



LICENSING SUB COMMITTEE

SMAK
77 Market Street

Wednesday, 27th April, 2016

1.30 pm

Town Hall, Watford

Please note the start time of this meeting

Publication date: 19 April 2016

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillors S Bolton, I Brown, J Brown, J Connal, K Crout, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin and S Williams

The Sub-Committee to comprise 3 members from those listed above.

AGENDA

PART A - OPEN TO THE PUBLIC

1. **COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **APPLICATION FOR A NEW PREMISES LICENCE: SMAK, 77 MARKET STREET, WATFORD, WD18 0PR (Pages 5 - 32)**

Report of the Head of Community and Customer Services.

This report asks the Sub-Committee to consider an application for a new premises licence following the receipt of representations.

PART A

Report to: Licensing Sub-Committee
Date of meeting: 27 April 2016
Report of: Head of Community and Customer Services
Title: Application for a New Premises Licence
SMAK, 77 Market Street, Watford WD18 0PR
16/00339/LAPRE

1.0 SUMMARY

- 1.1 An application has been made by Tatjana Jerjomcenko for a new premises licence in respect of SMAK, 77 Market Street, Watford, to allow the sale of alcohol for consumption off the premises. Two representations have been made by Responsible Authorities.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee determines whether to grant the application (amended as appropriate for the promotion of the licensing objectives) as set out in the report.

Contact Officer:

For further information on this report please contact: Parminder Seyan
Licensing Officer telephone 01923 278434: email:
Parminder.Seyan@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **APPLICATION**

3.1 Type of authorisation applied for
New premises licence.

3.2 Description of premises from application form
SMAK Foods is a small Eastern European convenience store located on Market Street opposite Francis Street.

The premises falls within a sensitive licensing area as detailed in Policy LP4, located within a parade of shops. The premises would be defined as an off-licence within Policy LP1.

3.3 A map of the location of the premises is attached at appendix 1.
A plan of the premises is attached at appendix 2.

3.4 Licensable activities

Licensable activity	Permitted now	Applied for
Plays	N/A	
Films	N/A	
Indoor sports events	N/A	
Boxing or wrestling entertainment	N/A	
Live music	N/A	
Recorded music	N/A	
Performances of dance	N/A	
Anything of a similar description to live or recorded music or dance	N/A	
Provision of facilities for making music	N/A	
Provision of facilities for dancing	N/A	
Provision of facilities of a similar description to making music or dancing	N/A	
Provision of late night refreshment	N/A	
Sale by retail of alcohol for consumption on the premises	N/A	
Sale by retail of alcohol for consumption off the premises	N/A	✓

3.5 Licensable hours

	Proposed opening hours for premises	Proposed hours for sale of alcohol
Monday-Saturday	11:00 – 20:00	11:00 – 20:00
Sunday	11:00 – 18:00	11:00 – 18:00

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

The proposed designated premises supervisor is Tatjana Jerjomcenko.

4.3 Current licences held

None

4.4 Closing date for representations

30 March 2016

4.5 Public notice published in newspaper

11 March 2016

4.6 Visits and Enforcement action

The last routine visit to the premises took place on 28 April 2010 when the Licensing Enforcement Officer recorded that there were no actions required. Further information regarding this matter can be found in paragraph 10.9 of the report.

5.0 **PROMOTION OF LICENSING OBJECTIVES.**

5.1 Appendix 3 replicates the applicant's operating schedule showing how they intend to promote the licensing objectives. Where appropriate, the operating schedule can be translated into conditions.

5.2 Applicants should give consideration to the local area and reflect this in their application. It should demonstrate an awareness of the local community, local crime and disorder issues and environment (see para 8.36 of the statutory guidance)

6.0 **RESPONSIBLE AUTHORITIES**

6.1 Police

The Police have submitted a representation on grounds of crime and disorder as a result of the fact that Hertfordshire County Council Trading Standards are currently investigating criminal activity associated with these premises.

6.2 Before the commencement of the formal consultation period, the applicant agreed the hours listed under paragraph 3.5 and operating schedule

conditions with the Police in relation to crime and disorder and street drinkers.

6.3 Licensing Authority

As the premises are currently under investigation by Hertfordshire Trading Standards and pending prosecution, the Licensing Authority have concerns regarding confidence in the management of the premises and their ability and willingness to comply with the terms of any alcohol licence granted.

6.4 The Licensing Authority have also outlined that Market Street is covered by the Council's Sensitive Licensing Area policy due to the historic issues associated with street drinkers. This area experiences a degree of alcohol related anti-social behaviour, street drinkers congregating and public nuisance from street drinkers.

