



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

MONDAY 15 OCTOBER 2012 AT 14.30 PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillors Mrs Green (Chairman), Conway and G Sutton

For further information, please contact Pauline Bowles, Members Support Officer on Tel: 01442 228221, or Email: Pauline.bowles@dacorum.gov.uk Information about the Council can be found on our website: www.dacorum.gov.uk

PART I

ITEM	PAGE
1. Introductions	2
2. Minutes	2
3. Apologies for Absence	2
4. Declarations of Interests	2
5. Licence Hearing	3-54
Premises: The Watermill Hotel	
London Road	
Bourne End	
Hemel Hempstead	
Hertfordshire	
HP1 2RJ	
6. Procedure for the Hearing	55
7. Exclusion of the Public	57
 Appendix A Minutes from the Licensing of Alcohol & Gambling Sub- Committee Meeting on 5 September 2012.	58

1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meeting held on 5 September 2012.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a prejudicial interest in a matter, who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests or the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interest are defined in Part 2 of the Members' Code of Conduct.

6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

Introduction

The four licensing objectives, as established by the Licensing Act 2003, are:

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

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- the merits of the application;
- the promotion of the four licensing objectives;
- the policy of the Licensing Authority, a copy of which can be obtained from the Council's Licensing Officer;
- the guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport in July 2004, as amended in July 2006 and as further amended in June 2007.

Procedure

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee, (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.

4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority and any Interested Party (in that order, except in the case of a Review where the order will be: the Interested Party or Responsible Authority which has made the application for Review, the Licence-Holder and any Interested Party and/or Responsible Authority which has not made the application for Review). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.
9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any Interested Party, any Responsible Authority and the Applicant (in that order, except in the case of a Review where the order will be: any Interested Party and/or any Responsible Authority which has not made the application for Review, the Licence-Holder and the Interested Party or Responsible Authority which has made the application for Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.

- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

5 SEPTEMBER 2012

Present –

MEMBERS:

Councillors Lawson (Chairman), Bhinder and Mrs Green

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
D Wills	Licensing Support Officer
P Morjaria	Paralegal

Other Persons Present:

Mr P Warne	Solicitor representing Applicant, Spirit Pub Company
Mr R Dockerill	Designated premises supervisor for the Old Bell
Councillor McKay	Representing persons who had made representations
Mr R Ronald	Person who had made representation

The meeting began at 2.30 pm

1. INTRODUCTIONS

The Chairman introduced himself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The Minutes of the meeting held on 30 July 2012 were agreed by the Members present and were then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

No interests were declared.

The Chairman outlined the procedure for the hearing, as set out in the agenda. The speakers would speak for an agreed time and late documentation could only be introduced with the agreement of all parties. The Chairman said the matters of visits to the premises, the reading of papers and formal requirements would be addressed and the discussion would be led by the Panel. The Chairman emphasised that all

speakers were not permitted to introduce new information and there should be no repetition.

Everyone introduced themselves and the list of attendees can be seen above.

The Chairman informed the Sub-Committee that he is the Ward Councillor for Adeyfield East. The Chairman said that he has not visited the premises.

Councillor Bhinder declared that he is Ward Councillor for Grovehill. He has not visited the premises in the last 5 years.

Councillor Mrs Green declared that she is Ward Councillor for Berkhamsted West. She has not visited the premises.

5. APPLICATION TO VARY A PREMISES LICENCE

The application was for:

The Old Bell
51 High Street
Hemel Hempstead
Hertfordshire
HP1 3AF

The Chairman asked the Members of the Sub-Committee if they had read the Agenda and all additional documents. Councillors Bhinder and Mrs Green confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with.

Ross Hill confirmed that they had.

The Chairman invited the Applicant's representative to make representations to the Committee.

Piers Warne started off by outlining the Old Bell's application to extend the licensed times by 1.5 hours on Friday and Saturday nights, changing the terminal time from 12:30am to the new proposed time of 2:00am.

He noted that 4 other public houses/pubs had different operating hours and closing times, however, the Rose & Crown could close at 2:00am and the Old Bell just wanted to extend its own time in line with the Rose & Crown. He argued that when the other pubs on the street would close, earlier than the Rose & Crown, most people would go straight to the Rose & Crown and congregate there, which wasn't ideal.

The application was to allow the people already at the Old Bell to stay there until 2:00am.

He felt that aspects of the application would serve to promote the Licensing Objectives and offered certain conditions as part of the application, such as:

1. More door staff on Fridays and Saturdays
2. Engaging local taxi's to take people home at 2:00am

He noted that the Police and other responsible authorities had not made representation or set out objections to the application.

He made reference to a letter from the applicant which had been circulated to those persons who had made representations, through Licensing officers. A copy of this letter was provided to the Sub-Committee.

Councillor Lawson then posed a concern: the Old Bell has a Beer Garden at the back of its premises where people can smoke and drink. He was concerned this would cause noise issues at such a late hour.

