

AGENDA ITEM: 5

SUMMARY



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	5th September 2012
PART:	1
If Part II, reason:	

Title of report:	Application to vary Premises Licence: The Old Bell, 51 High Street, Hemel Hempstead, Herts HP1 3AF
Contact:	Ross Hill, Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of applications in respect of premises licences or club premises certificates, which require consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application(s), and determine the application(s) in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none">• Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none">• Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	<p><u>Financial</u> None</p> <p><u>Value for Money</u> None</p>
Risk Implications	None

Equalities Implications	None
Health And Safety Implications	None
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.
Background papers:	Licensing Act 2003, and associated regulations Dacorum Borough Council's Statement of Licensing Policy Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, April 2012)
Glossary of acronyms and any other abbreviations used in this report:	

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, provision of facilities for regulated entertainment and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. Application

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.

2.3. The applicant(s) and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.

3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.

3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.

3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.

3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.

3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals

may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

4.2. When determining an application for a provisional statement (under section 29), the Sub-Committee must, on the basis of the relevant representations made in respect of that application and the application itself, take such of the steps set out at paragraph 4.1 as it considers appropriate for the promotion of the licensing objectives, if it had to decide whether to grant a premises licence in the same terms.

4.3. While considering an application for the variation of an existing licence, only the proposed variation(s) may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.

4.4. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the licence (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

4.5. When determining an application for the variation of a premises licence to specify an individual as designated premises supervisor (under section 37), or for transfer of a premises licence (under section 42), the Sub-Committee must, having regard to the police objection notice, reject the application if it considers it appropriate for the promotion of the licensing objectives to do so, or grant the application otherwise.

4.6. When determining an application for the review of a premises licence (under section 51), a summary review of a premises licence (under section 53A), or a review of a premises licence following a closure order (under section 167), the Sub-Committee must, having regard to the application and any relevant

representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) take no action;
- (b) modify the conditions of the licence (by way of alteration, omission or addition);
- (c) exclude a licensable activity from the scope of the licence;
- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period not exceeding three months;
- (f) revoke the licence.

4.7. When determining an application for the grant of a club premises certificate (under section 71), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the certificate subject to any applicable mandatory conditions, and conditions consistent with the club operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
- (c) reject the application.

4.8. When determining an application for the variation of a club premises certificate (under section 84), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the certificate (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

4.9. When determining an application for the review of a club premises certificate (under section 87), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) take no action;
- (b) modify the conditions of the certificate (by way of alteration, omission or addition);
- (c) exclude a qualifying club activity from the scope of the certificate;
- (d) suspend the certificate for a period not exceeding three months;
- (e) withdraw the certificate.

5. Details of application

- 5.1. The following application requires consideration and determination by the Sub-Committee. Further details on each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	The Old Bell, 51 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF	Variation of a premises licence (Section 34)

APPENDIX A

Applicants name	Spirit Pub Company (Services) Limited
Name and address of premises	The Old Bell, 51 High Street, Hemel Hempstead, Hertfordshire HP1 3AF
Ward	Hemel Hempstead Town

1. Current Licence(s)

- 1.1 The Old Bell has a premises licence, number DAC 007538, granted under section 17 of the Licensing Act 2003.

2. Application

- 2.1 An application has been made for the variation of the current premises licence, under section 34 of the Licensing Act 2003.
- 2.2 The application requests the extension of sale of alcohol, playing of recorded music, provision of entertainment similar to live and recorded music and performance of dance, and dancing, on Fridays and Saturdays from 10:00 hours until 02:00 hours. (Current permission is 10:00 hours until 00:30 hours). Also to extend the provision of late night refreshment from 23:00 hours until 02:30 hours (current permission is 23:00 hours until 00:30 hours). The applicant has also requested the addition of conditions to the premises licence. Details of the proposals are reproduced in the variation application at Annex A.
- 2.3 The current premises licence is reproduced at Annex B.
- 2.4 A map of the area is reproduced at Annex C.