6.5 Both the authorities do not wish to risk undoing the efforts of the Council and Police in addressing the anti-social behaviour issues by granting a licence to premises owner who does not seem to be responsible at this point in time.

6.6 No other responsible authorities have submitted representations against this application.

7.0 **INTERESTED PARTIES**

No representations were received from any interested parties.

8.0 **POLICY CONSIDERATIONS**

8.1 The following provisions of the Licensing Act 2003 apply to this application:

- Sections 17 and 18 (Application for a premises licence):
Section 17 details the process which the applicant must have followed for the application to be considered valid. Section 18 describes the process by which an application for a premises licence is determined, including where relevant representations have been made as in this case.
- Sections 19 and 19A (Mandatory conditions):
Section 19 details the mandatory conditions that would apply if the sub-committee was minded to grant a licence authorising the supply of alcohol. Section 19A permits the Secretary of State to specify additional mandatory conditions which apply to all Premises Licences.
- The Licensing Act 2003 (Hearings) Regulations 2005 (as amended)
These regulations detail how hearings should be conducted to determine applications submitted under the Licensing Act.

8.2 Statutory guidance

The following provisions of the statutory guidance apply to this application:

- Paragraphs 8.33 - 8.41
These paragraphs explain how steps should be taken to promote the licensing objectives. It is for the Sub-Committee to decide in light of this guidance whether the measures offered by the applicant are adequate and likely to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representation against an application.
- Paragraph 9.12
This paragraph explains how the licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not promote the licensing objectives. However, it is still the responsibility of the Police to ensure that their representations can withstand scrutiny.
- Paragraphs 9.37 – 9.40
These paragraphs explain that hearings should be focussed on the steps considered appropriate to the promotion of the licensing objectives, as well as how appropriate weight must be attributed to the steps to promote the licensing objectives, the representations presented by all parties, the statutory guidance and the licensing authority’s statement of licensing policy.
- Paragraphs 9.41 – 9.43
These paragraphs explains that when determining applications, the authority’s determination should be evidence-based, as well as how to assess if a step is ‘appropriate’ for the promotion of the licensing objectives.
- Chapter 10:
This chapter looks at best practice in relation to conditions that may be attached to a premises licence by the Sub-Committee, should they believe that these are necessary to promote the licensing objectives. Any additional conditions requested by the responsible authorities should be considered with reference to this chapter.

8.3 Statement of licensing policy

The following paragraphs of the licensing authority’s statement of licensing policy apply to this application:

- Policy LP1 (Premises Definitions):
Under this policy the premises are defined as an “Off-licence”.
- Policy LP2 (Location and Operation of Premises):
Under this policy, this premises is identified as being located within a residential area. Our policy states that off-licences within residential areas should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping

purposes, unless there are very good reasons for restricting those hours and relevant representations have been received. In the case of individual shops that are known to be a focus of disorder and disturbance then, subject to relevant representations, a limitation on licensing hours may be appropriate. This policy also recognises that each application will be considered on its own merits.

- Policy LP 4 (Sensitive Licensing Areas)

This policy states that where an application is made within an area covered by this policy, the licensing authority will consider making representations and strictly apply policies LP6, LP7, LP8 and LP9 in relation to those premises.

Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

- Policy LP6 (Prevention of Crime and Disorder):

The applicant has not provided any evidence that a crime prevention audit has been carried out at the premises as suggested by this policy. This policy details the factors that will be considered when a relevant representation is received based on this licensing objective.

- Policy LP8 (Prevention of Public Nuisance)

Under this policy the committee will consider any necessary measures to deal with the potential for public nuisance and/or anti-social behaviour where relevant representations have been received.

- Policy LP9 (Protection of children from harm)

This policy details the licensing authorities approach when relevant representations are received in relation to protecting children from harm.

- Policy LP11 (Representations against Applications)

This policy recommends the type of information that should be included in a representation. It also explains how representations will be dealt with.

8.4 The Sub-Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

8.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

9.0 **CONDITIONS**

9.1 Consistency with operating schedule

The conditions agreed between the applicant and the Police form part of the operating schedule and can be found at appendix 3.

9.2 Pool of Model conditions

The licensing authority also has its own pool of model conditions and a number of these are included in the agreement reached between the Police and the applicant.

9.3 If the Sub-Committee is minded to place further conditions from the pool of conditions or modify the operating schedule then they may only be imposed where they are appropriate and proportionate for the promotion of licensing objectives.

