



AGENDA ITEM: 5

SUMMARY

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	15th October 2012
PART:	1
If Part II, reason:	

Title of report:	Application to vary Premises Licence: The Watermill Hotel, London Road, Bourne End, Hemel Hempstead Herts HP1 2RJ
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, and determine the application 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	N/A
Equalities Implications	N/A
Health And Safety Implications	N/A
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 Watermill Hotel, London Road, Bourne End, Hemel Hempstead, HP1 2RJ	Variation of a premises licence (Section 34)

APPENDIX A

Applicants name	Peacock and Dove Hotels Limited
Name and address of premises	The Watermill Hotel London Road, Bourne End, Hemel Hempstead, Herts, HP1 2RJ
Ward	Bovingdon, Flaunden and Chipperfield

1. Current Licence

1.1 The Watermill Hotel is subject to a premises licence, number DAC 008180. The licence has been held by Peacock and Dove Hotels Ltd since it was first granted during the transitional period in 2005.

1.2 The licence was subject to variation applications in September 2005 (to recreate an entitlement to entertainment, which had not been converted) and October 2006 (to extend the permitted hours and to include an external marquee within the scope of the licence). Following the receipt of representations, the latter application was considered by the Licensing Act 2003 Sub-Committee at a hearing on the 30th November 2006, at which the hours sought were reduced and the marquee area excluded from the application.

1.3 The licence currently permits the following activities:

Supply of Alcohol (for consumption on the premises), Recorded Music, Provision of Facilities for Dancing	
Monday to Sunday	11:00 – 00:00
Late Night Refreshment	
Monday to Sunday	23:00 – 05:00

1.4 The current premises licence is reproduced at Annex B.

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. The variation application is reproduced at Annex A.

2.2 The application requests an increase to the licensed area of the premises, to include an external marquee which is situated in a canal-side paddock, immediately adjacent to and north-west of the hotel. The application states that this structure is mainly used for weddings, corporate and charity events. The activities and timings proposed for the use of this structure are as follows:

Supply of Alcohol (for consumption on the premises), Recorded Music, Provision of Facilities for Dancing	
Monday to Sunday	11:00 – 23:00

2.3 No change is proposed to the current standard licensed activities or times in the remainder of the hotel. However, a non-standard timing is sought for

Recorded Music and Provision of Facilities for Dancing in the main hotel – namely on New Year’s Eve, from 11:00 – 01:30. The Supply of Alcohol is currently subject to a grandfathered entitlement on New Year’s Eve permitting trade until the following day, although this is not currently shown on the licence.

- 2.4. Maps, both of the area and showing the location and layout of the marquee, are reproduced at Annex C1 and C2.
- 2.5. A representation was received from the Police requesting amendments to the operating schedule relating to the provision of CCTV, staff training, and the display of notices. The Police representation, amendment to the application made by the applicant and the subsequent withdrawal of the representation are set out at Annexes D1 to 3.

3. Details of Representation(s)

- 3.1 15 representations opposing the application have been received from a number of persons. These are set out at Annexes E1 to E15. Two further representations supporting the application are set out at Annexes F1 and F2.
- 3.2 The following responses were received from responsible authority officers in respect of this application:
 Fire Officer: No relevant representations.
 Police: As per paragraph 2.5.
 Environmental Health (Pollution): No relevant representations
 Environmental Health (Health and Safety):No relevant representations
 Planning: As per paragraph 4.3

4. Observations

- 4.1 Relevant paragraph references from the Statement of Licensing Policy and the statutory guidance are set out at Annex G.
- 4.2 A number of temporary event notices have been sought to authorise events at the premises, including within the marquee area to which the current application refers. In the last year, TEN’s were submitted for the following dates:

Reference	Dates
030720	08-11 September 2012 (Conference/Wedding)
030643	02 September 2012 (Wedding)
029868	04 August 2012 (Wedding)
029867	14 July 2012 (Wedding)
029866	08 July 2012 (Wedding)
029865	30 June 2012 (Wedding)
029864	28 June 2012 (Wedding)
029863	24 June 2012 (Wedding)
029862	05 June 2012 (Wedding)
029861	02 June 2012 (Wedding)
029860	26-27 May 2012 (Wedding)
029614	28 April 2012 (Wedding)

- 4.3 Planning officers have advised that the marquee is currently subject to a temporary planning consent, running between 1st April and 30th November, and is reviewed by the Planning Officer each year. This consent is subject to planning conditions which currently restrict activities within the marquee to between 09:00 hours and 23:00 hours.

