

**CEDAR, CHURCH ROAD, POTTEN END,  
BERKHAMSTED, HERTFORDSHIRE: HP4 2QY**

**APPENDIX A**

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

**Applicants name** F. J. Enterprises Limited

**Name and address of premises** Hardy House  
Northbridge Road  
Berkhamsted  
Hertfordshire  
HP4 1EF

**Ward** Ashridge

**1. Current Licence**

1.1 The premises is subject to a current premises licence DAC 32409 granted in 2013.

1.2 The current licence authorises the following activities:

Sale by retail of alcohol for consumption off the premises  
Monday to Sunday 07.00 until 21.30

Hours premises currently open to the public  
Monday to Sunday 07.00 until 21.30

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

1.3 The premises licence was subject to a minor variation in November 2018 to submit amended plans for the layout of the premises, in line with the creation of a café/coffee shop to the rear of the retail area of the shop, following the grant of planning permission in July 2018.

**2. Application**

2.1 The initial variation application sought the following:

Sale by retail of alcohol for consumption both on and off the premises  
Monday to Saturday 07:00 until 19:00  
Sunday 08:00 until 16:00

The applicant explained in the application that they wished to serve alcohol such as wine and cocktails to the customers in the café between noon and closing time.

The variation application is attached to this report at Annex B.

A site plan of the area is attached at Annex C.

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

- 3.1 One representation was received during the consultation period, from an individual running a business in the local area. Though several areas of the representation were not deemed to be related to the licensing objectives, the objector did have some valid concerns, particularly relating to public nuisance and the protection of children from harm. The objector also raised a point of clarification about the hours proposed for on-sales. This representation is set out at Annex D1.
- 3.2 The applicant was invited to address the concerns raised by the applicant, and these are set out at Annex D2.
- 3.3 As a result of questions raised in the representation about the proposed hours and concerns in respect of the capacity of the premises, the applicants submitted an amendment to the application to add a condition to the application operating schedule as follows:  
  
‘To allow on premises consumption of alcohol to seated customers only and between the hours of 12:00 and 17:00 Monday to Saturday and between the hours of 12:00 and 16:00 on Sundays and public holidays.’  
  
Written confirmation of the amendment from the applicant is attached at Annex D3.
- 3.4 The objector responded by confirming that he still had concerns. Face to face mediation to discuss the concerns further was offered, and agreed by the applicant, but declined by the objector. The objector’s e-mail is attached at Annex D4.
- 3.5 No representations were received from any responsible authorities.
- 3.6 There is no history of problems or disorder at this premises.
- 3.7 Local Policy considerations and National Guidance are set out at Annex E

**ANNEX A**

**Cedar, Church Road Berkhamsted Herts – current premises licence**



Licensing Act 2003  
**Premises Licence**

Premises Licence Number:

**DAC 32409**

Version reference:

**047065**

Date issued:

**8 November 2018**

**Part 1 – Premises Details**

**Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description**

Cedar  
Church Road  
~~Potten End~~  
~~Berkhamsted~~  
Hertfordshire  
HP4 2QY

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Sale by retail of alcohol



**The times the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol**

For consumption off the premises only

Monday to Sunday      07.00 until 21.30

**The opening hours of the premises**

Monday to Sunday      07.00 until 21.30

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

Sale of alcohol authorised for consumption off the premises

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

F.J. Enterprises Ltd  
Hardy House  
Northbridge Road  
Berkhamsted  
Hertfordshire  
HP4 1EF

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

11280048

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

(Details redacted)

Telephone number:

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

Licence number: DAC xxxxxxxx

Issuing authority: Dacorum

Signed:

Nathan March – Licensing Team Leader

Date issued:

8 November 2018

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 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 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.*

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## Annex 2: Conditions consistent with the Operating Schedule

### THE PREVENTION OF CRIME AND DISORDER

The digital closed circuit television system shall be compatible with the requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition.

The CCTV system shall continuously record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the DPS by Police or authorised officer throughout the preceding 31 day period.

A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised offer recent date or footage with absolute minimum of delay when requested.

