

APPENDIX A

Applicants name Mr Alexandre Habachi and Ms Una O'Byrne

Name and address of premises 67A St John's Road, Hemel Hempstead,
Hertfordshire HP1 1QG

Ward Boxmoor

1. Current Licence

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

2. Application

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

2.2 Authorisation was initially sought for the following licensable activity:

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

Monday to Saturday	10.00 to 23.00 hours
Sunday	12.00 to 23.00 hours

Non standard timings:

Christmas Eve	17.00 to 23.00 hours
New Year's Eve	17.00 to 01.00 hours
Valentines Day	17.00 to 23.00 hours
St Patrick's Day	17.00 to 23.00 hours

Hours the premises may open to the public

Monday to Friday	07.00 to 23.00 hours
Saturday	10.30 to 23.00 hours
Sunday	12.00 to 23.00 hours

Non standard timings:

Christmas Eve	17.00 to 23.00 hours
New Year's Eve	17.00 to 01.00 hours
Valentines Day	17.00 to 23.00 hours
St Patrick's Day	17.00 to 23.00 hours

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

3. Details of Representation

3.1 One representation has been received from a person living in the vicinity of the premises, which cites concerns in respect of public safety and public nuisance. This representation is set out at Annex C1.

3.2 The applicants requested an opportunity to negotiate with the person who had submitted the representation and that correspondence is set out at Annex C2 and C3. During the course of this negotiation the applicant offered an amendment to the hours initially applied for, for authorisation of the sale of

alcohol. The amendment to standard timings only is as follows:

Monday to Thursday	10.00 to 18.00 hours
Friday and Saturday	10.00 to 23.00 hours
Sunday	12.00 to 18.00 hours

No amendments to non-standard timings or the premises opening hours were offered.

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

Police – no relevant representations

Fire Officer – no relevant representations

Environmental Health, Health and Safety – no relevant representations

4. Observations

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

Annex A – Application for grant of premises licence



Dacorum
Application for a premises licence
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228470 / 228860

* required information

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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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	57
* Street	St John's Road
District	Boxmoor
* City or town	Hemel Hempstead
County or administrative area	Hertfordshire
* Postcode	HP11QQ
* Country	United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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	67A
Street	St John's Road
District	Boxmoor
City or town	Hemel Hempstead
County or administrative area	Hertfordshire
Postcode	HP11QG
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	2,750

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Hemel Hempstead"/>
County or administrative area	<input type="text" value="Hertfordshire"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="contact@blacktavernclub.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Second Applicant Name

Is the name the same as (or similar to) the details given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name	<input type="text" value="Una"/>
Family name	<input type="text" value="O'Byrne"/>

Is the applicant 18 years of age or older?

Yes No

Continued from previous page...

Second Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Second Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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 premises is a small cafe with a capacity of approximately fifteen (15) patrons. It is located on the high street of Boxmoor village sharing a partitioned building with another commercial business and adjacent to a private residence. The premises is on the ground floor with no upper levels and has an inside seating area which accomodates six (6) patrons and outside seating area which accomodates nine (9). A counter divides the inside seating area with the staff serving area. Two steps

<i>Continued from previous page...</i>
behind this leads to a galley kitchen. A shared toilet is located to the rear of the adjacent commercial building which can be accessed via an alleyway to the side of this building (No. 67).
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input type="text"/>
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PROVISION OF PLAYS
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 19
PROVISION OF FILMS
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 19
PROVISION OF INDOOR SPORTING EVENTS
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 19
PROVISION OF LIVE MUSIC
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 19
PROVISION OF RECORDED MUSIC
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 12 of 19
PROVISION OF PERFORMANCES OF DANCE
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

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

Give 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...

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.