10.0 **OFFICERS' OBSERVATIONS**

10.1 Strong concerns are held by the Police and the Licensing Authority about the effective and responsible management of the premises and the control measures for the achievement of the licensing objectives. Members may wish to question the applicant regarding the control measures in place and how they will ensure the premises are managed responsibly.

10.2 The Police have suggested awaiting the outcome of the current investigation prior to the determination of this application. Once the Police are satisfied there is no crime or connection with trading standards offences with any applicant or management of the premises they are open to revisiting an application in line with Hertfordshire Police Policy and Watford Council's Licensing Policy 2013-2018.

10.3 The representations submitted are currently of speculative nature in so far as at the time of writing this report it has not been established that an offence has been committed. The Sub Committee should attach such weight as they see fit to the representations in light of this and have regard to the fact that there are provisions under the Licensing Act for dealing with any problems that may later manifest. It should be noted that the criminal prosecution is listed for hearing on 26 April 2016. Officers will give a verbal update of the outcome of the hearing.

10.4 Paragraph 1.17 of the Guidance states that :

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 premise 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”.

10.5 Para 9.39 of the Guidance states:

“The licensing authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”

10.6 Whilst operating as a convenience store there is a history of one complaint in 2010 to do with sale of alcohol without a licence and illegal sale of cigarettes. Further observations failed to yield evidence.

10.7 The premises falls within a Sensitive Licensing Area and it is for Members to decide how much weight to give to the representations whilst considering its relevance in the current circumstances and paragraph 8.36 of the Guidance. The Sub-Committee must also decide on how much weight to give to the applicants’ representations, and the fact that the Police and Licensing Authority have made representations.

10.8 The officers’ observations and the comments regarding the representations are in no way meant to bind Members. Members should note that policy LP4 will not automatically lead officers to make representations on every occasion. They are for guidance only and Members may attach whatever weight they see fit.

10.9 In determining this application, the Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of licensing objectives. The steps are:

- (a) grant the application in full.
- (b) modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding them.
- (c) refuse the whole or part of the application.

Appendices

Appendix 1 – map of the premises’ location

Appendix 2 – plan of the premises

Appendix 3 – operating schedule

Appendix 4 – representation from Hertfordshire Constabulary

Appendix 5 – representation from licensing authority

Appendix 6 – draft licence (16/00339/LAPRE)

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Licensing Act 2003

Revised guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (November 2013)

Watford Borough Council Pool of Model Conditions (March 2013)

File reference

SMAK

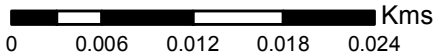


77 Market Street



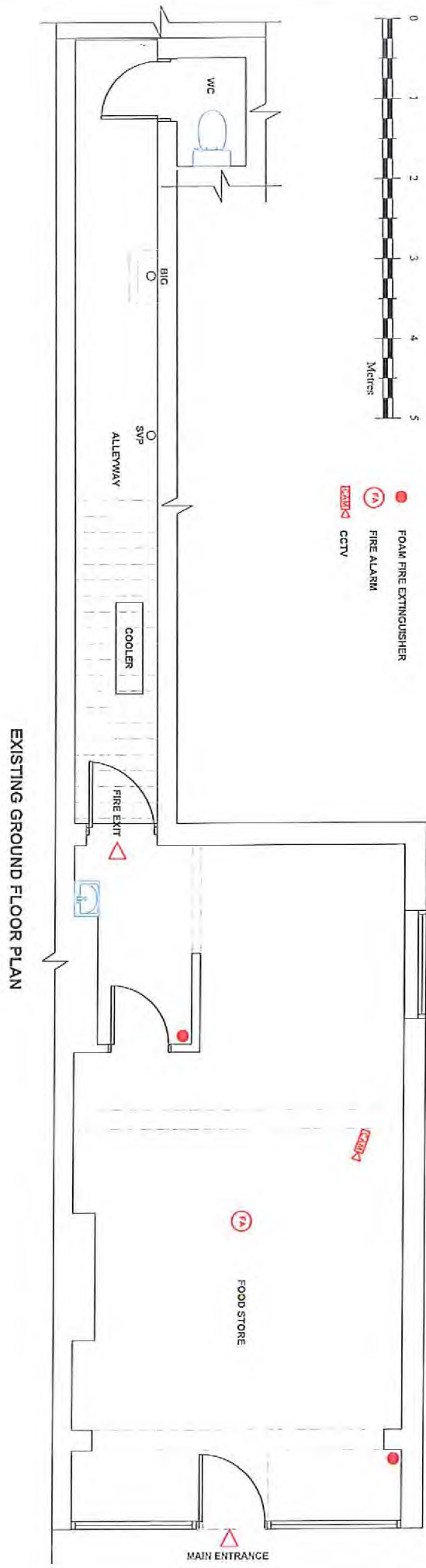
77 Market Street

Date: 15/04/2016



Scale 1:500





**OPERATING SCHEDULE FOR
SMAK, 77 Market Street
Watford
WD18 0PR**

Description of premises

SMAK foods is a small Eastern European convenience store located on Market Street opposite Francis Street