Mr Warne said that the applicant intended to put up a fence to contain the noise from the nearest resident next to the Beer Garden to separate the two and that there would not be as many people as imagined. He said that there would only be a total of 60 people in the pub and not everyone would go outside.

Councillor Green then suggested that the applicant put up a sign that requested that customers left quietly and made use of the pub's facilities prior to doing so, to aid a reduction in urination in the surrounding area.

Mr Dockerill agreed and said there already was such a sign in place addressing the first part of this requirement.

Councillor Bhinder then queried the wording on some of the applicants answers and letter regarding the CCTV and how good it was and what they meant by stating they wouldn't bring new people to the high street, to which the applicant responded that the new hours would not bring in new people but keep those that were already there.

Ross Hill then noted that responses had been received from two other parties who had made representation to the application in response to the applicant's letter, stating that the letter had not resolved all of their issues and concerns.

Councillor McKay speaking on behalf of and representing the residents, stated two points:

1. The Old Bell is different to other pubs on the high street because unlike the other pubs, The Old Bell was closest to the residents. Residents were worried about an increase in anti-social behaviour. Furthermore, the area was becoming more residential, new flats are planned to be built.

However, they could not pinpoint the noise to any specific pub or building.

Furthermore, if this extension was allowed, then other pubs would want the same and it would create a night club environment.

He noted that the residents liked the conditions proposed by the applicant but they wanted staff to be on door of the Old Bell from 12:00am until 2:00am so as to prevent others going into the pub.

2. He raised concerns about the level of noise that would be expected in the Beer Garden (garden area to the rear of the Old Bell).

There are concerns if the application is granted – the noise would increase.

Generally, the overall concern was an overall rise in anti-social behaviour.

Mr Ronald, as a resident, voiced concerns that it was already intimidating to walk through the alleyways at night near the high street and would prefer it to go back to 11:00pm.

Councillor Lawson said that the Sub-Committee could not take into account what might happen but that decisions could only be made on what was in front of them.

Mr Dockerill said he was happy to propose another condition and stop people from going out into the garden after 12:30am – even smokers.

Councillor Green asked whether after midnight glasses could be taken outside

Mr Dockerill confirmed they could not and would ensure they could not.

Mr Warne confirmed that his client would control the number of people going outside – he also asked Councillor McKay which residents he represented, which he answered.

Councillor McKay then noted that he was still concerned about anyone outside the premises past 12:30am.

Mr Ronald again voiced concerns about the increase on anti-social behaviour.

Councillor Lawson said he was sympathetic to the residents and agreed that there was a lot of anti-social behaviour but felt that, because the police had not made any representations, it was either not a concern to them or they were concerned but didn't believe it was caused by the Old Bell.

So he found it difficult to refuse the application and give a ruling that would not be successfully overturned on appeal.

Councillor Green said that the decision would have to be based on evidence and past complaints. She confirmed that DBC had never received any complaints and if the situation was so bad, then the residents would have complained, so the concerns seemed unfounded.

She also noted the concessions made by the applicant in respect of door supervisors and glassware being taken outside the premises. Also, reference to a club on the high street that closed at 4:00am was irrelevant.

Councillor Bhinder had nothing more to add.

Councillor Lawson said that if the application was granted, it would be so with the existing conditions, new conditions and those originally proposed.

Mr Dockerill said he was happy to further discuss more conditions with the residents, which Councillor Lawson thanked him for and felt satisfied that the application had been made with a huge effort to ensure it was properly conducted.

All three councillors then voted unanimously in favour of granting the application.

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to Section 182 of the National Guidance and Dacorum Borough Council's own Licensing Policy and the four Licensing Objectives of the Licensing Act 2003 and having taken into account all oral and written representations, agreed to grant the variation of the premises licence as requested in the application, subject to the additional conditions set out below:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Staff to regularly monitor the outside areas to monitor any noise escape when regulated entertainment takes place and to log the patrol.
7. 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.
8. From 02:00h on Saturday and Sunday mornings until the last customer leaves, at least one member of door staff will be stationed outside the premises to ensure orderly dispersal and good behaviour by customers as they are leaving the premises.
9. A local taxi company will be engaged to provide taxis and their number made available to all customers wishing to hire a taxi. The taxi company will be instructed to act in such a way as to not cause disturbance to residents in the vicinity of the premises.
10. Signs at the exit will remind customers to leave the area quickly and quietly and to respect the neighbours.
11. The beer garden shall not be used after 00:30h.
12. Customers shall not be permitted to be take glassware outside the premises after 00:30h.

Councillor Lawson also highlighted undertakings given by the applicant in respect of the monitoring of the alley at the side of the premises, and to meet with local residents to discuss issues arising from the operation of the premises. He also noted that if the speculative issues mentioned in the representations began to occur, that residents had the power to request a review of the licence. He then thanked everyone for attending.

The meeting finished at 3:05pm