation to the agents for the application, who have previously indicated to me that they wish to attempt to address objector's concerns with the application ahead of arranging a hearing on this, to see if they can offer reassurance about the control of alcohol sales at the premises. If you are agreeable to that please can you let me know as soon as possible so that we can arrange either negotiation by e-mail, or a meeting.

If you do not agree, the application will go forward to the Licensing of Alcohol and Gambling Sub-Committee for consideration, and you will be given formal notice of hearing within the prescribed timescales.

Kind regards

Sally Mcdonald
Lead Licensing Officer
Dacorum Borough Council

T: 01442 228470 (ext.2470)

E: sally.mcdonald@dacorum.gov.uk

A: The Forum | Marlowes | Hemel Hempstead | HP1 1DN

ANNEX E

RELEVANT EXTRACTS FROM LOCAL POLICY AND NATIONAL 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.

Public nuisance

5.13. 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.

5.14. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

5.15. 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, and would be considered the primary control for such issues. 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.

Protection of children

5.21. The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.

6. Licensing Authority functions

6.2. The licensing authority has delegated its functions under the Act to the Licensing, Health & Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions to the Licensing of Alcohol and Gambling Sub-Committee, to consider contested applications and notices, and review proceedings.

Other persons

7.7. Representations and review applications may also be made by persons who are democratically elected, such as borough, county, town or parish councillors, or an MP. Such representatives are free to make representations and review applications in their own right, and no specific evidence of being asked to represent any other person will be required.

10. Licensing Hours

10.3. 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.

10.7. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance. Where alcohol hours are shorter than opening hours, premises should ensure that robust systems are in place to prevent the sale of alcohol before or after permitted times.

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

Licence conditions

- 11.1. The Licensing Authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.
- 11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder, generally this will mean within the premises, or in the nearby vicinity.

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

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 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.
- 2.16 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.

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

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

Determining Applications

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.

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

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and

provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

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.

Agenda Item 5

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.