The premises will continue to primarily operate as a cafe for day-to-day business but hopes to offer bottled alcohol i.e. fine wine and craft beers for off-sales during daytime opening hours in a deli-style format. During these times, on-sales will also be offered as a compliment to food. The daytime on-sales aspect is intended to be for wedding breakfasts, baby showers, champagne cream teas etc.. The applicants also intend to take orders for larger volumes of the bottled alcohol e.g. a customer may wish to purchase their festive wine. Further on-sales will occur for evening events, such as wine nights, where this alcohol will be introduced to potential customers. The owner is a fully trained chef and hopes to extend the catering aspect of the business to evening dinner if demand is evident. These dinners would be complimented by alcohol. Licensed events have been occurring at the premises over the last few months (under TENs) and have been met with enthusiasm by the village community. The premises currently models itself as a vintage tea house - we will continue to market it in a tasteful manner with the introduction of alcohol in keeping with the style of Boxmoor Village.

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

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

Christmas Eve - 17:00 until 23:00
New Years Eve - 17:00 until 01:00
Valentines Day - 17:00 until 23:00
St Patrick's Day - 17:00 until 23:00

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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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

Give 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.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give 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 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.

As a small, independent business, opening times are dependent on staff availability - the premises will be closed in the event of family emergencies/commitments.

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

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

Christmas Eve - 17:00 until 23:00
New Years Eve - 17:00 until 01:00
Valentines Day - 17:00 until 23:00
St Patrick's Day - 17:00 until 23:00

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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.

This application seeks permission for the premises to conduct off-premises sales of niche alcohol i.e. craft beers and fine wine and on-sales of these beverages-for specific events or to compliment food. The applicants intend to base this business around the support of the local community and will therefore promote the licensing objectives to ensure that the premises remains a safe and pleasant environment for local residents to enjoy.

b) The prevention of crime and disorder

The premises has limited capacity and we therefore intend to market this business stream to a small, discerning audience.

Continued from previous page...

The alcohol will be sold at a high price point, reflecting quality, which will deter irresponsible drinking. The premises will be suitably staffed at all times and the staff have suitable training. The intended DPS is a former police officer with extensive training and experience in crime prevention.

c) Public safety

Health and Safety/Fire Safety Legislation will be abided by. The premises is located on one floor and therefore avoids potential risks to customers such as stairs. We will work with a local taxi company to make sure that transport home is available to customers. All alcohol will be stored securely and large quantities will not be kept at the premises overnight. Potable water will be available to customers at all times.

d) The prevention of public nuisance

The applicants recognise that the success of this business will depend on the support of the local community. In light of this, care will be taken to minimise noise and litter. No alcohol will be sold to persons who are drunk and any instances of anti-social behaviour will be reported to the police. The applicants will work with the relevant local authorities to ensure that premises activities remain in line with the Licensing Objectives.

e) The protection of children from harm

The premises will adopt a challenge 21 policy to ensure that no underage sales occur. Highly visible signs will be put in place to emphasize that alcohol will not be sold to under 18s. The business policy will be that under 18s are not served alcohol at any time, whether in the company of an adult and/or with a meal, this policy will be strict.

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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:

<http://www.2010.voa.gov.uk/rli/>

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 (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

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

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"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