3. Details of Representation(s)

- 3.1 7 representations have been received from a number of persons living in the vicinity of the premises. These are set out at Annexes D 1 to D 7
- 3.2 The following responses were received from responsible authority officers in respect of this application:

Fire Officer: No relevant representations.

Police: No relevant representations

Environmental Health (Pollution): No relevant representations

Environmental Health (Health and Safety): No relevant representations

Planning: No relevant representations.

4. Observations

- 4.1 Relevant extracts from the Statement of Licensing Policy and the statutory guidance are set out at Annex E.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/We Spirit Pub Company (Services) Limited

(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number DAC 007538
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Old Bell 51 High Street Old Town			
Post town	Hemel Hempstead	Post code	HP1 3AF

Telephone number at premises (if any)	01442 252867
Non-domestic rateable value of premises	£42750

Part 2 – Applicant details

Daytime contact telephone number	01283 498400		
E-mail address (optional)	n/a		
Current postal address if different from premises address	Sunrise House Ninth Avenue		
Post Town	Burton Upon Trent	Postcode	DE14 3JZ

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

This is an application to extend the sale of alcohol, recorded music, entertainment similar to live music/recorded music/performance of dance and dancing on a Friday and Saturday from 10:00h until 02:00h the following morning (current permission 10:00h until 00:30h the following morning).

To extend late night refreshment on Friday and Saturday from 23:00h until 02:30h (current permission 23:00h until 00:30h the following morning).

To maintain thirty minutes drinking up time on the above days following the last permitted sale of alcohol.

To add the following conditions:-

"Digital CCTV shall be installed and compatible with the requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition."

"CCTV shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum of 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."

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

"One SIA registered door supervisor shall be on duty at the premises from 20:00h and one additional SIA registered door supervisor shall be on duty at the premises from 22:00h on a Friday and Saturday evening until 15 minutes after the closure of the premises."

"An incident log shall be kept at the premises and made available upon request to the Police or an authorised officer, which will record the following: a) all crimes reported to the venue b) All ejections of patrons c) Any complaints received d) Any incidents of disorder e) All seizures of drugs or offensive weapons f) Any faults in the CCTV system g) Any refusals for the sale of alcohol h) Any visits by the emergency services or a relevant authority."

"Staff to regularly monitor the outside areas to monitor any noise escape when regulated entertainment takes place and to log the patrol."

"The beer garden shall not be used after 00:30h for the consumption of food and drink."

"Challenge 21 to be in operation at the premises where the only acceptable forms of identification are recognised photographic identity cards, such as driving licence or passport."

To remove any existing condition on the premises licence which contradicts or have been superseded by the conditions proposed within this application.

All other hours, activities and conditions are to remain unchanged.

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

0

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) As per current permission.		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri	10:00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) As per current permission.		
Sat		02:00			
	10:00				
Sun		02:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> As per current permission		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3) As per current permission		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	10:00				
Sat		02:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) As per current permission		
	10:00				
Sun		02:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing As per current permission		
Day	Start	Finish	Please give further details here (please read guidance note 3) As per current permission		
Mon					
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) As per current permission		
Fri	10:00				
Sat		02:00			
	10:00				
Sun		02:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) As per current licence permission.		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) As per current licence permission.		
Fri	23:00				
Sat		02:30			
	23:00				
Sun		02:30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) As per current licence permission.		
Fri	10:00				
Sat		02:00			
	10:00				
Sun		02:00			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>None.</p>
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O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) As per current licence permission.
Tue			
Wed			
Thur			
Fri	10:00		
Sat		02:30	
	10:00		
Sun		02:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
To remove any existing condition on the premises licence which contradicts or have been superseded by the conditions proposed within this application.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

As per existing licence conditions save for those added by this application.

b) The prevention of crime and disorder

"Digital CCTV shall be installed and compatible with the requirements of Hertfordshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition."