### PUBLIC SAFETY

The Licence Holder shall ensure that the premises is never over crowded. In the event of an accident inside or outside the premises medical help will be called upon immediately and relevant authorities informed.

### THE PREVENTION OF PUBLIC NUISANCE

Adequate parking facilities shall be made available. The Licence holder will ensure that all rubbish is kept away from the public.

### THE PROTECTION OF CHILDREN FROM HARM

The licence holder will adhere to the Challenge 21 protocol, 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.

A refusal book is to be maintained and staff are required to complete it when sales are refused to persons under the age of 18 years, or to those who fail to provide sufficient evidence of their age. The refusals book must be regularly checked, signed and dated by the Designated Premises Supervisor and made available to any visiting enforcement office on request.

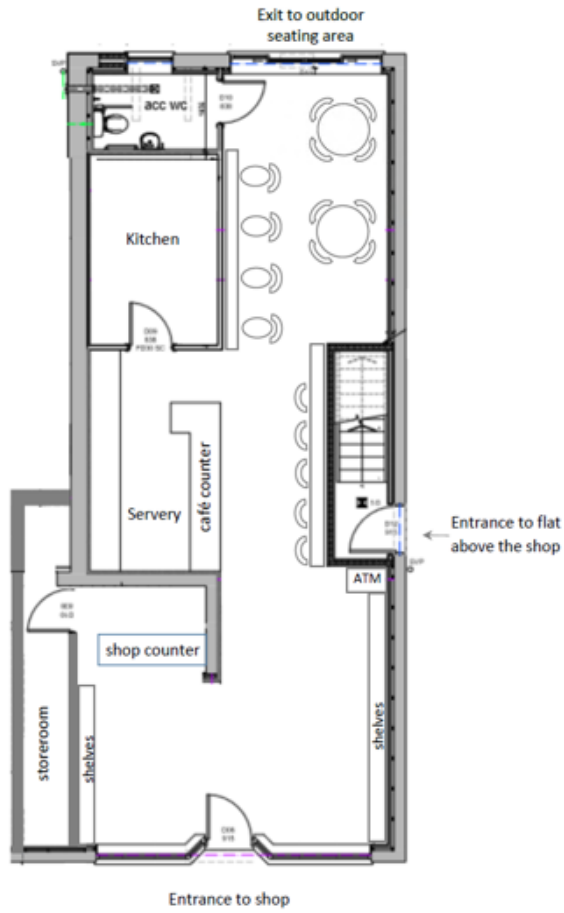
In addition to any other training all staff are to be trained to maintain the refusals book and monitored to ensure their training is put into practice. A written record is to be kept of all staff training.

Ensure all electronic tills automatically prompt the seller to check the age of the buyer when alcohol products are entered for sale into the till.

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

N/A

**Annex 4: Plans**



**ANNEX B**  
**Application to vary premises licence**



**Dacorum**  
**Application to vary a premises licence**  
**Licensing Act 2003**

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

\* required information

**Section 1 of 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 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.  
 Applying as an individual

**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.
<b>Registered Address</b>		Address registered with Companies House.
Building number or name	<input type="text" value="Hardy House"/>	
Street	<input type="text" value="Northbridge Road"/>	
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 1EF"/>	
Country	<input type="text" value="United Kingdom"/>	

**Section 2 of 18**

**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="Cedar"/>
Street	<input type="text" value="Church Road"/>
District	<input type="text" value="Potten End"/>
City or town	<input type="text" value="Berkhamsted"/>
County or administrative area	<input type="text" value="Herts"/>
Postcode	<input type="text" value="HP4 2QY"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

12,250

### Section 3 of 18

#### 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.

The proposed variation is so that customers can choose to purchase beer in the village store and drink it in the coffee shop. It is also so that the coffee shop can serve glasses of wine or cocktails (for on premise consumption in the coffee shop) between noon and closing time.

### Section 4 of 18

#### 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?

Yes

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?