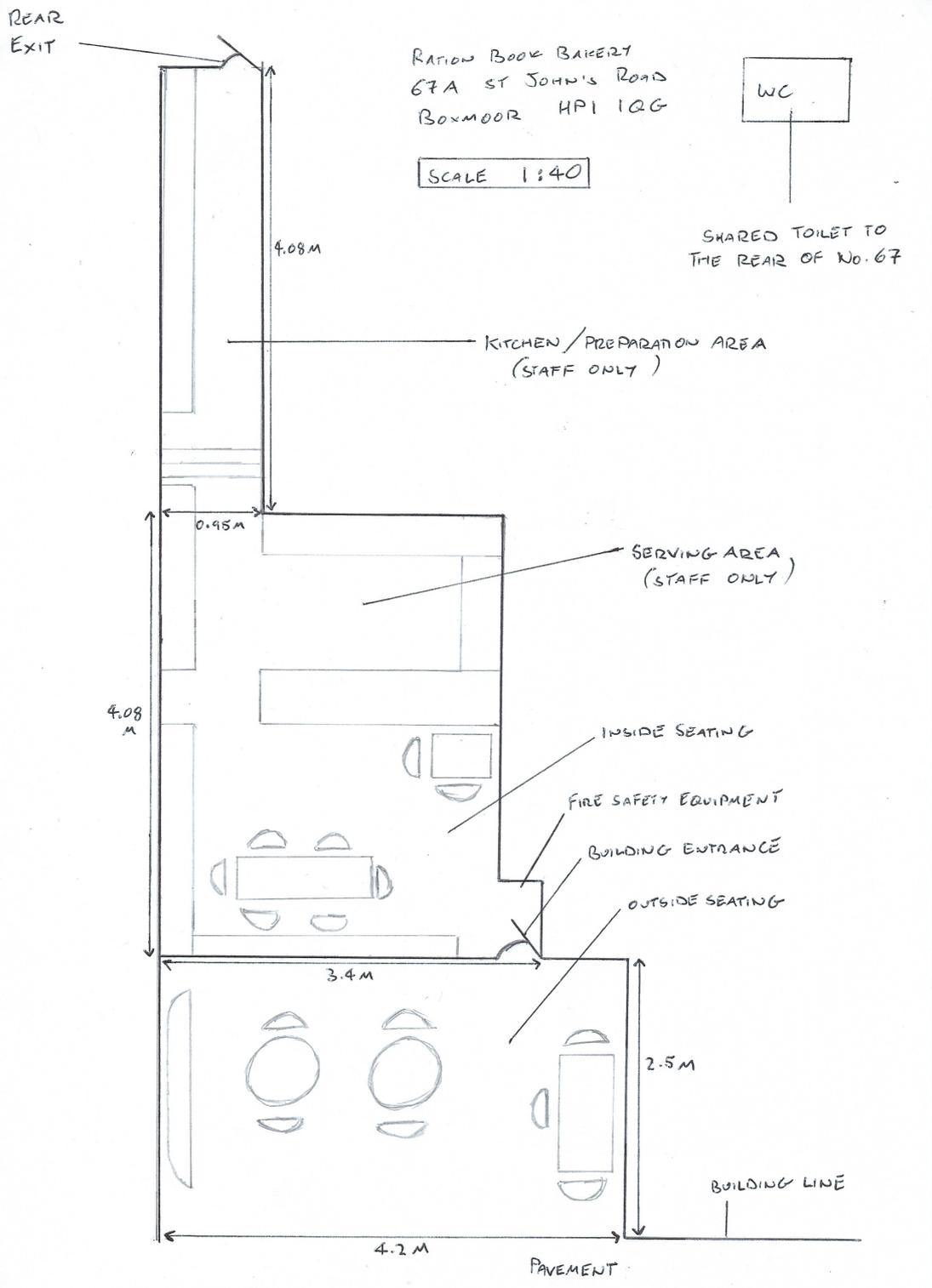
Once you're finished you need to do the following:

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/apply-1> to upload this file and continue with your application.

