

APPENDIX A

Applicants names Mr Shibak Ahmed and Mr Saifi Miah

Name and address of premises 16-18 Lawn Lane,
Hemel Hempstead
Herts
HP3 9HL

Ward Apsley and Corner Hall

1. Current Licence

1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.

2. Application

2.1 An application has been made for the grant of a new premises licence under section 17 of the Licensing Act 2003. This is set out at Annex A.

2.2 Authorisation is sought for the following licensable activities:

Live music (Indoors)

Sunday to Thursday 18:00 hours to 22:00 hours
4 events per year

Recorded music (indoors)

Sunday to Thursday 12:00 hours to 23:00 hours
Friday and Saturday 12:00 hours to 23:30 hours

Anything similar to live and recorded music and the performance of dance (Indoors)

Sunday to Thursday 18:00 hours to 22:00 hours

Supply of alcohol (for consumption both on and off the premises)

Sunday to Thursday 12:00 hours to 23:00 hours
Friday and Saturday 12:00 hours to 23:30 hours

Hours the premises may open to the public

Monday to Sunday 12:00 hours to 00:00 hours

2.3 Following receipt of representations, the applicants submitted an amendment to the application as follows:

Live music, Recorded music; and Anything similar to live and recorded music and performance of dance

Removed from the application

The amendments to the application are set out at Annex A2.

2.3 A plan of the premises and map of the area are set out at Annexes B1-B2

3. Details of Representations

- 3.1 The consultation period for the application was between 2nd August 2017 and 30th August 2017.

During this period 9 representations were received, from persons living in the vicinity of the premises, citing concerns in respect of public nuisance and public safety. These representations are set out at Annex C1 to C9.

- 3.2 The following responses were received from responsible authority officers in respect of the application:

Police – no relevant representations

Fire Officer – no relevant representations

Public Health – no relevant representations

Environmental Health Pollution – no relevant representations

4. Observations

- 4.1 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex D.

APPENDIX A

APPLICATION FOR GRANT OF PREMISES LICENCE

Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Revised April 2017



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We SHIBAK AHMED + SAIFI MIAH
(Insert name(s) of applicant)

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			
16-18 LAWN LANE, HP3 9HL			
Post town	HEMEL HEMPSTEAD.	Post code	HP3 9HL
Telephone number at premises (if any)		01442-257 786	
Non-domestic rateable value of premises		£13250.00	

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick ✓ as appropriate

- | | |
|--|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname		MIAH	
First names		SAIFI	
Date of birth		[REDACTED] I am 18 years old or over : <input checked="" type="checkbox"/> Please tick ✓ yes	
Nationality		BRITISH	
Current residential address if different from premises address		[REDACTED]	
Post town		Post code	[REDACTED]
Daytime contact telephone number		[REDACTED]	
Email address (optional)			

(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	
Address	
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association, etc.)	
Telephone number (if any)	
Email address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start?

D	D	M	M	Y	Y	Y	Y
<input type="text"/>							

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

D	D	M	M	Y	Y	Y	Y
<input type="text"/>							

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

THE PREMISES WILL BE AN INDIAN RESTAURANT
ALCOHOL WILL BE SERVED FOR CONSUMPTION WITH
FOOD ON THE PREMISES.

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?
(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ✓ all that apply

Provision of regulated entertainment (please read guidance note 2)

- 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)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play 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) N/A	Both
Tue				<input checked="" type="checkbox"/>
Wed			State any seasonal variations for performing plays (please read guidance note 5) N/A	<input type="checkbox"/>
Thur				<input type="checkbox"/>
Fri			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 (please read guidance note 6) N/A	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	N/A	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	N/A	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	N/A	
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			N/A
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur			N/A
Fri			
Sat			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)
Sun			
			N/A

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1800	2200	Please give further details here (please read guidance note 4) AMATEUR OR LOOK A LIKES POP IDOLS SUCH AS ELVIS, ABBA, ROBBIE WILLIAMS TRIBUTE NIGHTS ONLY FOR OVER 21'S.		
Tue	1800	2200			
Wed	1800	2200	State any seasonal variations for the performance of live music (please read guidance note 5) NO SEASONAL VARIATION JUST ONE PER EVERY THREE MONTHS. FOUR IN A YEAR.		
Thur	1800	2200			
Fri			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) WE WILL NOT BE HOLDING ANY LIVE MUSIC ON NON STANDARD TIMINGS.		
Sat					
Sun	1800	2200			