"CCTV shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum of 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."

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

"One SIA registered door supervisor shall be on duty at the premises from 20:00h and one additional SIA registered door supervisor shall be on duty at the premises from 22:00h on a Friday and Saturday evening until 15 minutes after the closure of the premises."

"An incident log shall be kept at the premises and made available upon request to the Police or an authorised officer, which will record the following: a) all crimes reported to the venue b) All ejections of patrons c) Any complaints received d) Any incidents of disorder e) All seizures of drugs or offensive weapons f) Any faults in the CCTV system g) Any refusals for the sale of alcohol h) Any visits by the emergency services or a relevant authority."

c) Public safety

d) The prevention of public nuisance

"Staff to regularly monitor the outside areas to monitor any noise escape when regulated entertainment takes place and to log the patrol."
"The beer garden shall not be used after 00:30h for the consumption of food and drink".

e) The protection of children from harm

"Challenge 21 to be in operation at the premises where the only acceptable forms of identification are recognised photographic identity cards, such as driving licence or passport."

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>R M TCF</i>
Date	13/7/12
Capacity	Solicitor to Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
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Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Paul Uren TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0117 917 7734		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) paul.uren@tltsolicitors.com			

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.



PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 007538

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description:			
Old Bell			
Address: 51 High Street			
Post town:	Old Town Hemel Hempstead	Post code:	HP1 3AF
Telephone number:	01442 252867		

Licensable activities authorised by the licence:

Sale by retail of alcohol
 The provision of late night refreshment
 Performance of live music
 Playing of recorded music
 Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
 Provision of facilities for dancing

The opening hours of the premises:

Monday	09:00 hours until 00:30 hours
Tuesday	09:00 hours until 00:30 hours
Wednesday	09:00 hours until 00:30 hours
Thursday	09:00 hours until 00:30 hours
Friday	09:00 hours until 01:00 hours
Saturday	09:00 hours until 01:00 hours
Sunday	09:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police. Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

Sale by retail of alcohol

FOR SUPPLY BOTH ON AND OFF PREMISES

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

The provision of late night refreshment

INDOORS ONLY

Monday	23:00 hours until 00:00 hours
Tuesday	23:00 hours until 00:00 hours
Wednesday	23:00 hours until 00:00 hours
Thursday	23:00 hours until 00:00 hours
Friday	23:00 hours until 00:30 hours
Saturday	23:00 hours until 00:30 hours
Sunday	23:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Performance of live music

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Playing of recorded music

INDOORS ONLY

Monday	10:00 hours until 00:30 hours
Tuesday	10:00 hours until 00:30 hours
Wednesday	10:00 hours until 00:30 hours
Thursday	10:00 hours until 00:30 hours
Friday	10:00 hours until 01:00 hours
Saturday	10:00 hours until 01:00 hours
Sunday	10:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Provision of facilities for dancing

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

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

On-premises and off-premises alcohol sales permitted

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Name: Spirit Pub Company (Services) Limited
Address: Sunrise House, Ninth Avenue, Burton upon Trent, DE14 3JZ
Telephone Number: 01283 498 400

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

Registration Number: 05266811

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

Name: Mr Russell Dockerill

Address:

Telephone Number:

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

Licence Number: Issuing Authority:

Where the licence is time limited the dates:

Variation of Licence to specify DPS effective from 12th December 2006

Variation of Licence to specify DPS effective from 13th March 2007

Change of name and address of Premises Licence holder effective from 2nd June 2009

Change of name and address of Premises Licence holder effective from 4th July 2011

Date issued: 10th November 2005

Signed



**On behalf of Steven Baker
Assistant Director
(Legal, Democratic and Regulatory)**

NOTES

This licence is issued subject to the provisions of the Licensing Act 2003 and subject to the attached conditions (including those in the Operating Schedule).