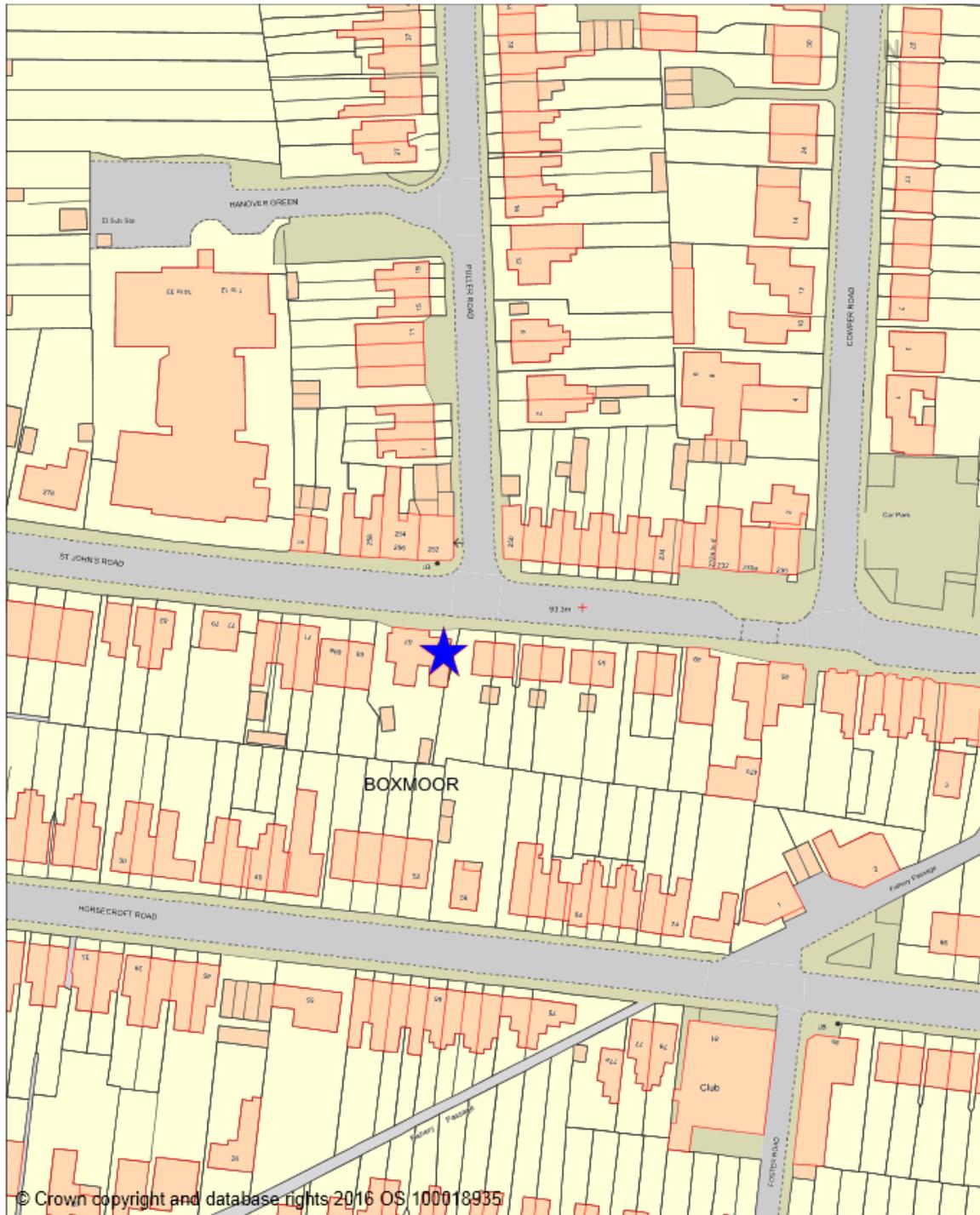
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Annex B1: Plan of premises

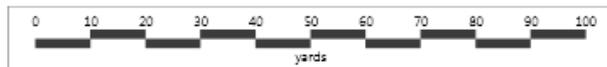


Annex B2: Map of area



Licensing
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH

Scale: 1:1000
Date: 30/11/2016



Annex C1 – representation

Boxmoor,
HEMEL HEMPSTEAD,
Hertfordshire.

1st November 2016

Licensing Section,
Dacorum Borough Council,
Civic Centre,
Marlowes,
HEMEL HEMPSTEAD.
HP11HH

Dear Sir/Madam,

Re: Premises Name The Ration Book Bakery,
67A, St Johns Road
HEMEL HEMPSTEAD,
Herts..
HP1 1QG

Type of Licence LA2003: Premises Licence – New Application
Your Reference M041740

I wish to confirm that I have interest in this application which is greater than the public generally on the following basis:

I live nearby.

I object to the granting of a licence to this applicant because of its impact on the Boxmoor community and neighbourhood.