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	23.00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12.00	23.00		N/A	
Wed	12.00	23.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)	N/A	
Thur	12.00	23.00			
Fri	12.00	23.30	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)	N/A	
Sat	12.00	23.30			
Sun	12.00	23.00			

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)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) N/A	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 5) N/A	
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) N/A	
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 LIVE TRIBUTE NIGHTS OR KARAOKE EVENINGS. N/A	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors
Mon	1800	2200		
Tue	1800	2200	Please give further details here (please read guidance note 4) THESE WILL BE EITHER LIVE TRIBUTE NIGHTS OR KARAOKE EVENINGS WITH SING A LONG WITH BACKGROUND MUSIC.	Outdoors
Wed	1800	2200		Both
Thur	1800	2200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) NO SEASONAL N/A	
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) NO TO STANDARD TIMINGS. N/A	
Sun	1800	2200		

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

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)

N/A

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)
Day	Start	Finish	
Mon	1200	0000 0000	N/A
Tue	1200	0000 2300	
Wed	1200	0000 2300	
Thur	1200	0000 2300	
Fri	1200	0000 2330	
Sat	1200	0000 2330	
Sun	1200	0000 2300	
			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)
			N/A

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

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

- MONTHLY REVIEW OF DPS DUTIES AND RESPONSIBILITIES.
- MONTHLY REFRESHER STAFF TRAINING.
- NEW STAFF TRAINING.
- SELLING TO CONSUMERS THAT COMPLY WITH LAW.
- I WOULD WELCOME ANY SUGGESTION FROM LOCAL AUTHORITY AND PUTTING IN PREVENTIVE MEASURES IN PLACE.

b) The prevention of crime and disorder

I WOULD TRY TO DO WHATEVER WITHIN MY CONTROL SUCH AS;

- NOT SELLING TO DRUNKEN PEOPLE.
- NOT SELLING TO UNDERAGE.
- PROMOTE CHALLENGE 25.
- TRAIN STAFF ADEQUATELY.

c) Public safety

- NOT SELL TO UNDERAGE
- TO DRUNKENS
- NOT ALLOW TO DRINK ON THE WAY HOME/PUBLIC PLACE.
- MAINTAIN THE FOUR LICENSING OBJECTIVES.
- I WOULD ALSO WELCOME ANY SUGGESTIONS FROM THE LOCAL AUTHORITY.

d) The prevention of public nuisance

- ~~I WOULD NOT DO LATE NIGHT EVENTS SUCH AS IN HOUSE MUSIC EVENTS.~~
- NOT SERVE OR SELL ALCAHOL TO DRUNKENS CUSTOMERS
- ~~NOT ENCOURAGE CUSTOMERS TO DRINK AFTER CLOSING.~~
- TO PREVENT ANY NUISANCE TO PUBLIC.
- CCTV

e) The protection of children from harm

- I WOULD NOT SELL TO UNDERAGE CUSTOMERS.
- PROMOTE CHALLENGE 25. ASK FOR I.D. FOR ANYONE THAT LOOKS UNDER ~~AGE~~ THE AGE OF 25 AND ASK FOR PROOF OF AGE.
- I WOULD ALSO WELCOME ANY SUGGESTIONS FROM THE LOCAL AUTHORITY.

Please tick ✓ to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- 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 (please read note 15).