POSSESSION OF THIS DOCUMENT DOES NOT GUARANTEE THAT THE LICENCE IS IN FORCE NOR DOES IT IMPLY THAT THE PREMISES ARE FIT FOR USE. ITS VALIDITY MAY BE ESTABLISHED BY REFERENCE TO THE COUNCIL'S LICENSING OFFICER.

MANDATORY CONDITIONS

Where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
 - (2) The first condition is that 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.
 - (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (4) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (5) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in Section 159 of the Act);
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) The outcome of a race, competition or other event or process, or
 - (ii) The likelihood of anything occurring or not occurring.
 - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 3. The responsible person shall ensure that free tap water is provided on request to a customer where it is reasonably available.

Smaller measures

The responsible person must ensure that the following drinks if sold or supplied on the premises are available in the following measures:

- beer or cider - half pint
- gin, rum, vodka or whisky - 25ml or 35ml
- still wine in a glass - 125ml

As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent place in the relevant premises (e.g. at the bar).

The above condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the condition to make it available in ½ pints does not apply.

Exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39)(authority to determine suitability of video works for classification)

Door Supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate,

- under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Protection from Children from Harm – Age Verification Policy

1. The Premises Licence Holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
2. 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 a holographic mark."

Licensing Act 2003
Premises Operating Schedule Conditions

Premises: Old Bell
Premises Address: 51 High Street Old Town Hemel Hempstead HP1 3AF
Licence number: DAC 007538 **Date:** 10th November 2005

HOURS PREMISES ARE OPEN TO THE PUBLIC

Monday	09:00 hours until 00:30 hours
Tuesday	09:00 hours until 00:30 hours
Wednesday	09:00 hours until 00:30 hours
Thursday	09:00 hours until 00:30 hours
Friday	09:00 hours until 01:00 hours
Saturday	09:00 hours until 01:00 hours
Sunday	09:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.

For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

SALE BY RETAIL OF ALCOHOL

FOR SUPPLY BOTH ON AND OFF PREMISES

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.

For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

THE PROVISION OF LATE NIGHT REFRESHMENT

INDOORS ONLY

Monday	23:00 hours until 00:00 hours
Tuesday	23:00 hours until 00:00 hours
Wednesday	23:00 hours until 00:00 hours
Thursday	23:00 hours until 00:00 hours
Friday	23:00 hours until 00:30 hours
Saturday	23:00 hours until 00:30 hours
Sunday	23:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

PERFORMANCE OF LIVE MUSIC

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

PLAYING OF RECORDED MUSIC

INDOORS ONLY

Monday	10:00 hours until 00:30 hours
Tuesday	10:00 hours until 00:30 hours
Wednesday	10:00 hours until 00:30 hours
Thursday	10:00 hours until 00:30 hours
Friday	10:00 hours until 01:00 hours
Saturday	10:00 hours until 01:00 hours
Sunday	10:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN THE PERFORMANCE OF LIVE MUSIC, THE PLAYING OF RECORDED MUSIC AND THE PERFORMANCE OF DANCE

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

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PROVISION OF FACILITIES FOR DANCING

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St Georges's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

GENERAL STATEMENT OF LICENSING OBJECTIVES

We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period.

The premises will respect Spirit Group's Approach to Responsible Drinking (a copy of which is enclosed in support of this application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis.

THE PREVENTION OF CRIME AND DISORDER

When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines.

A zero tolerance towards illegal drugs will be enforced at all times.

If a disc jockey is used on any night then he/she will ask customers to leave quietly.

If a CCTV system is installed at this site, it will continue to operate during the hours of trading and notices will be displayed.

All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

PUBLIC SAFETY

Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation.

Free drinking water will be available at all times.

THE PREVENTION OF PUBLIC NUISANCE

Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises.

Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.

Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises (see above under General)

THE PROTECTION OF CHILDREN FROM HARM

When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.

Children will be required to be supervised by the accompanying adult at all times.

A no smoking area will be provided.

Soft drinks and non-alcoholic drinks will be available.