I ask the Licencing Authority to consider the impact on the neighbourhood generally and the object of the Act and Licencing Objectives specifically when considering this application.

The particular impact on me from the grant of this licence would be my quality of life and social wellbeing. Together with concern for Public Safety, Public Nuisance, Disorder and Impact on Children.

The grant of a licence to this applicant would increase, rather than reduce, the misuse and abuse of alcohol because: There would be noise and a Public Nuisance. Concern for Public Safety and Disorder.

1. The premises are small and not suited to be used for the purpose proposed. The customer area inside is extremely small, possibly enough for 6/8 people. By design most customers use the outside area, which is approximately 2 metres by 2 metres.

There are two tables here. This area is at the side of the pavement and public highway, with no barrier. Enough area for about 6/8 people. The whole premises would hold about 16 customers. The main customer area is indeed outside. Inevitably customers would be standing on the public pavement. Unnecessary noise, smoking, obstruction of the highway. This would cause a Public Nuisance.

What are the provisions for smoking and toilet facilities?

2. The premises are situated in the middle of a residential area. Houses either side and opposite.
A Sheltered Home is situated nearby.

The opening hours applied for would mean that with 'drinking up time' cleaning time etc. there would be disruption to residents up to 12 midnight most days and 2.am on 'special days'.

Inevitably customers would be standing outside and there would be annoyance to local residents, thus having an impact on their lives. Causing a Public Nuisance.

3. There are two Primary Schools and two Nursery Schools nearby. The pupils use the footpath outside the premises regularly. Consideration should be given to the impact on these children.

4. Within walking distance of the premises there are 4 Public Houses, a Restaurant selling alcohol, a Club, an Off Licence open till late, a Take-Away and a Fish and Chip Shop open till late. Although not a consideration for the Authority, parking and litter is already a major problem. Late opening and Off Sales at these premises would only increase the problem, causing a Public Nuisance.

Whilst it is admirable that the applicant wishes to sell niche alcohol i.e. 'Craft Beers' and 'Fine Wine'. In reality the licence would be for the sale of alcohol, Any Alcohol.

The local Off Licence, in St Johns Road, already sells some 'Craft Beers' and a little 'Fine Wine'. The owner is very obliging and will obtain anything his customers require, if there is a local need.

It will be noted that another premises, Boxmoors Off Licence in St Johns Road has recently closed. Therefore is there a need for another?

In the summer and at most holiday times we experience considerable disturbance, locally, on the moor. This being mainly young people consuming alcohol and causing major problems for the community. This is never regulated or policed. Any further outside consumption of alcohol will only make matters worse for residents, causing a Public Nuisance and a concern for Public Safety.

I am a member of the local community, very local, just 25 metres from the premises. I have never been approached or consulted and I know not of anyone, locally, who has. As far as I am concerned the applicant has not sought the support of the local community or communicated in any way.

Whilst not wishing to put a dampener on any new business. I wish the applicant well in his endeavors with a new venture.

However I feel these particular premises are completely unsuitable for the purpose. They are too small, the main 'Drinking Area' is outside almost on the public pavement. Inevitably there is going to be overspill and unnecessary Community Noise. Together with Obstruction of the Highway, Offences will be committed. The amenity and good order of the area will be substantially reduced.

Consideration must be given to lighting, heating, litter and anti-social behavior in such a confined space, both outside and in.

The opening hours until 11.00 pm or 1.00am, are far too late. They will without doubt cause great stress and annoyance to local residents. Resulting in Public Nuisance and possible Disorder. Consideration must also be given to Public Safety, with the 'Drinking Area' being almost on the highway. There is no barrier and no possibility of erecting one. I would suggest this area would be very difficult to supervise.

There are already considerable problems with patrons from the local establishments. Whist they make their way home at night. With no regulation or policing. There is a concern for Public Safety.

In short these premises are just about suitable for the purpose for which they are at present used. A Snack Bar serving light snacks and drinks, which has no cooking facilities, that I can see. I have not seen any meals being served, just snacks, cake and ice cream.