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, if appropriate (please see note 15).
Signature ▼	<i>Shubek Ahmad</i>
Date ▼	02-08-2017
Capacity ▼	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature ▼	<i>[Signature]</i>
Date ▼	02-08-2017
Capacity ▼	MANAGER

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email your email address (optional)			

ANNEX A2

AMENDMENTS TO THE APPLICATION SUBMITTED BY THE APPLICANTS

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1800	2200	Please give further details here (please read guidance note 4) AMATEUR OR LOOK A LIKES POP IDOLS SUCH AS ELVIS, ABBA, ROBBIE WILLIAMS TRIBUTE NIGHTS ONLY FOR OVER 21'S.	Both	<input type="checkbox"/>
Tue	1800	2200			
Wed	1800	2200	State any seasonal variations for the performance of live music (please read guidance note 5) NO SEASONAL VARIATION JUST ONE PER EVERY THREE MONTHS. FOUR IN A YEAR.		
Thur	1800	2200			
Fri			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) WE WILL NOT BE HOLDING ANY LIVE MUSIC ON NON STANDARD TIMINGS.		
Sat					
Sun	1800	2200			

not now required
SAIFI MIAH


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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12 00	23 00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12 00	23 00		N/A	
Wed	12 00	23 00	State any seasonal variations for the playing of recorded music (please read guidance note 5)	N/A	
Thur	12 00	23 00			
Fri	12 00	23 30	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)	N/A	
Sat	12 00	23 30			
Sun	12 00	23 00			