Concerns in respect of children

None

General observations

1. Staff shall be trained in First Aid, age verification and underage sales prevention
2. Alcohol displays shall not be located by entrance/exits to the premises
3. There shall be no self-service of strong alcohol i.e. spirits; which will be displayed behind the counter only

Prevention of crime and disorder

1. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
2. No single cans or bottles of beer or cider shall be sold at the premises
3. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
4. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be covered from view to the satisfaction of the Police
5. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of Hertfordshire Constabulary. All entry and exit points will be covered enabling frontal identification of every person entertain in any light condition. The CCTV system shall continually records whilst the premises is open for licensable activities and during all 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 Police or authorised officer throughout the preceding 31 day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Public safety

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed
2. Public areas will be maintained free from obstruction and trip hazards
3. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff

Prevention of public nuisance

1. No deliveries will take place between 23:00 and 06:00 hours
2. No collections, including refuse and recyclable food waste shall take place between 23:00 and 08:00 hours
3. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly
4. The pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements

Protection of children from harm

1. A challenge 25 policy will be adopted with proportionate and appropriate signage displayed
2. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the licensing authority at all times whilst the premises is open. The refusal to serve log shall be signed by the DPS of the premises on a monthly basis
3. Staff shall be trained in licensing law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

Designated premises supervisor

Miss Tatjana Jerjomcenko

Personal licence number: 16/00077/LAPER issued by Watford Borough Council

WATFORD LICENSING AUTHORITY
Licensing Act 2003.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority:

Police - On behalf of The Chief Constable

Your Name	Rachel Brown
Job Title	Licensing Sergeant 2006
Postal and email address	Community Safety Unit, Watford Police Station, Watford, Herts WD17 1DD
Contact telephone number	01923 472040

Name of the premises you are making a representation about	SMAK FOODS
Address of the premises you are making a representation about	77 Market Street, Watford, Herts WD18 0PR

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>An application has been submitted by Tatjana Jerjomcenko for a new premises licence for the premises named as SMAK, to sell alcohol. The premises currently trades as an Eastern European delicatessen.</p> <p>The proposal times to sell alcohol is:</p> <p>Monday 11:00 - 20:00 Tuesday 11:00 - 20:00 Wednesday 11:00 - 20:00 Thursday 11:00 - 20:00 Friday 11:00 - 20:00 Saturday 11:00 - 20:00 Sunday 11:00 - 18:00</p> <p>Should an alcohol licence be granted, the police have already agreed in advance with the applicant and their licensing legal consultant, the above hours and below conditions.</p> <p>These conditions are:</p> <p>CCTV Beer, cider, lager over 5.5% Refusals log Challenge 25 No alcoholic miniatures or quarter bottles of spirits permitted Training for staff in sales of alcohol and CCTV No single cans – to be sold in packs of 4 and above Sealed cans and bottles and not to be consumed on the premises. Off- licence sales only.</p>

	<p>The police objection to the application is on the basis that the premises (not Tatjana Jerjomcenko) is currently under investigation with Trading Standards.</p> <p>We would want any license holder and any person associating themselves with these premises to be acting responsibly to prevent any form of crime and disorder and therefore whilst there are on- going current criminal investigations taking place I do not feel the premises suited to an alcohol licence</p> <p>In summary we feel if this were to be granted it would be detrimental to policing in Watford and the community.</p> <p>This application raises concerns of how an alcohol license would impact the wider community in terms of crime and crime prevention.</p> <p>The Constabulary have concerns regarding this application and accordingly on behalf of the Chief Constable I represent against it.</p>
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<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>I suggest awaiting outcome of current investigation – this is currently set for the end of April 2016 – however there is always the possibility this may continue beyond April.</p> <p>Once police are satisfied there is no crime or connection with trading standards offences, and any applicant or management, we are open to re-visiting an application in line with Hertfordshire Police Policy and Watford Borough Council Licensing policy 2013-2018.</p>
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Signed: DS 2006 Rachel Brown

Date: 29/3/16

Please return this form along with any additional sheets to: Watford Licensing Authority, Town Hall, Watford, Herts WD17 3EX, or email to envhealth@watford.gov.uk

This form must be returned within the Statutory Period.