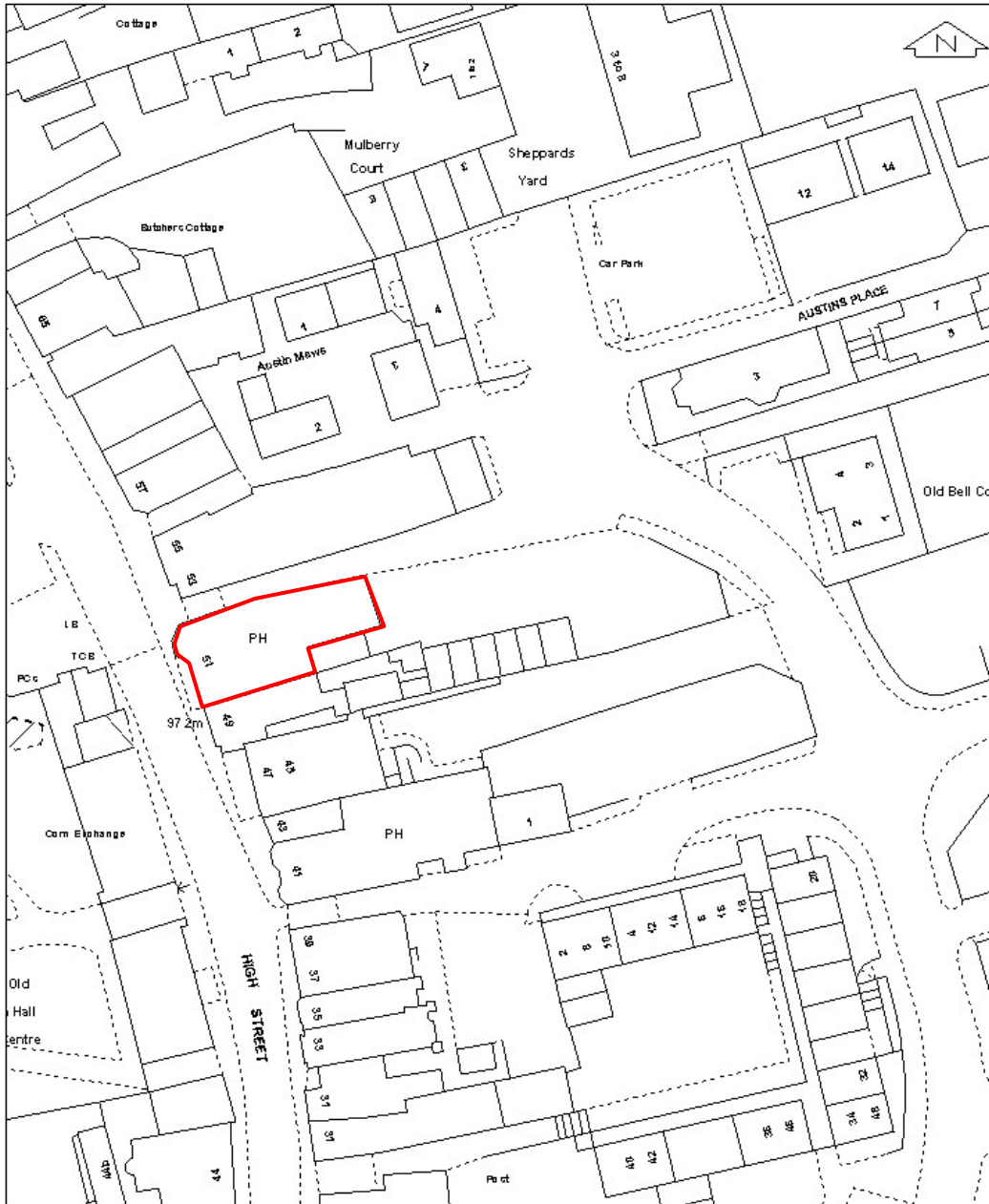
A recognised Proof of Age Policy will be enforced