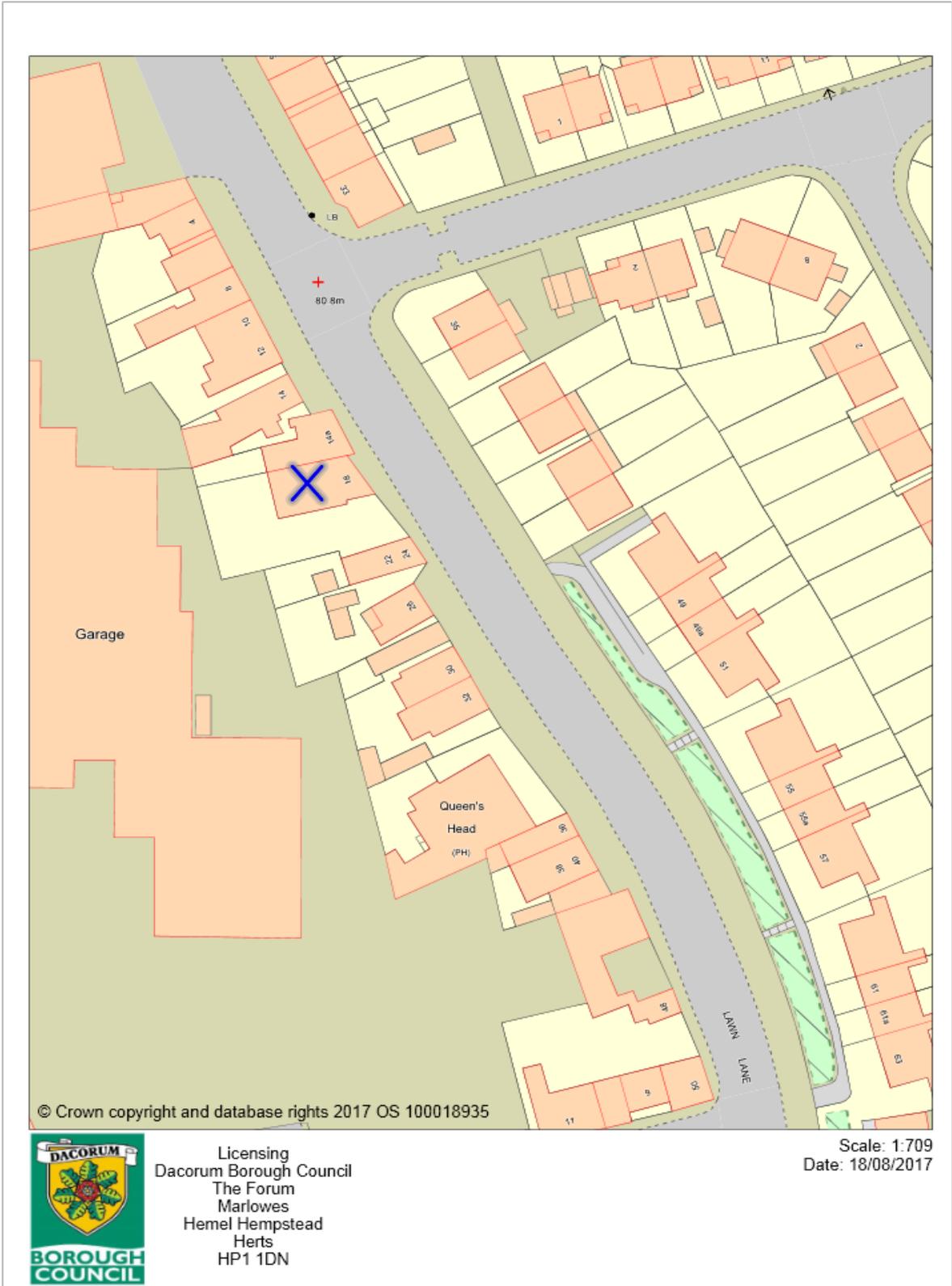
Not now Required
SAIFI MIAH
0976

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 <u>LIVE TRIBUTE NIGHTS OR KARAOKE EVENINGS</u>	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
Mon	1800	2200		Both <input type="checkbox"/>
Tue	1800	2200	Please give further details here (please read guidance note 4) <u>THESE WILL BE EITHER LIVE TRIBUTE NIGHTS OR KARAOKE N/A EVENINGS WITH SING A LONG WITH BACKGROUND MUSIC.</u>	
Wed	1800	2200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) <u>NO SEASONAL</u>	
Thur	1800	2200	<u>N/A</u>	
Fri			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) <u>NO TO STANDARD TIMINGS</u>	
Sat			<u>N/A</u>	
Sun	1800	2200	<u>N/A</u>	

Not now Required
SAFI MIAH
Off

**ANNEX B2
MAP OF AREA**



ANNEX C1

From: [mailto:
Sent: 12 August 2017 20:20
To: Licensing Mailbox
Subject: Application ref M043725: Olive Indian Restaurant, 16-18 Lawn Lane

Dear Sir/ Madam

I am writing to express my concerns and object to the recently submitted application for licensing of the new Indian restaurant on 16-18 Lawn Lane.

I am a resident of Lawn Lane and I am seriously concerned if the premises is granted a license to sell alcohol and play live music we will be subject to noise from the live music and from diners and revelers leaving the venue late at night.

The premises does not have dedicated parking, all customers dining will park their cars on our road. As residents we already face daily problems where we cannot gain entry or exit our driveways, as they are blocked by motorists parking their vehicles illegally. I understand there are 40 seats available at the restaurant, and therefore at full capacity we could have an additional 20 cars parking on our road.

I have an elderly mother who lives with me, and it is imperative that I have exit access to my driveway at all times.

I look forward to hearing from you.

Yours Sincerely

Sent from my iPad

ANNEX C2

From: [mailto:
Sent: 14 August 2017 09:17
To: Licensing Mailbox
Subject: Objection to Licence at Olive Restaurant Lawn Lane

I would like to express my objection to the current licence application for the above mentioned premises. As a resident living directly across from the premises my main concerns are the noise - it is noisy enough on Lawn Lane without another premises with a closing time that may include people leaving the premises creating noise. Regarding live music I do not wish to hear this whilst relaxing in my living room. The other main objection is parking. All too often I cannot access my dedicated parking space as other have parked in front of it for no thought to the residents and their access. This is bad enough with the take away trade that is in the area but with a restaurant where people are likely to remain longer I believe the situation will only worsen. At least reinstate the no parking signage on the pavement in front of the properties 39 - 45 Lawn Lane and perhaps introduce parking permits for residents.

Regards

ANNEX C3

From: [mailto:
Sent: 14 August 2017 17:45
To: Licensing Mailbox
Subject: Re: application ref:MO43725

thank you for your reply i think i stated my case, surely we have enough in lawn lane so there will be noise with the music and banging of car doors, people coming out of the restaurant in groups etc what else do you want from us residents none of you live here and have to put up with noise etc unbelievable.

From: [mailto:
Sent: 15 August 2017 09:34
To: Licensing Mailbox
Subject: RE: Licensing team

Dear Ms McDonald,

Thank you for responding to Mrs ***** objection email. We will try to explain Mrs ***** concerns a bit further.

