

**CARLUCCIO'S 196 HIGH STREET BERKHAMSTED,
HERTFORDSHIRE: HP4 3BA**

APPENDIX A

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

Applicants name Copper House Bars Ltd

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

Ward Berkhamsted Castle

1. Current Licence

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

1.2 The current licence authorises the following activities:

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

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

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

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

2. Application

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

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

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

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

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

Hours premises to be open to the public

Sunday to Wednesday	08:00 until 00:30
Thursday to Saturday	08:00 until 01:30

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

The variation application is attached to this report at Annex B

3. Details of Representation

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

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

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

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

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



Licensing Act 2003
Premises Licence

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

Part 1 – Premises Details

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

Where the licence is time limited the dates
Not applicable

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

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

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

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

Part 2

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

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

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

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

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

NOTES

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

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

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

No supply of alcohol may be made under this licence:

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

Condition A2.

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

Condition A3.

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

Condition A4.

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

Condition A5.

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

Condition A6.

The responsible person must ensure that—

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

Condition A7.

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

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

Annex 2: Conditions consistent with the Operating Schedule

GENERAL STATEMENT OF LICENSING OBJECTIVES

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

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

THE PREVENTION OF CRIME AND DISORDER

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

PUBLIC SAFETY

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

THE PREVENTION OF PUBLIC NUISANCE

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

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

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

THE PROTECTION OF CHILDREN FROM HARM

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

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

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

N/A

ANNEX B Application to vary premises licence



Dacorum
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

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

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

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

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

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

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

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

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

<i>Continued from previous page...</i>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Section 5 of 18		
PROVISION OF FILMS		
See guidance on regulated entertainment		
Will the schedule to provide films be subject to change if this application to vary is successful?		
<input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 6 of 18		
PROVISION OF INDOOR SPORTING EVENTS		
See guidance on regulated entertainment		
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?		
<input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 7 of 18		
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS		
See guidance on regulated entertainment		
Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?		
<input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 8 of 18		
PROVISION OF LIVE MUSIC		
See guidance on regulated entertainment		
Will the schedule to provide live music be subject to change if this application to vary is successful?		
<input checked="" type="radio"/> Yes <input type="radio"/> No		
Standard Days And Timings		
MONDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
TUESDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
WEDNESDAY	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>
	Start <input style="width: 60px; height: 20px;" type="text"/>	End <input style="width: 60px; height: 20px;" type="text"/>

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

Continued from previous page...

THURSDAY

Start 19:00

End 01:00

Start

End

FRIDAY

Start 19:00

End 01:00

Start

End

SATURDAY

Start 19:00

End 01:00

Start

End

SUNDAY

Start

End

Start

End

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

Indoors

Outdoors

Both

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

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

State any seasonal variations for the performance of live music

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

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

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

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

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

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

Yes No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

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

State any seasonal variations for playing recorded music.

Continued from previous page...

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

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

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

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

Yes No

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

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

- Indoors Outdoors Both

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

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

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

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

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ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 08:00

End 00:30

Start

End

THURSDAY

Start 08:00

End 01:30

Start

End

FRIDAY

Start 08:00

End 01:30

Start

End

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start 08:00

End 00:30

Start

End

State any seasonal variations.

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

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

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

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

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

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

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

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

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

b) The prevention of crime and disorder

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

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

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

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

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

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

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

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

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

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

Continued from previous page...

escalation to on-site management.

c) Public safety

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

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

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

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

d) The prevention of public nuisance

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

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

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

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

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

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

e) The protection of children from harm

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

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

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

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

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

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises licence application fees are determined by the non-domestic rateable value of the premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at:

<https://www.gov.uk/correct-your-business-rates>

Band A | Premises not rated, or rateable value up to £4,300

Application fee: £100.00

Band B | Rateable value between £4,301 and £33,000

Application fee: £190.00

Band C | Rateable value between £33,001 to £87,000

Application fee: £315.00

Band D | Rateable value between £87,001 to £125,000

Application fee: £450.00 #

Band E | Rateable value £125,001 or greater

Application fee: £635.00 #

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

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

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

* Fee amount (£)

315.00

DECLARATION

• It is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

I understand that I must now advertise my application, by arranging for a public notice to be published in a local newspaper within the next 10 working days, and by displaying notices printed on blue paper at or near the premises and conveniently readable at all times for the next 28 days.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

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

* Full name	<input type="text" value="Amanda Worth"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="15"/> / <input type="text" value="03"/> / <input type="text" value="2019"/> dd mm yyyy

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Copper House Premises Licence"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

APPENDIX C1
Representation from Berkhamsted Town Council

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

Hi Sally,

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

Licensing application M048008.

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

Kind Regards,
Joanna

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

Please note that I do not work Fridays

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

Dear Joanna,

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

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

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

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

Hi Nathan,

Thank you for your email.

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

Kind Regards,
Joanna

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

Representation received from Councillor Ritchie, Ward Councillor

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

Dear Licensing Officers

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

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

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

Yours sincerely

Councillor Tom Ritchie

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

Dear Cllr Ritchie,

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

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

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

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

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

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

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

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

Dear Nathan March

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

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

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

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

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

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

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

Councillor Tom Ritchie

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

Nathan

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

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

Tom Ritchie

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

Dear Cllr Ritchie,

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

Kind regards,

Nathan March

Licensing Team Leader | Licensing | Corporate and Contracted Services

ANNEX D
Map of area in which premises is situated