Dacorum Borough

Public Protection

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



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100018935;2012

Map Title

Scale: 1:600
Date: 14/08/2012
OS Tile: TL0507NE

Sally Taylor

From: Sally Taylor, on behalf of [redacted]
Sent: 24 July 2012 11:38
To: Licensing Mailbox
Subject: The Bell - Public House, 51 High St HH

Dear Sir or Madam

I am writing to oppose the application to extend Licensing hours. My wife and I live in the High Street as do many others. It is becoming more and more a residential area. The planning department recently gave permission for 6 new flats opposite us in the High Street.

We are concerned about drinkers making a noise late at night, getting drunk, coming down the road breaking windows and causing a nuisance.

If anything the Licensing authorities should be reducing the opening hours back to 11pm, which is traditional for Public Houses. There is too much excessive drinking.

There tend to be a lot of people in the narrow alley next to The Bell public house, operating as an uncontrolled overspill area hanging around disturbing passers by.

--
Regards,

Sally Taylor
Tel: 01223 313131
Email: sally.taylor@tda.gov.uk

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Click [here](#) to report this email as spam.

Sally Taylor

From: Sally Taylor [mailto:sally.taylor@hemel Hempstead.gov.uk]
Sent: 27 July 2012 09:50
To: Licensing Mailbox
Subject: Representation

Dear Sir / Madam,

I am writing to make a representation and object to the application made for the following premises relating to the representation:

LICENSING ACT 2003: PREMISES LICENCE APPLICATION

PREMISES: THE BELL 51 HIGH STREET HEMEL HEMPSTEAD HERTS HP1 3AF

My details are as follows:

Address: Hemel Hempstead, Herts, HP1 3AF Telephone: 01494 410000

The reason for my objection is that the extension of opening hours will further increase the levels of noise and anti social/drunken behaviour in an already busy and noisy high street that me and my family live off. We have been here for 6 years now and there are frequent instances of anti-social behaviour and noise as a consequence of the high numbers of pubs that are present on the high street. By extending the opening hours to 2am this will do nothing other than increase the noise and drunken behaviour of young individuals to an unacceptable level. If the levels of anti social behaviour is increased then the levels of crime will naturally increase, we have had 2 neighbours suffer smashed windows in one year and graffiti on our home wall, all as a consequence of young men who have drank to excess. The vast majority of people who wish to be in a pub at 2am are there to get drunk as other establishments on the high street have closed during acceptable times.

Kind regards,

Click [here](#) to report this email as spam.

Sally Taylor

From: [redacted]
Sent: 06 August 2012 18:38
To: Sally Taylor
Subject: Licensing Application to vary Opening Hours for The Bell public house.

Dear Ms Taylor,
We have been informed that The Bell, public house has made an application for change of opening hours on Fridays and Saturdays.
The request is for extending the opening hours to 2.30am on these days.

We wish to register with you our vehement objection to this application as residents in the High Street (The Oak House, 107a).

The reasons for the objections are as follows;

- 1) We currently experience considerable anti-social behaviour and there are disturbances by intoxicated people walking back along the High Street from the clubs and pubs when they close.
- 2) This we feel would worsen considerably and cause us more disturbance later than we currently have if the drinking hours were extended. The main problem here is the noise, shouting, abusive language, fights and general loutish behaviour.
- 3) We have already had damage to our property (broken windows etc) and seen people urinating in the street (Cherry Bounce) as they make their way up the road.
- 4) We have witnessed damage to items of historic significance in the High Street by drunken people (male and female) along the High Street.

As the Council is preparing to refurbish the Old Town at considerable cost to ratepayers it would seem a shame to allow these improvements to be spoilt by drunken people.

In conclusion, we feel that major consideration should be given to the residents and local ratepayers in the High Street and this application should be denied based on the above comments.

We look forward to receiving your acknowledgement of our objection in due course.