On top of the parking issues already mentioned, Mrs ***** feels that revellers leaving the restaurant late at night after closing time, which we believe will be midnight, may be under the influence of alcohol and may well be rowdy at that time of the night; disturbing herself as well as the other neighbours. There are young and old residents in this area and noisy night revellers will disturb them as well as possibly frightening them. There is enough entertainment in the area as it is. Enticing more alcoholic loud music lovers won't make the area any better. It'll take away our peace and security of being safely tucked up in our homes, safe and secure. It may also make the area a less desirable place for future residents to want to invest in.

Doubt will set in with present residents and the revellers that cannot hold their alcoholic intake will no doubt be depositing it back onto our roads near or outside our homes! Something our children do not need to see. We have clean streets, we'd like them to stay that way please!

I hope we have managed to express Mrs ***** concerns over the granting of the licence a bit further.

Yours sincerely,

ANNEX C5

From:

Sent: 16 August 2017 22:13

To: Licensing Mailbox

Subject: Application Ref: M043725. Olive Indian Restaurant, 16-18 Lawn Lane, Hemel Hempstead

We are writing to object the application for a fully licensed restaurant, with live music in Lawn Lane.

Our main issue is parking. We are constantly being blocked in or out of our drive as it is with people that selfishly leave their cars and go to work in the town. The restaurant would only increase the number of cars parking in and around Cedar Walk. The restaurant would also create more noise late at night with their live music.

Another concern is that cars are constantly parked on both sides of the road at the junction with Lawn Lane onto Cedar Walk thus causing an accident waiting to happen. We don't understand why this isn't monitored more closely or at the very least have double yellow lines. Having a restaurant would only increase cars parking dangerously on this junction.

Kind regards

Cedar Walk
Hemel Hempstead
Herts

ANNEX C6

From:
Sent: 19 August 2017 10:04
To: Licensing Mailbox
Subject: Application M043725 - 16-18 Lawn Lane

Dear Sirs

I write in response to the application for a full restaurant license at 16-18 Lawn Lane, to which I strongly object.

Whilst I would have no difficulty with a takeaway restaurant in principle, a fully licensed restaurant with the ability to sell alcohol would be detrimental to the peace of the neighbourhood, disturbed as it is by noise from the pubs and restaurants already on Lawn Lane.

Furthermore the parking along the northern end of Lawn Lane is already extremely congested with numerous vehicles trying to find spaces on and around the main road. The granting of this license would add the need for a further 20 or so cars at full occupancy, exacerbating the parking issue and causing further disruption to residents in the areas around.

I urge the council to reject the application.

From: [mailto:
Sent: 21 August 2017 10:45
To: Licensing Mailbox
Subject: Application Ref M043725

Dear team

I have seen the new licence application for the Olive Indian Restaurant on Lawn Lane. Whilst I am keen to encourage restaurants rather than more takeaways in this area, I do want to raise three issues that concern me as apart from the line of takeaway restaurants, Lawn Lane is a residential road with limited parking.

1. My concern is the volume of noise from the evening music, especially on a Sunday and school nights. It is not a problem to entertainment, karaoke, live or recorded music, but it is taking into consideration that families do not want to try and have an evening in or sleep whilst music is pumping. The restaurant should put a clear and transparent process in place for residents to let them know if there is a problem with noise and to immediately deal with the issue. This would save months of recording and involving the council teams.
2. The permit for supplying alcohol which can be consumed off the premises. Again no problem with the supply of alcohol for consumption within the restaurant, but there is already a problem with groups of people sitting on the grass banks opposite the takeaway drinking and shouting late at night. I would not want to limit customers for the behaviour of a few, so I would suggest that it is carefully monitored. For example if diners ordered a bottle of wine and hadn't finished it, they should be allowed to take that with them when they leave. Also if a takeaway order customer wished to add wine to their order, this would be allowed. However the sale of alcohol only should not be allowed.
3. Parking is an issue already on Lawn Lane, with driveways often blocked or partly blocked as people try and squeeze into bays because the parking here is free. To ensure parking continues to be permit free, I wonder if the restaurant could come to an agreement with a local business to share their car park and offer this to customers ensuring that they do not have any problems parking when coming to the restaurant.