Yes

No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

<i>Continued from previous page...</i>	<a href="#">See guidance on regulated entertainment</a>
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 7 of 18</b>	
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 8 of 18</b>	
<b>PROVISION OF LIVE MUSIC</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 9 of 18</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 10 of 18</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>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?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 12 of 18</b>	
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>	

Continued from previous page...

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

Yes  No

**Section 13 of 18**

**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

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

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.

**Section 14 of 18**

**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.

Not applicable

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

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...*

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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.

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.

**Section 16 of 18**

**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.

Cedar Village Store and Coffee Shop is primarily a village store and coffee shop and therefore the amount of alcohol that will be consumed by customers is expected to be low. In addition Potten End is a small village so the volume of customers is not expected to be very high either (<10 people drinking at any one time). The intention of this application is to enable customers to have a glass or two of wine or beer.

b) The prevention of crime and disorder

There is already CCTV deployed throughout the premises.  
Restrict alcohol sale to only those of 18yrs and above.  
Refuse sale of alcohol to anyone who appears drunk or is in anyway abusive.  
Keep all spirits behind the counter so it cannot be directly accessed by members of the public.

c) Public safety

As per b) above

d) The prevention of public nuisance

In addition to b) above, alcohol sales will cease 30mins before closing (i.e. at 6:30pm on Monday - Saturday and 3:30pm on Sundays and Public Holidays).

e) The protection of children from harm

Cedar Village Store and Coffee Shop is primarily a village store and coffee shop and therefore the amount of alcohol that will be consumed by customers is expected to be low and therefore not a threat to children.

**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 (£)

190.00

**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="Suk Yee Cheng"/>
* Capacity	<input type="text" value="Applicant"/>
* Date	<input type="text" value="24"/> / <input type="text" value="10"/> / <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.

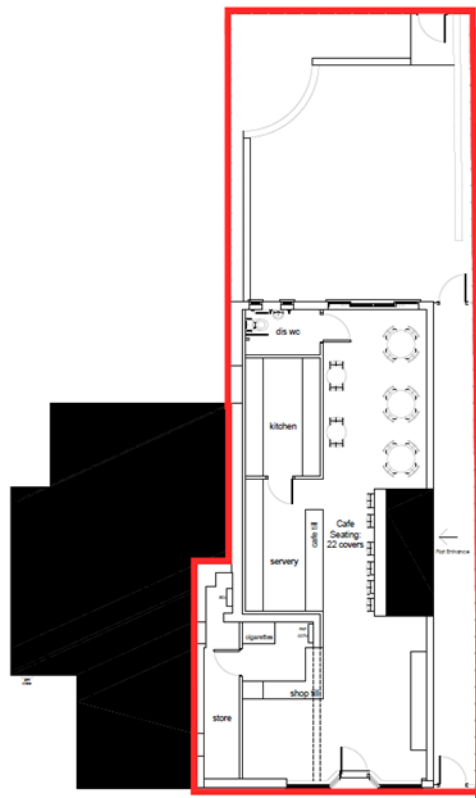
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="License change to include on prem consumpt"/>
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"/>
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# Annex B Continued: Plan to accompany variation application



Ground Floor Plan  
Scale 1:50

Schedule of Accommodation

Use	Total sqm
A1 Shop	48sqm
A1 Cafe	58sqm
<b>TOTAL FLOOR AREA</b>	<b>106sqm</b>



<b>Legal Plan</b>	
User: <b>Mr J Rowland</b>	
Project: The Village Store, Church Road, Pottan End, Berkhamstead	
Title: Commercial Legal Plan	
Date: 1/02/2022	Drawing Number: 19027-P-202
	sheet <b>A</b>

**ANNEX C**  
**Map of area in which premises is situated**



**ANNEX D1**  
**Representation**  
**(Note: valid points highlighted in bold text)**

**From:**  
**Sent:** 15 November 2019 10:36  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Licensing application representation

**Please acknowledge receipt of this email.**

**APPLICATION REF NO: MO49745**  
**PREMISES: CEDAR VILLAGE STORE AND COFFEE SHOP**

TO WHOM IT MAY CONCERN

I wish for Dacorum Council to take into consideration the below points when making its decision with respect to the above licensing application.