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



LPV

**Application to vary a premises licence
under the Licensing Act 2003**

LICENSING DIVISION		
HPP		
29 AUG 2012		
LEO	SO(L)	LSO
COMPLAINTS	PRAISE	

MAY
030763

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 Peacock and Dove Hotels 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	DAC008180
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Watermill Hotel, London Road, Bourne End, Hemel Hempstead, Hertfordshire			
Post town		Post code	HP1 2RJ
Telephone number at premises <i>(if any)</i>	01442 349955		
Non-domestic rateable value of premises	£ 86,000		

Part 2 – Applicant Details

Daytime contact telephone number	01442 349955		
Email address <i>(optional)</i>	gm@hotelwatermill.co.uk		
Current postal address if different from premises address			
Post town		Post code	

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible? Please tick ✓ yes

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 note1)

We are a Hotel with Bar, Restaurant, Banqueting facilities and Tent/Marquee located on the grounds beside the Hotel. The hotel does not wish change any of the current timings, and current licensable activities, the proposed variation is to include the tent/marquee into our current premises licence. As the Tent/Marquee occasionally carries out licensable activities it would seem viable as a business to include the structure apart of premises licence. The Tent/Marquee is mainly used for Weddings, corporate events, Charity events and is now becoming a key factor to generate revenue to support the hotels survival. The variation shall enable the hotel to generate the key needed revenue to ensure the survival of the hotel, and support its overhead for the future to come.

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. □ □ □ □ □ □ □ □ □ □

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	Please give further details here (please read guidance note 3) Music will be either Amplified or Unamplified.	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	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) New Years Eve 11:00 until 01:30 (premises only) While the rest of the premises recorded music hours are 11am to midnight, the hours for the marquee area only will be 11am until 23:00 hours.		
Sat	11:00	00:00			
Sun	11:00	00:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing Dancing only to be allowed on portable dance floor/ dance area		
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	Please give further details here (please read guidance note 3) Dancing to happen with either amplified or unamplified music. Usually dancing will take place alongside Disco Jockey.		
Wed	11:00	00:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00	Non standard timings. Where you intend to use the premises for provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve 11:00 until 01:30 (premises only) While the rest of the premises Provision of facilities for dancing hours are 11am to midnight, the hours for the marquee area only will be 11am until 23:00 hours.		
Sun	11:00	00:00			

K

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

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) Generally to serve Room Service Menu		
Mon	23:00	05:00			
Tue	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	05:00			
Thur	23:00	05:00	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) 24 hours for Hotel Guests		
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00	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) While the rest of the premises sale by retail of alcohol hours are 11am to midnight, the hours for the marquee area only will be 11am until 23:00 hours.		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

0

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	06:00	00:30	
Tue	06:00	00:30	
Wed	06:00	00:30	
Thur	06:00	00:30	
Fri	06:00	00:30	
Sat	06:00	00:30	
Sun	06:00	00:30	

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

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)

I can confirm that we are only carrying out a variation to enable our tent/marquee to be included into our premises licence, the hours and timings will stay exactly the same to what we currently have. We as a hotel will ensure that all staff are trained in the Licensing act 2003, and we shall take all necessary steps to promote this good practice. The Hotel is happy to work with the relative authorities, to ensure that the Four Licensing objectives are worked towards.

b) The prevention of crime and disorder

CCTV is recorded 24 hours a day at the Hotel, Public notices and signs are in place. The hotel already has in place the measures required by the licensing objectives in place with the Police. In reassurance to this we shall review the measures to ensure that we follow the licensing objectives correctly. The hotel will work with the Police and our neighbours to ensure that Crime and Disorder is taken seriously, and will carry out any measure possible to ensure good practices in these objectives.

c) Public safety

The hotel takes regular steps to ensure that the safety of the public and the hotels guest are a priority. The hotel has numerous policies to ensure that health and safety of the public and guests are always in place. All staff is to continuously be trained in the requirements of the Licensing Act 2003, and in general fire and health and safety.

d) The prevention of public nuisance

All functions have dedicated parking attendants on ground to arrange vehicles, monitor the flow of traffic into and out of the Hotel premises. In the case of our marquee, Noise levels are monitored through regular checks of the sound levels, both inside the marquee and grounds around the marquee. Any sort of music that a DJ played was only through our specialised speaker system, the hotel had implemented a policy never to allow any DJ to bring in external speakers into the marquee or banqueting room. In addition, our system is set to certain level of sound therefore this set level can not be exceed in any case. The levels of sound are monitored throughout each function day, and levels are adhered to. Furthermore, our Marquee has a specialised sound proofing and sound insulation, to ensure levels of sound are contained.

e) The protection of children from harm

Staff will be trained to deal with Potential times where children may be involved, and ensure that all licensing activities are followed in any scenario. The protection of children will be monitored when involving certain licensing activities, therefore identification and checks may be carried out. Hotel will ensure that supervision and monitoring is in place when children are involved.