Thanks

** Lawn Lane
Hemel Hempstead
Herts

From: [mailto:
Sent: 22 August 2017 18:27
To: Licensing Mailbox
Subject: Application ref: MO43725

Licensing Team
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN

22nd August 2017

Dear Sir

Objection to APPLICATION REF MO42725, Olive Indian Restaurant, 16-18 Lawn Lane

As you can see, I am a resident of Lawn Lane which, like many parts of the Borough, has very serious parking problems. Some residents are lucky enough to have a car port, but the vast majority rely upon the permitted parking spaces on the wide pavement on one side of this busy road. Until very late at night there are many take away food establishments and other businesses operating in Lawn Lane that attract visitors whose cars exacerbate parking problems for residents. However, most of these visitors stay for a relatively short length of time by virtue of the type of businesses concerned.

The business proposed by the applicant is quite different and by its very nature will involve prolonged stays by its clients. As the premises of the proposed licensed restaurant has no parking of its own this will increase the pressure on parking on Lawn Lane and surrounding streets such as Cedar Walk and Corner Hall Avenue in the evening when residents are at or returning home. There have already been several accidents on Lawn Lane where double parking or other types of illegal parking have been a contributing factor and this business would increase the danger of such accidents.

As a local Councillor, I am usually very much in favour of encouraging new enterprises in the Borough and I have no problem with the many take-away eateries on Lawn Lane, which include other Indian food establishments and which provide a useful service for residents in the area as well as short stay visitors. However, the proposed eat-in restaurant will provide more problems for residents than the service offered is worth and is inappropriate in this location. I therefore respectfully request that you refuse this application.

Yours faithfully

From: [mailto:
Sent: 28 August 2017 18:07
To: Licensing Mailbox
Subject: Ref: MO43725. OLIVE INDIAN RESTAURANT, 16-18 LAWN LANE

Dear Sir.

The Olive Indian Restaurant – Licensing Request.

As I live adjacent to the above, I object strongly to; late, noisy karaoke evenings, fuelled by alcohol.

Specifically, my concerns are:

- **Tribute bands or Karaoke:** I totally object to loud music on consecutive nights in a residential area. The Olive Indian restaurant is in extremely close proximity to a large residential area, in fact, just across the road! I would like to point out that there are residents in this area whose jobs will be compromised by lack of sleep. Residents including paramedics, nurses, bus & train drivers, all of who work shifts, with the lives and safety of many people in their hands.
- They should certainly not need to move house to get essential sleep.
- During the summer months, residents will want to have their windows open during the day and night, and I for one, would certainly want to relax in my garden to hear the birds sing and children laughing, and then have quiet so I can experience essential sleep, not disturbing loud tribute bands or disturbing loud karaoke dominating the air from mid day onwards. The stress created will be totally unreasonable.
- **Parking:** The Olive Indian Restaurant does not have dedicated parking, it's very near The Plough Roundabout, which gets very busy and congested, the roads off Lawn Lane, which are not permit holder parking, will have their parking issues compounded by the extra load from the restaurant, we already have problems from people parking to go shopping, get the train or bus, or to collect a take-away.
- **Effects on other Entities:** This parade's establishments are mainly take-away food outlets. It is not unusual to have to dodge discarded; food that people have thrown on to the footway, packaging, drinks bottles and vomit!
- Already, we have our sleep disturbed by essential emergency vehicles, as most of these emergency vehicles pass through the Plough roundabout with their sirens on.

I hope this gives you an insight to the problems residents in this area already have to deal with. Everybody wants to have peacefulness. They want to come home after a hard day's

work and relax, whether in the garden or their home in peace and quiet, to unwind from the stresses of a day's work, and get to sleep at a reasonable hour, ready for an early riser and work the following day.

Will you also seek the advice of Environmental Health on these proposals and report their findings to me and the Licensing Authority please?

Yours Faithfully

Hemel Hempstead

Herts

ANNEX D

Local Policy considerations and statutory guidance

Local Policy

Public Nuisance

5.12. The licensing authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with public nuisance

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

Applications

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

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

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

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

Licensing hours

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but

should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

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

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

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

Licence Conditions

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

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

National Guidance

Each application on its own merits

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

Public Safety

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

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 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.

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

2.20 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.

Determination of applications

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.

Imposed conditions

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

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