**1. Prevention of crime and disorder:**

Adding additional license premises always has the potential to increase local anti-social behaviour. Currently the village has two public houses wherein alcohol can be purchased on-premises, and these are well-run and well-regulated, with the opening hours well-understood and the public and police are aware of precisely what they are. A village store is far removed from that environment, and the potential for alcohol in a shop environment clearly heightens the risk of shop-lifting and other crime and disorder.

**2. Public safety:**

There are numerous issues here. First, the issue of capacity and overcrowding. **How will the store's capacity limit truly be monitored? Does that mean that village shoppers will potentially be prevented from going into the shop if there are too many people drinking inside?** This fundamentally restricts the primary purpose of the shop. Naturally, alongside this are the **increased risks of fire and accident** - in a clearly residential area - as well as a need to understand what improvements to the property will be made to accompany this additional use. **Moreover, the road outside the shop is already very busy with parked cars all along it, creating frequent traffic issues: adding in extra people often requiring car spaces coupled with alcohol consumption will only further block up that road and potentially cause public safety issues.**

**3. Prevention of public nuisance:**

A clear potential public nuisance issue here is that of noise. On-premises alcohol consumption is always accompanied by greater noise from a premises. Local residents are entitled to have limited and clearly designated areas where they have a right to peaceful enjoyment of their homes and life: this will undoubtedly be compromised by a licensed on-premises where previously there wasn't one. Moreover, the possibility now of regulated entertainment would again change the quiet enjoyment of the local residents. For example, is there any sound-proofing or sound limiter / noise regulation

being proposed here? In my opinion, there need to be an expectation beyond that of notices to be displayed at exits to remind customers to leave quietly / not block driveways and highways etc. In addition, **what are the proposed times for the emptying of rubbish bins, notably the increased glass refuse? Equally, what time will there be (bottle or barrel) deliveries? Where will extra rubbish bins and glass refuse be put? All these are real consideration that the application does not provide any solution to.**

Further issues which need careful consideration include the potential for increased light pollution to local residents. This will become real if the store seeks to extend their opening hours further into the evening, and thereby be serving alcoholic drinks in the evening. This seems to be a likely next step in the store's evolution here. In addition, given this seems to be part of a push towards an increased food and beverage offering at the village shop, **the impact of an increase in odours from the kitchen out into the local vicinity also needs to be carefully considered and planned for - this links into the upgrading of any ventilation systems that the premises might require.**

Finally, what is the proposed provision for an outdoor smoking area that will undoubtedly be required if the premises is now to serve alcohol? Is this to be directly outside, which is also immediately opposite the local school. That does not feel like an appropriate place for the village community, also being the entrance to the village shop. Many shoppers could find that an intimidating situation. Walking through a smoking area to access your village shop doesn't feel an appropriate or safe situation.

#### **4. Protection of children from harm:**

The proximity of the local school - directly opposite and in the direct line of sight and where many children walk past - makes this a critical point for consideration. Moreover, presumably the store is also where many children go in before and after school (it stocks lots of sweets and snacks!). The Council naturally is fully aware of its responsibility to protect children from moral, psychological and physical harm including early exposure to: strong language, sexual expletives, adult entertainment, drinking alcohol, gambling and violence. The risks to all of these "harms" are raised within licensed premises, hence the need for careful consideration when granting alcohol licenses. This then begs the question whether there will be a restriction of where and if children are allowed in the premises (eg time restriction)? Again, this impacts the fundamental primary use of the property.