Yours Sincerely

[redacted signature]

Click [here](#) to report this email as spam.

Sally Taylor

From: Sally Taylor
Sent: 07 August 2012 11:43
To: Sally Taylor
Cc: 'uk'
Subject: THE BELL - licence app

Sally
Re The BELL

I would like to strongly object to the application by The Bell, 51 High Street, Hemel Hempstead for an extension of hours until 02.00 on Friday and Saturday.

As a resident of the High Street, I am affected by anti-social behaviour as a result of people under the influence of drink. The extension of licensing hours can only exacerbate these issues.

The type of anti-social behaviour experienced is as follows:

- Excessively loud voices
- Usually accompanied by foul language
- Damage to residents properties
- Urinating

It is unacceptable that residents should have to put up with this when there are more than enough drinking hours in a day.

I would appreciate if you would take these issues into account when making a decision.

Thank you.

Click [here](#) to report this email as spam.

Denise Wills

From: Denise Wills
 Sent: 10 August 2012 16:34
 To: Denise Wills
 Subject: Fwd: objection to extention of licence Old Bell PH Hemel Hempstead.

----- Forwarded message -----

From: Sally Taylor
 Date: Thu, Aug 9, 2012 at 8:26 PM
 Subject: objection to extention of licence Old Bell PH Hemel Hempstead.
 To: sally.taylor@dacorum.gov.uk

Dear Sally Iam a resident living at [redacted] in Hemel. I was in shock the other day when I found out that the Old Bell has applied for an extention of its licence to close at 0200hrs on Friday and Saturday. I strongly believe that this application should be declined as if granted there will be serious consequences for the area with regards to Anti social Behaviour.

I appreciate that another premises nearby has a licence to open later but this is on a different scale altogether and is already causing a lot of debate and anger with local residents. To keep things brief I will list the main concerns.

1. With the current closing times at the Bell there is already a lot of ASB in and around the exits when people leave. They are very loud ,drunk and dont care less about the many residents who live nearby. Taxis and other cars are present banging car doors and tooting all the time. This is bad now. If this is repeated at 0230hrs on wards a lot of local people are going to be very angry and will demand that this stops. The residential population is high in the area and traditionallly this fact is ignored and business tends to get preferential treatment.
2. ASB at the later hours will be probably out of control. Look at the mess Jarman park was in the early hours so just imagine the scene in Hemel High Street. Shop windows will be broken. Fighting will be common and loud drunken behaviour will be the norm. Littering is already a problem outside the pub with countless cigarette ends and smashed glass. The area will not be safe to walk in as it will be full of loud drunks.
3. I have lived in the High Street for over fourteen years and Iam very worried about the towns ASB problem. Iam a retired Police Officer who served for over thirty years . ASB and other behavioural issues are really causing damage to this town and giving it a terrible reputation. This is a genuine observation from an experienced individual.
4. If this application is approved which I believe it will be I have serious concerns for public safety. The Police will be stretched even more and surely they must feel strongly with this extention. I have spoken to many local people and the feeling is that if approved ,detailed evidence will be collected every weekend via diary notes highlighting all problems and witnessed accordingly. Every incident such as shouting ,car door slamming swearing etc etc will be logged and a Police urn created. This will be time consuming and a commitment but will be done to provide strong evidence in order that the licencing panel will have no choice but to revoke any licence issued. It will be cheaper and less stressful if the application is declined now.
5. These points are quite strong but I belive them to be accurate and Iam just trying to preserve the dignity and peaceful nature of the High Street.

Sally Taylor

From: [Redacted]
Sent: 11 August 2012 12:15
To: Sally Taylor
Subject: Licensing application, The Bell, 51 High Street, HP1 3AF

Dear Ms Taylor,

As a resident of the High Street - I live at [Redacted] I am writing to object to this application.