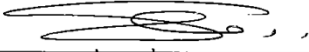
Please tick ✓ yes

- 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	
Date	29/08/2012
Capacity	

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	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 13)

Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	



PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 008180

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description: The Watermill Hotel (Best Western)			
Address: London Road			
Post town:	Hemel Hempstead	Post code:	HP1 2RJ
Telephone number:	349955		

Licensable activities authorised by the licence:

Sale by retail of alcohol
The provision of late night refreshment
Playing of recorded music
Provision of facilities for dancing

The opening hours of the premises:

Open to the public until 00:30 hours Monday to Sunday

Open 24 hours for hotel guests.

Sale by retail of alcohol

Indoors only

Mondays	11:00 hours until 00:00 hours
Tuesdays	11:00 hours until 00:00 hours
Wednesdays	11:00 hours until 00:00 hours
Thursdays	11:00 hours until 00:00 hours
Fridays	11:00 hours until 00:00 hours
Saturdays	11:00 hours until 00:00 hours
Sundays	11:00 hours until 00:00 hours

The provision of late night refreshment

Mondays	23:00 hours until 05:00 hours
Tuesdays	23:00 hours until 05:00 hours
Wednesdays	23:00 hours until 05:00 hours
Thursdays	23:00 hours until 05:00 hours
Fridays	23:00 hours until 05:00 hours
Saturdays	23:00 hours until 05:00 hours
Sundays	23:00 hours until 05:00 hours

24 hours for hotel guests.

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH
Tel. 01442 228000 Minicom 01442 228656 www.dacorum.gov.uk

Playing of recorded music

Indoors only

Mondays	11:00 hours until 00:00 hours
Tuesdays	11:00 hours until 00:00 hours
Wednesdays	11:00 hours until 00:00 hours
Thursdays	11:00 hours until 00:00 hours
Fridays	11:00 hours until 00:00 hours
Saturdays	11:00 hours until 00:00 hours
Sundays	11:00 hours until 00:00 hours

Provision of facilities for dancing

Indoor dance floor

Mondays	11:00 hours until 00:00 hours
Tuesdays	11:00 hours until 00:00 hours
Wednesdays	11:00 hours until 00:00 hours
Thursdays	11:00 hours until 00:00 hours
Fridays	11:00 hours until 00:00 hours
Saturdays	11:00 hours until 00:00 hours
Sundays	11:00 hours until 00:00 hours

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

Sale of alcohol permitted on the premises.

Part 2

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

Name: Peacock and Dove Hotels Limited
Address: 39 Palace Gates Road, London, N22 7BW
Telephone Number: 0208 881 3007

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

Registration Number: 5183731

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

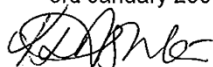
Name:	Mr Manish Patel
Address:	[REDACTED]

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:	[REDACTED]	Issuing Authority:	[REDACTED]
-----------------	------------	--------------------	------------

Date issued: 3rd January 2007

Signed



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

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH
Tel. 01442 228000 Minicom 01442 228656 www.dacorum.gov.uk

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.

Where the licence is time limited the dates:

N/A

ANNEX 1

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.

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.”