**The applicant states that "the amount of alcohol that will be consumed is expected to be low and therefore not a threat to children". However, if that expectation of "low consumption" is exceeded on occasion or indeed regularly, then the applicant seems to be implicitly acknowledging that this is an inappropriate location for such consumption and seemingly a threat to children. With no way of controlling or monitoring actual levels of consumption, especially with the extended hours requested to serve alcohol, this is an acknowledgement of a potential "threat to children", notably those shopping in the village store, especially given the proximity to the village school.**

Additional thoughts:

The village already has two public houses, so to have an additional licensed premises will undoubtedly have a negative knock-on effect on their already precarious financial situations. The applicant himself notes how "Potten End is a small village". The lease on The Plough public house, within 20 yards of the village store, has been for sale for years: there is a clear opportunity for the applicant to take on its lease and serve alcohol from there if he so wishes. With a pub opposite struggling, it seems counterintuitive to then grant another on-premises license opposite. This becomes even more ridiculous when one considers that the Council placed an Asset of Community Value on that same pub only last year! The Council could end up being instrumental here in having a derelict pub opposite a village store that serves alcohol.

From a practical perspective, to have beer, wine and cocktails served in a village shop is quite bizarre, never mind from 7am. The village-shop-atmosphere will be notably altered and to many that will become a very uninviting and alienating experience. At the very least, I hope you will seek some tight conditions on any possible license here, starting with the requested serving hours! The applicant indeed notes that Cedar Village Store is "primarily a village store and coffee shop". Adding an alcohol license fundamentally changes the primary purpose of a village store. The applicant also states that "the amount of alcohol that will be consumed by customers is expected to be low... have a glass or two of wine or beer". There is no way of controlling this in reality, nor of predicting amounts consumed. This is a misleading statement to make.

**The "applicant's description of application" notes that the license application is from "noon", but the operating schedule request states from 7am (8am on a Sunday). This is contradictory and ambiguous, and from 7am is clearly an entirely inappropriate time for responsible, local people to be drinking alcohol, not least cocktails in a village store! This timing needs clarifying, and the hours requested contradicts the applicant's stated assumption about low levels of consumption. Indeed, the licensing hours requested are actually longer than either of the village's two pub's current opening hours, again illustrating how disproportionate and inappropriate this request is.**

I look forward to hearing your thoughts and hope you will consider the points I raise above and thoughtfully agree to reject this license request. I feel it is clearly detrimental to the village's best interests without adding any new service that isn't already provided for in the village, as well as there being clear unaddressed issues with respect to the prevention of crime and disorder, public safety, the prevention of public nuisance, as well as the protection of children from harm. Moreover, there is inconsistency in the applicant's statement re consumption and opening and serving hours.

Kind regards

Potten End  
Hertfordshire

**ANNEX D2**

**Applicant's response to valid points of representation**

**From:** Potten End Village Store <[potten.end.village.store@gmail.com](mailto:potten.end.village.store@gmail.com)>  
**Sent:** 21 November 2019 11:19  
**To:** Licensing Mailbox <[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)>  
**Subject:** Re: Objection to your licensing application

Good afternoon Sally,

Thank you for your email. Further to the objection you have received regarding the recent license application, I would like to offer the following comments in response. I have summarized what I feel are the pertinent points;

*1. How will the store's capacity limit truly be monitored? Does that mean that village shoppers will potentially be prevented from going into the shop if there are too many people drinking inside?*

In the granted planning permission, ref. 4/01240/19/RET (letter dated 24th July 2019, a copy is available if required) there is reference to drawing no.19027-P-002-Rev-B (also, copy available if required). This is the proposed floor plans drawing. It states a total of 22 seated in the internal area of the coffee shop. In addition there are 5 tables in the rear garden area (only used during the warmer weather) seating up to 4 persons per table (i.e. 20 people in total). We also have 6 staff on duty in the coffee shop during busy periods. There was no capacity figure provided in the application since the only place I could see where capacity info. was requested was in section 3, and only if the capacity was anticipated to exceed 5,000 people ("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"). I would anticipate however for the max. capacity (including outdoor areas) not to exceed 50 people (this includes staff and also anyone shopping in the village store area). In order to address the objectors concern I would like to propose that a condition is added to the operating schedule to only provide alcohol for on premise consumption to seated customers.

*2. Increased risks of fire and accident*

There is no increased risk and or accident expected since the capacity will be unchanged from the current level without an on-premise alcohol license. Note that we have a full, certified 240V mains powered fire detection system in operation throughout the entire building (village store, coffee shop, flat above and adjacent house). Furthermore the fire alarm system is monitored 24hrs per day by Sentinel Fire and Security Systems Limited. A copy of the relevant fire alarm certificates (design certificate, installation certificate, commissioning certificate and acceptance certificate) are available if required.