It is far too small to be used for the purpose of supplying alcohol on an On and Off Sales basis. The main customer area is outside next to the public footpath/highway.

I object to the application on the grounds given within this letter.

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Annex C2 – Letter of negotiation from applicant

Alexandre Habachi
The Ration Book Bakery
67A St John's Road
Boxmoor HP1 1QG

c/o Licensing Department
Dacorum Borough Council
Civic Centre
Hemel Hempstead HP1 1HH

16th November 2016

Dear Sir/Madam,

Re. Premises Licence Application for the Ration Book Bakery ref. M041740

Thank you for your correspondence in relation to the above application. I would like to take this opportunity to clarify the nature and intended use of the authorities we are seeking. I will also refer to the Licensing Objectives and the measures we will take in order to promote them.

I hope that the content of this letter, and our proposed amendments to the application, will alleviate the concerns you have expressed and provide you with reassurance of our intended plans.

1) The Premises

We recognise the size and capacity restrictions of the premises and embrace them. Our intention is not to create a conventional drinking establishment (i.e. in the same vein as a pub or bar). We intend to stock fine wines and craft beers in an off-sales capacity with the emphasis being on niche, high quality products. This will be the unique selling point of the business and there is no intention to stock or sell 'all alcohol'. Furthermore, the primary business of the premises will continue to be as a café and bakery.

The on-sales aspect will be driven by specific events e.g. wine tastings, baby showers, and food-driven daily sales which compliment current activity e.g. cream teas with a glass of prosecco. It is not, and has never been, our intention to focus on extensive on-site alcohol consumption.

Due to the size restrictions and intended nature of alcohol sales, the proposed functions will be marketed to a discerning and mature local audience. The small capacity of the premises also allows for greater control over the on-site patrons. We believe this further mitigates the risk of public nuisance and disorder.

The premises does in fact have WC facilities to the rear and the smoking policy is, and will continue to be, compliant with the Health Act 2006.

The café itself is currently dressed, decorated and marketed in a very elegant and tasteful manner. Our intention is to conduct all proposed alcohol sales in that same manner.

I, as the proposed DPS, am a former police officer with extensive experience and training in public disorder. I have risk assessed the venture and believe it to be of low risk. I will be at the forefront of all licensed activity and ensure that it is conducted in a safe and responsible manner.

2) Local Residents/Community

We have conducted five wine evenings in the venue since July which we have advertised through local leafletting and social media. They have been met with incredibly positive feedback from the attendees, many of whom are nearby residents. We have also been approached by local residents who have been unable to attend but have expressed interest in future events and our plans surrounding this application. We have received not a single complaint in relation to noise, litter or anti-social behaviour and the evenings have proceeded in a friendly, community-spirited manner.

Since taking it on, the premises owner has transformed the venue into a well thought of and cherished local business. She is among a small number of independent business owners whose investment in the area contributes to the diversity and regeneration of Boxmoor village.

I am a local resident with a young family living on St John's Road. The safety and well-being of my family and the local community are therefore of personal interest to me. In light of this, I would discourage any activity which would create a negative impact on the local community. I believe that the proposed activity would have the opposite effect – it will enhance an already successful and upmarket business in Boxmoor and encourage further investment and interest in the local community.

However, in light of the concerns you have expressed, we propose the following amendment to our proposed alcohol sales timings:

Mon: 1000-1800

Tue: 1000-1800

Wed: 1000-1800

Thu: 1000-1800

Fri: 1000-2300

Sat: 1000-2300

Sun: 1200-1800

This amendment reflects our intended use i.e. that evening events are not proposed to be a nightly function. We do however wish to seek approval for extended opening hours on the 'special days' outlined in our application.

3) Protection of Children

As stated in our application, we will adopt a Challenge 21 policy to prevent underage sales. As our intention is to sell fine/niche alcohol, it will be priced higher than that found in a conventional off-licence which will also provide deterrence.

