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**DACORUM BOROUGH COUNCIL**

**LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE**

**8 JANUARY 2025**

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Present –

**MEMBERS:**

Councillors: Gale (Chair), Weston and A Williams

**OFFICERS:**

Nargis Sultan	Legal Governance Manager
Sally Mcdonald	Licensing Manager
Kim Knight	Licensing Lead Officer
Trudi Angel	Democratic Support Officer

**OTHER PERSONS PRESENT:**

Mr Turan - Applicant (Item 5)  
 Mr Edge - Applicants Representative (Item 5)  
 Miss Boylan – Objecting to Application (Item 5)  
 Ms Adams – Objecting to Application (Item 5)

The meeting began at 10.00 am

**1. MINUTES**

The Chair opened the meeting and introductions were made.

The minutes of the previous meeting were agreed.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003**

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

Epicure  
75 High Street

Hemel Hempstead  
Hertfordshire  
HP1 3AF

Please refer to the video minutes for full discussion.

### Decision

A public consultation took place and 13 representations were received from residents living near the premises. These related to concerns about the proposed activities and opening hours likely having a detrimental impact on the area, thus causing a public nuisance and or anti-social behaviour.

The Sub-Committee had been informed that the Applicant attempted to mitigate the resident's concerns by proposing amendments to the existing application. The new proposals were put forward and all interested parties including, the objectors, were notified and no further representations were received following the mediation.

At the hearing, the Applicant's representative, Mr Edge, explained that the business had a robust operating schedule, policies and procedures in place to ensure that the licencing objectives were not compromised. They had spent large sums of money on high-quality extraction system to take away the noise and smell. Furthermore, they had been working with licensing expert(s) to advise them on best practices. Their staff would be adequately trained and there would be a strong management presence on the Premises. The Applicant is a responsible businessman with 30 years of experience in this business. The Premises hold 22-25 customers at any one time and will be managed by 3-4 members of staff (including management staff). Mr Turan explained that there is outside seating capacity for 8 persons.

Mr Edge said that the premises will always remain as a café/restaurant, as it is now save for the serving of alcohol, and not be converted to a vertical drinking establishment. Mr Turan has confirmed that intention by revising his application, so that his establishment is licensed to sell alcohol only between those hours, and he is content for a licence not to cover a vertical drinking establishment.

The Sub-Committee heard from an objector who had registered to speak. She explained that she experienced direct disturbance as a result of living in immediate proximity to the Premises namely persistent noise emanating from the Premises, which was having a detrimental impact on her life and the enjoyment of her home. The Objector was concerned that this problem would be further exacerbated should the license be granted. She further explained that she had lived on her property for 20 years. The premises was converted to a café by its previous occupier in 2020, and has been used as a café since 2020; before that, it was a shop.

The Sub-Committee had taken into account the representations made both written and orally in addition to all other relevant factors, guidance and policies.

The Committee considered the objections, and the helpful submissions of Miss Boylan, who lives above the premises. Miss Boylan has been disturbed by noise emanating from the premises which, currently operates as a café. Miss Boylan says the overall situation has improved since Mr Turan took over, but she is concerned about the potential conduct of business by any subsequent owners after any licence is granted to the premises. Miss Boylan requested that an acoustic expert report on the building before any licence is granted. The written objections, all of which were received before the Applicant made revised proposals, expressed concerns about noise, a potential increase in crime and antisocial behaviour, and the cumulative effect of a further establishment in the vicinity. In relation to noise, objectors

pointed out that the building was old and that double- glazing was not permitted. There were concerns about smoking in the outdoor seating area. It is fair to say that most of the written objections referred to and particularly objected to night-time licensing in the terms of the original application for a license to carry out licensed activities until 22.30.

In relation to music, the current position is that the Applicant is free to play recorded music indoors, within reasonable (“unamplified”) levels and that will not change irrespective of whether a licence is granted. It is recognised that music is not the only source of sound-disturbance and it is noted that the usual laws of nuisance and environmental health will apply irrespective of a licence.

It is Mr Turan’s intention only to use the premises as a café / restaurant and not convert it to a vertical drinking establishment. It is his intention only to serve alcohol between the hours of 11am and 6pm. Mr Turan has confirmed that intention by revising his application, so that his establishment would be licensed to sell alcohol only between those hours, and he is content for a licence not to cover a vertical drinking establishment.

It is noted that there are other establishments nearby which serve food and alcohol.

The Committee considers that, in the light of the revised application, such that licensed activities will only take place between 11am and 6pm, the potential for increased levels of crime /antisocial behaviour is insufficient to go against the licensing objectives.

As to noise, while the Committee has sympathy for Miss Boylan, it is not considered that the granting of a licence would make a sufficient difference to existing noise levels, compared to the current use of the premises as a café, as to go against the licensing objectives. In accordance with the revised application, the premises would remain as a café/restaurant, and not be converted to a vertical drinking establishment. The only difference from the current situation being the slightly longer opening hours and, that customers could order an alcoholic drink with their meal, as can customers at the other establishments nearby. The committee does not consider that Ms Boylan’s request for an acoustic expert’s investigation would be proportionate in the circumstances. As to smoking, Mr Turan says that he does not encourage smoking by his customers. There is only space outside for 8 persons and Mr Turan cannot control smoking outside his establishment. He is advised to maintain a clear no-smoking sign at his tables but it was not considered appropriate to make that a condition of the licence. It is not considered that there is evidence of a significant risk of increased smoking pollution to compromise the licensing objectives.

There were no objections raised by any of the Responsible Authorities. Accordingly, the Sub-Committee has resolved to grant the Premises License with the following voluntary conditions advanced by the Applicants:

1. Licensable activities may take place between 1100 and 1800 hours only
2. A maximum of one Temporary Event Notice (TEN) may be served per calendar month
3. The premises must remain as a café/restaurant, and not be converted to a vertical Drinking Establishment (VDE)

The Applicant is a responsible businessman, he had been trading for a number of years, and he had never had any problems with any of the Responsible Authorities. The Sub-Committee was comforted by the fact that there would be adequate staff training and a strong management presence on the premises.

The meeting ended at 11.26 am.