*3. What are the proposed times for the emptying of rubbish bins, notably the increased glass refuse? Equally, what time will there be (bottle or barrel) deliveries? Where will extra rubbish bins and glass refuse be put? All these are real consideration that the application does not provide any solution to.*

We have a contract with Cawleys (refer to their website [here](#)). Cawleys provide a very comprehensive recycling and refuse collection service. We have weekly collection of (a) general waste, (b) food waste and (c) recycling waste (cardboard and paper, plastics, glass). All food waste and glass waste is contained in sealed bags which are then stored within the large enclosed plastic bins. Waste collection is every Thursday morning at approx. 7:30am and last no more than 5mins each collection (there are 3 collections, one for each of (a), (b) and (c) mentioned above). It is possible to increase the frequency of collection (f.ex. twice weekly etc) if required. All bins are kept adjacent to the coffee shop in the private alleyway behind a locked gate to the front and a gate also to the rear (i.e. bins are not visible to visitors to the village store / coffee shop or to people passing by the premises). It should also be noted that there is no intention to sell beer (or other beverages) from barrels. Bottle deliveries will be unchanged from the current arrangement, which is suppliers deliver them together with other stock for the village store / coffee shop during the working day (8am - 5pm).

*4. The impact of an increase in odours from the kitchen out into the local vicinity also need to be carefully considered and planned for - this links into the upgrading of any ventilation*

Although I don't believe this is relevant to the license application, a new ventilation system was installed in the kitchen as part of the fitout under the granted planning permission (ref. 4/00790/18/FUL) which included the Change of Use from A1 (retail) to Mixed Use A1 / A3 (restaurants / cafes). The ventilation system is far beyond suffice for the capacity of the coffee shop. A copy of the granted planning permission letter dated 9th August 2018 is available if required.

*5. The applicant states that "the amount of alcohol that will be consumed is expected to be low and therefore not a threat to children". However, if that expectation of "low consumption" is exceeded on occasion or indeed regularly, then the applicant seems to be implicitly acknowledging that this is an inappropriate location for such consumption and seemly a threat to children. With no way of controlling or monitoring actual levels of consumption, especially when the extended hours requested to serve alcohol, this is an acknowledgement of a potential "threat to children", notably those shopping in the village store, especially given the proximity to the village school.*

There are already robust conditions in place to manage the potential threat to minors. We have regular training for staff which includes the Challenge 21 rule, till prompts to check before sale of any alcoholic beverage and a refusals book. In addition, as already mentioned in point 1 above, we will only be serving alcohol to seated customers and hence can control the volume of customers that will be drinking alcoholic beverages on the premises. We will also control the amount of

beverages sold and cease sales to anyone that appears intoxicated. I would also like to highlight that The Plough public house is located <100 meters away from the village store and coffee shop and is located directly opposite the children's playground where a large number of the Potten End C of E primary school children play after school. In the warmer weather parents buy alcohol in the shop / pub and then drink it while sitting on the grass while the children play. I don't believe there is a threat to children from either The Plough or the Village Store and Coffee Shop.

*6. The "applicant's description of application" notes that the license application from "noon", but the operating schedule request states from 7am (8am on a Sunday). This is contradictory and ambiguous, and from 7am is clearly an entirely inappropriate time for responsible, local people to be drinking alcohol, not least cocktails in a village store! This timing need clarifying, and the hours requested contradicts the applicant's stated assumption about low levels of consumption. Indeed, the licensing hours requested are actually longer than either the village's two pubs current opening hours, again illustrating how disproportionate and inappropriate this request is.*

This is an error in the application. I have put the opening hours of the village store and coffee shop in section 13 of the application as well as section 15. The correct hours for serving alcohol for on premise consumption should be as stated in section 3 ("between noon and closing time" [of the coffee shop]). So in order to clarify, sales of alcohol for on premise consumption should be from 12noon to 5pm on Mondays to Saturdays and from 12noon to 4pm on Sundays and public holidays. Sales of alcohol for consumption off premise should remain as they are under the current license.