You have expressed concern that children will be at risk when coming home from nursery or primary school. We believe that the type of alcohol, small venue capacity and primary daily

function of being a café mitigate this. The venue will be suitably staffed at all times and the nature of the business discourages the type of drinking that would create such risks. Cheap alcohol bought from the local convenience store and consumed on the moor strikes us as the greater risk.

4) Competition

Your letter highlights the other businesses selling alcohol in or nearby the village and questions whether there is 'need for another'. I hope that the above has demonstrated that we intend to conduct a different kind of alcohol supply to those already present. Furthermore I note that, according to the 2014 Guidance on the Licensing Act 2003, 'competition' is not a relevant representation.

In relation to issues of public nuisance, we intend for this business to provide a local service and can foresee no additional onus on local parking. The owner is also highly meticulous in her upkeep and cleanliness, we are therefore certain that additional litter would not be an issue and that the high standards of the existing business are maintained.

In conclusion: we believe that the nature of our proposed business; the positive local feedback we have received in relation to it; and the measures we have set forth to ensure that the Licensing Objectives are promoted, indicate that all reasonable steps have been taken to ensure that this proposed activity would be of benefit to the local community.

We would ask that you consider the above points and the proposed amendment to our intended sale hours. We subsequently welcome your feedback and, if necessary, the consideration of this application at the Licensing Authority's public hearing.

Yours faithfully,

Alexandre Habachi

Annex C3: Response to applicant's letter of negotiation

HEMEL HEMPSTEAD,
Hertfordshire.

17th November 2016

Dear Sir/Madam,

Re Premises Licence Application for Ration Book Bakery ref. M041740

Thank you for your letter dated 16th November 2016 in relation to the above application.

Can I make it clear that I am not opposed to the promotion of any new business that would enhance the Community and promote the investment in the village. I am not a Puritan and quite enjoy a 'good wine' myself. Neither am I a Nimby.

If this new business were in any other empty building in the village or indeed the shop next door I would perhaps have a different view.

The Premises.

It is my view that the premises are too small for this type of establishment. They are just not suitable. The main 'drinking area' would be outside. Right next to the public highway. So small in fact it is inevitable there will be overspill onto the highway. There being no way to stop it. I feel there would be noise and a Public Nuisance.

What is the maximum capacity? I do not see that mentioned.

Whilst the applicant's intention is not to create a conventional drinking establishment. In reality the application is for an Alcohol Licence. I believe that means the sale of any alcohol. I do not believe the Authority is able to include restrictions on what constitutes 'Craft Beer' or 'Fine Wine'. Or indeed what price they are sold at.

So whatever the 'intention' is the licence will be for the sale of all alcohol.

I do not doubt the applicant's original good intentions but business pressure can cause change so swiftly. The purpose of a business is to make money. If one thing doesn't work it has to change.

If the on-sales are to be 'driven by specific events' why is it necessary for a licence every Friday and Saturday until 2300 hours?

The applicant proposes that the functions will be marketed to a 'discerning and mature local audience'. In reality I do not see how that is achieved. What does 'local' mean? Customers will come from anywhere it cannot be controlled. Outside noise and overspill cannot be controlled despite the size. Any business would succumb to market forces. The idea of 'all the neighbours coming for cake and prosecco' is not believable.

I do not know the requirements of the Health Act 2006, regarding smoking. What I do see on a daily basis is customers smoking outside at the table. This is under the canopy and inside three walls within the proposed outside 'drinking area'. I do not know if this is legal. If not smoking would have to be on the public highway. This would be a Public Nuisance.

I note the proposed DPS is former Police Officer, with experience. I note that he has performed a 'risk assessment'. As he has mentioned this in his application I wonder if it is possible to see a copy of this 'risk assessment'. In addition what are his qualifications to carry out such a report, apart from being a former Police Officer?

Local Residents/Community

I note the applicant has had five wine evenings since July, without any concern or complaint. I live locally and did not receive any 'leaflets'. I do not know of anyone who attended. I am unable to make any further comment.