For more details please check with the Licensing Unit on 01923 278503 .

Parminder Seyan

From: Austen Young
Sent: 29 March 2016 14:43
To: 'Gui Chipchase'
Cc: Parminder Seyan
Subject: Representation - SMAK, 77 Market Street

Dear Mr Chipchase

On behalf of the licensing authority, I submit an objection to this application on the grounds that granting this licence would undermine the licensing objectives of the prevention of crime and disorder, and the prevention of public nuisance.

The premises are currently under investigation by Hertfordshire Trading Standards, and there is a pending prosecution. The date for this trial has been set as 26 April, which unfortunately is after the end of the consultation period.

While there is a pending prosecution for breaches of regulatory legislation, the licensing authority do not believe that they can exercise any degree of trust in the management of this premises to comply with the terms of any alcohol licence which may be granted.

This area of Market Street is covered by our Sensitive Licensing Area policy due to historic issues of anti-social behaviour, including alcohol-related anti-social behaviour. The licensing authority do not want to risk undoing the efforts of the council and the Police which have gone into this area and in trying to address the anti-social behaviour issues by granting a licence to a premises who can not prove at this time that they are a responsible operation.

Regards

Austen

Austen Young / Senior Licensing Officer
watford.gov.uk
[facebook.com/watfordcouncil](https://www.facebook.com/watfordcouncil) [instagram.com/watfordcouncil](https://www.instagram.com/watfordcouncil)
twitter.com/watfordcouncil [flickr.com/watfordcouncil](https://www.flickr.com/photos/watfordcouncil/)
01923 278 476

Appendix 6

Licensing Act 2003 Schedule 12 Part A

Regulation 33,34

Premises Licence

Premises Licence Number

16/00339/LAPRE

Part 1 – Premises Details

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

SMAK
77 Market Street
Watford
Herts
WD18 0PR

Telephone number

Where the licence is time limited the dates

From 27.04.2016

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Off-premises alcohol sales only	Mon, Tues, Weds, Thurs, Fri & Sat	11:00 - 20:00
	Sunday	11:00 - 18:00

The opening hours of the premises

Opening times of premises	Mon, Tues, Weds, Thurs, Fri & Sun	11:00 – 20:00
	Sunday	11:00 -18:00

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

Alcohol is supplied for consumption off the premises

Part 2

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

Tatjana Jerjomcenko
620 Watson Court
Stadium Way
Watford
Herts
WD18 0GL

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

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

Tatjana Jerjomcenko
620 Watson Court
Stadium Way
Watford
Herts
WD18 0GL

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

Personal Licence Number: 16/00077/LAPER
Licensing Authority: Watford Borough Council

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the premises 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (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.
4. 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.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “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;
- (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.

5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
6. (1) Sub-paragraph (2) applies 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.

(2) 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.

DRAFT

Annex 2 – Conditions consistent with the operating Schedule

General

1. Alcohol displays shall not be located by entrances/exits to the premises.
2. Spirits shall be only be displayed behind the sales counter and there shall be no self service.

Prevention of Crime and Disorder

3. All alcohol shall be sold in sealed containers. No single cans or bottles of beer or cider shall be sold at the premises.
4. No beers, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
5. The Premises licence holder shall install and maintain a comprehensive CCTV system to the satisfaction of the Hertfordshire Constabulary. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually records whilst the premises is open for licensable activities and during all times when customers remain on the premises.
6. All CCTV 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 Hertfordshire Constabulary or an authorised officer of any other responsible authority. (as defined by the Licensing Act 2003)
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to download data at the request of an authorised officer of the Hertfordshire Constabulary .

Protection of children from harm

8. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the licensing authority at all times whilst the premises is open. All refused sales shall be audited and signed off by the designated premises supervisor on a monthly basis.
9. The Premises Licence holder shall ensure all staff are trained to prevent underage sales, in age verification, and the Premises licence holder's policy regarding what steps are to be taken if it is considered that an individual might be under the age of 18.

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

There have not been any additional conditions proposed to be attached in response to the representations against this application.

However this does not restrict the Sub Committee's power to attach conditions from the licensing authority's pool of conditions (amended or otherwise) or to compose their own conditions if they consider they are appropriate, proportionate, justifiable, and within the applicant's power to comply with.

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Annex 4 – Plan