#### *7. Parking.*

I don't believe there will be any impact to the current parking situation. Most of the visitors to the Village Store and Coffee Shop are hikers and cyclists. Regardless there is plenty adequate parking on the adjacent roads (Vicarage Road, The Front, Plough Lane and also the parking allocation opposite the Village Hall on The Common).

I hope that this feedback can help to settle the concerns of the objector, however if I can be of any further assistance, please do not hesitate to contact me.

Kind regards,

Fiona

**ANNEX D3**  
**Amendment to application proposed by application**

**From:** Potten End Village Store <[potten.end.village.store@gmail.com](mailto:potten.end.village.store@gmail.com)>  
**Sent:** 21 November 2019 12:33  
**To:** Licensing Mailbox <[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)>  
**Subject:** Re: Objection to your licensing application

Hi Sally,

I would like to confirm that the application is to amend the operating schedule to allow on premise consumption of alcohol to seated customers only and between the hours of 12noon to 5pm on Mondays to Saturday and between the hours of 12noon to 4pm on Sundays and public holidays.

I would also like to confirm that the sales of alcohol for consumption off premise should remain the same as it is under the terms of the current license (i.e. from 7am to 7pm on Mondays to Saturdays and from 8am to 4pm on Sundays and public holidays).

I have attached too an updated form with the amended times in section 13 just in case this is helpful. I have also added in some of the other clarifications too.

Many thanks,

Jim

**ANNEX D4**  
**Response from objector**

**From:**

**Sent:** 25 November 2019 10:01

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

**Subject:** Re: Application to vary premises licence: Cedar, Church Road Potten End

Hi Sally

Thank you for clarifying with the applicant the opening hours, and the points as raised.

As a clarification point, is it intended by the application that the serving of alcohol will only be permitted to “seated customers” means that they are “sat at tables” (as opposed to say a bar), and additionally that they are also ordering and eating a main meal (as opposed to say a packet of crisps)? For me, I feel the latitude of the wording does not make such specifications clear, but I believe this to be the intention of all.

It would also be beneficial for clarity if there was an explicit maximum capacity of 22 customers agreed and stated to be seated inside the shop that can be served alcohol. This then removes the concerns about the village shop becoming overcrowded and preventing it from providing its primary function as a store for the village.

I think it is perhaps unwittingly disingenuous to simply cite what happens now with respect to glass waste, when clearly the intention is to radically increase the number of bottles that will need to be disposed of compared to what happens now. On-premises consumption will involve large number of empty glass bottles of beer, wine and spirits that will need thoughtful disposal of. Neighbouring residents are entitled to know when their peace will be disturbed by these numerous glass bottles being emptied, firstly from the village shop into the bin (every day when?), and second collected by the waste contractor (730am seems early). Moreover, is once per week collection sufficient for the additional expected waste?

Unfortunately, I think we will not reach an agreement around the potential threat to children here. Pubs are clearly known what to sell and for whom: children are allowed in only if accompanied by an adult for a reason. However, a village store that sells sweets to primary-school-aged children is not, in my opinion, an environment wherein such unaccompanied children should come into contact with adults whom have been sat (for potentially several hours) drinking alcohol. It is not what anyone would expect if you allow your child to call into a sweet shop. As the applicant notes, there is a pub less than 100 yards away, but it is clearly labelled as pub and is not opposite the school, selling sweets, like the village shop is.

Thank you for trying to reconcile my thoughts with the applicant, but I do think the fundamental objection about what a village store should be providing, and its inherent place that attracts and serves children, is irreconcilable with an application to serve alcohol on premises. Pubs do not allow unaccompanied minors in for this precise

reason and it is the Council's role, in my opinion, to uphold such delineations between where children are encouraged to go (sweet shops) and where they should be not allowed to go without adult supervision (pubs). I think it is unlikely the applicant and I will agree on this at any meeting, so I think it is the right moment for the Council to make its considered decision here.