I am encouraged that the applicant lives in St John's Road and has the wellbeing of the community at heart. How long has he been there? How long will he stay? I ask this as whilst the present intention is to 'discourage any activity which would create a negative impact on the local community'. I believe noise outside on the highway at 2300/2400 hours would create a negative impact on the local community. Business patterns, pressures and requirements change, people move on. How will it be maintained? If the licence is granted what will be the control and how will it be enforced?

I feel that the proposed activity at these particular premises will not enhance further interest and investment in Boxmoor. Drinking outside in the street will cause public nuisance and have a negative effect.
Just where are the 'successful and upmarket businesses that are referred to?

I am sure a similar business in another suitable building would be successful and unopposed. It is just that these premises are not suitable for the type of business proposed. The grant of a Licence is not appropriate.

You are probably aware quite recently a similar project, albeit with BYO alcohol, was attempted at what is now Castles Estate Agents in St John's Road. Perhaps a more appropriate premises than this one. The problem? Customers standing out in the street smoking and drinking. Causing a public nuisance and obstruction of

the highway. Many complaints were made and the premises ceased to trade. I see similarities.

I am aware that according to the 2014 Guidance on the Licensing Act 2003 'competition' is not a relevant representation. However I mention the previous establishment as an example of what concerns me for these premises.

The amendment to proposed alcohol sales timings states that it reflects the intended use not being a nightly function. However it appears to me that they are regular if not nightly. In that every Friday and Saturday sales are still to 2300 hours. With drinking up etc. that will be 2400 hours. Outside drinking close to the public highway will inevitably mean a Public Nuisance. Obviously on the two busiest nights of the week.

Protection of Children

A small venue capacity café serving cake and coffee is fine when children are passing close by on the public pavement. It is even appropriate for children to sit in the café. However seeing adults drinking/intoxicated so close to the pavement is not acceptable. Cream cake and prosecco is fine but in reality one leads to another etc.

This will be virtually on the public highway. I cannot see how the risk to children is mitigated.

Business is business and demand will drive it.

The statement that 'Cheap alcohol bought from the local convenience store and consumed on the moor strikes us as the greater risk' has no value. There is no evidence that this is the source of under age sales. There have been no prosecutions or convictions. Local people know. The owner of the local store/off licence would be appalled at the accusation. This is just a 'Smoke Screen'.

4) Competition

Thank you for directing me to the 2014 Guidance on the Licensing Act 2003. Therefore I will not comment further on 'competition'.

Regarding parking which is already quite an issue. As you will be aware it is so bad a 'Residents Parking Zone' is proposed and is in consultation. A survey within that consultation highlights parking problems associated with a licensed premises. This application will make matters worse. I already experience parking difficulties and obstruction of the highway. As I write vehicles are parked opposite the premises blocking the pavement. A local disabled lady has had to walk into the road to pass.

To say the intention of the business is 'to provide a local service and foresee no additional onus on local parking' is a flight of fancy. Despite the good intention nobody can restrict where the customers come from, local, passing or otherwise. Daily I see vehicles illegally parked outside the café. Causing a Public Nuisance. This will only increase.

I do not believe the measures ensure the Licensing Objectives are promoted. I do not see any benefit to the local community in general.

My view is that the premises are inadequate and not suitable to be used for the purpose. They are too small. The main licensed area would be outside almost on the public highway. This would lead to extra noise and overspill with drinking and smoking on the public highway. Being open until nearly 2400 hours in a residential area would be a problem with noise. These would cause a Public Nuisance and a Risk to Children. In addition parking would cause further Public Nuisance.

I look forward to your reply and the attendance at any meeting required.

Yours faithfully

Annex D
Local Policy considerations and statutory guidance

Local Policy consideration

10. Licensing Hours

10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.

10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

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

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

11. Licence Conditions

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

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

National Guidance

Each application on its own merits

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

Public safety

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

2.8 The measures that are appropriate to promote public safety will vary between premises and 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

2.11 "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.

Public Nuisance

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at

night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

Determination of applications

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

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

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

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational.

Imposed conditions

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

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