As you will know, the High Street is a mixed residential and commercial road, with the western end being predominantly residential. Noise from patrons leaving restaurants is a regular problem but it's a tolerable one given the current licensing hours. Should premises be granted later licenses, the nuisance would increase dramatically in scale and frequency.

It is surely not appropriate for a pub to have a 2.30 a.m. licence in a residential area such as the High Street?

The High Street is one of the most beautiful corners of Hemel Hempstead and I sincerely hope that the balance between commercial and residential premises that works so well today will be maintained.

Yours truly,

[Redacted Signature]

Sally Taylor

From: [Redacted]
Sent: 13 August 2012 22:16
To: Sally Taylor
Subject: Objection - The Bell Public House

Dear Ms Taylor,

I am writing to object to the plans to extend the licensing hours of the Bell public house. As a resident in the High Street, we are subjected to regular low grade nuisance from drinkers in the High Street, including noise, broken windows, vomiting and litter. Clearly, the extension of licensing hours will only exacerbate the problem. You will be aware that there are numerous residential properties in the high street who will be similarly effected.

I was also astounded to learn of the council's approval of a lap dancing club in the high street. Extensions to the opening hours of the Bell will only add to what looks like a campaign to spoil what is a beautiful setting for the enjoyment of all.

I earnestly ask you and your colleagues to reject this application

with thanks

[Redacted signature block]

http://web-apps.herts.ac.uk/uhweb/about-us/profiles/profiles_home.cfm?profile=D9EF8790-D109-DEF2-4401D5F8767C4803

LOCAL POLICY CONSIDERATIONS

It is considered that the following policies have a bearing on the application:

The Council has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives, as follows: -

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

1.5 Nothing in this Statement of Licensing Policy prevents applications being considered on their own merits, nor will it undermine the right of any person applying for a variety of permissions under the Act.

1.7 In addressing these matters the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its policy statement, and any statutory guidance under the Act, it is also bound by the Human Rights Act 1998. The Licensing Authority must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 as follows: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

3.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

3.4 The Licensing Authority expects applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable any Responsible Authority or Interested Party to assess whether the steps taken to promote the licensing objectives are satisfactory.

6. Licensing Hours

6.1 Flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce friction at late night food outlets, taxi ranks and other sources of transport in areas where there have previously been incidents of disorder and disturbance.

6.2 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 four licensing objectives and the interests of local residents.

6.3 The Licensing Authority expects that issues relating to licensing hours will be addressed by the applicant in the operating schedule.

6.6 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 likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas.

10. Licensing Conditions

10.1 The Licensing Authority will avoid imposing disproportionate conditions on premises. I will only impose conditions that are necessary in order to promote the licensing objectives and are in themselves reasonable and proportionate.

10.2 In the case of an unopposed application the Licensing Authority has the discretion only to apply conditions that are consistent with the operating schedule. Where there are relevant representations and these are upheld by the Licensing Authority's Licensing Committee, further conditions may be attached to a licence in pursuance of the promotion of the licensing objectives.

10.3 Where appropriate the Licensing Authority will attach conditions from the model pool of conditions issued by the Home Office depending on the circumstances of each individual case.

10.4 The Council will seek to avoid attaching conditions to licences unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation (as indicated in paragraph 13.9 of the Secretary of State's Guidance). It is not the Licensing Authority's intention to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

Administration, Exercise and Delegation of Functions

19.3 Applications where there are relevant representations will be dealt with by a Sub-Committee of the Licensing Authority, as will any application for review of a licence.

19.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants should make themselves aware of this Policy and in particular the issues that will need to be addressed in formulating the operating schedule.

NATIONAL GUIDANCE

Each application on its own merits

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. 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.

Avoiding duplication of other legal requirements

1.17 The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

Public Nuisance

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act

1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for 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 and to respect the rights of people living nearby to a peaceful night.

Determining Applications

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.33 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.

9.34 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;
- Section 182 Guidance issued by the Home Office
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within 5 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. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

Imposed Conditions

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged 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.