Thank you for your ongoing consultation and dialogue, and for clarifying the ambiguous application with respect to the opening hours.

I look forward to hearing your decision in due course.

Kind regards

**Local policy considerations and National Guidance**

**Local Policy considerations**

3.4 The licensing authority may not reject an application nor revoke a licence in response to representations concerning general moral or ethical objections to the carrying on of licensable activities, unless a direct link to one or more of the licensing objectives can be established. In particular, the supply of alcohol is expressly permitted under UK legislation, and the licensing authority has a duty to act fairly and in accordance with the legislation.

**Public Safety:**

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

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

**Protection of children from harm:**

5.21. There is no reason why children should not be admitted to responsibly-run, family-oriented licensed premises (for example, restaurants, theatres, cinemas (showing age-appropriate films), supermarkets, community premises, etc), when accompanied by a suitable adult, such as a parent or guardian, and the Act allows for this. However, it is an offence under the Act:

- to admit children to exhibitions of films if they are below the minimum age recommended by the licensing authority or a film classification body,
- to allow unaccompanied children under the age of 16 to be present at premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, or
- to allow unaccompanied children under 16 to be present between midnight and 5 a.m. at licensed premises supplying alcohol for consumption on the premises.

5.23. The licensing authority will judge each application and the circumstances pertaining to each premises on the individual merits. Examples which may give rise to concern in respect of children would include premises:

- where entertainment or services of an adult or sexual nature are commonly provided,
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking,
- where there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of gaming machines),

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises, or
- where other concerns relating to this objective have arisen.

5.24. Alternative options to limiting access by children may include, but are not limited to:

- limits on the hours when children may be present,
- limits or exclusions on children when particular activities are taking place,
- limited access to parts of premises, or
- full exclusion of under-18s from the premises when any licensable activities are taking place.

5.25. Where a large number of children are likely to be present at a licensed premises, the licensing authority will expect an appropriate number of suitably-trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.

### **Representations:**

7.9. When considering whether a representation or ground is frivolous or vexatious, the authority will consider the ordinary dictionary definitions of these terms. It is not possible to give an exhaustive list of what may cause the authority to exclude a representation or ground under these provisions, but examples may include relying on a matter with no relevance to the licensing objectives (for example, the effect of an application on nearby house prices) or a matter which is unrelated to the operation of the premises concerned (for example, litter repeatedly left on a pavement near a premises which is unconnected to that premises).

7.10. Persons with business interests within a similar trade sector as the subject of their representation (or review application) will be expected to satisfy the licensing authority that their representation (or application) is not made vexatiously with the intent of limiting competition to their own business. This will typically be by way of suitable and sufficient evidence within their representation or review application to support the claims that are being made and evidence how they are linked to the subject business.

8.5. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

### **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.

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

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

### **Fire Safety:**

25.1. The primary legislation in respect of fire safety in commercial premises is the Regulatory Reform (Fire Safety) Order 2005, which is enforced by fire and rescue authorities.

25.2. The licensing authority will seek to avoid duplication with this regulatory regime when exercising its licensing powers. In particular, we will not seek to attach conditions to licences and certificates which duplicate requirements under the Order, nor will we impose conditions which limit capacity within a licensed premises on fire safety grounds, although we may continue to set capacity limits if this is considered appropriate on another public safety ground.

### **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....Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

#### **Public safety**

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

- Fire safety;
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises

2.9. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.



## **Safe capacities**

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

## **Public nuisance**

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.

## **Protection of children from harm**

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

## **Relevant, vexatious and frivolous representations**

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

## **Children**

14.56 The 2003 Act does not automatically permit unaccompanied children under the age of 18 to have free access to premises where the consumption of alcohol is not the exclusive or primary activity or to the same premises even if they are accompanied, or to premises where the consumption of alcohol is not involved. Subject only to the provisions of the 2003 Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The 2003 Act includes no presumption of giving children access but equally, no presumption of preventing their access to licensed premises. Each application and the circumstances of individual premises must be considered on their own merits.