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

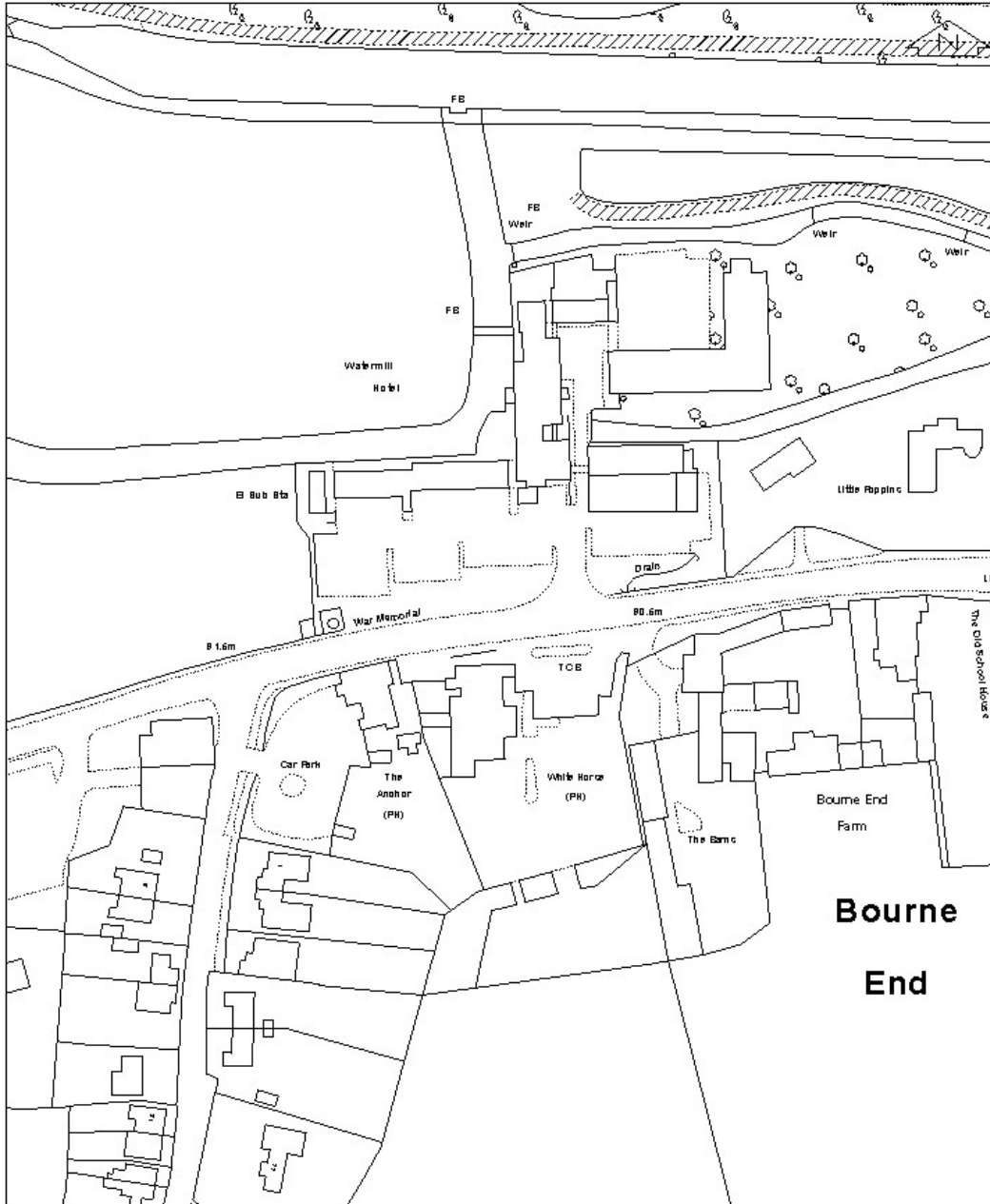
- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (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.



Dacorum Borough

Public Protection

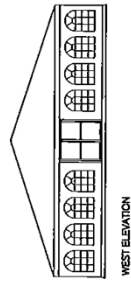
Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



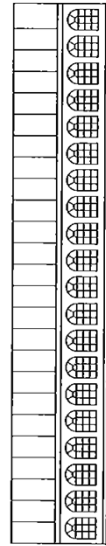
(C) Crown copyright. All rights reserved. Dacorum Borough Council
100018935:2012

Map Title

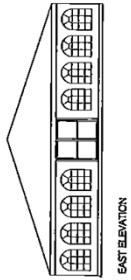
Scale: 1:1250
Date: 25/09/2012
OS Tile: TL0206SW



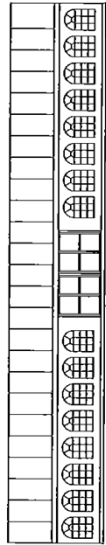
WEST ELEVATION



NORTH ELEVATION

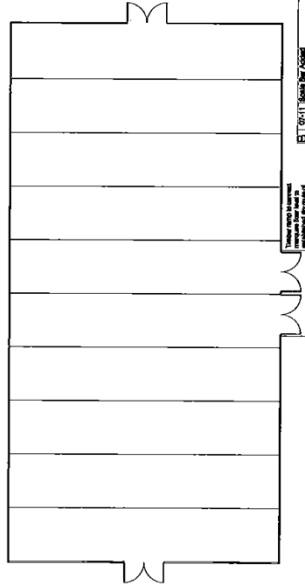


EAST ELEVATION



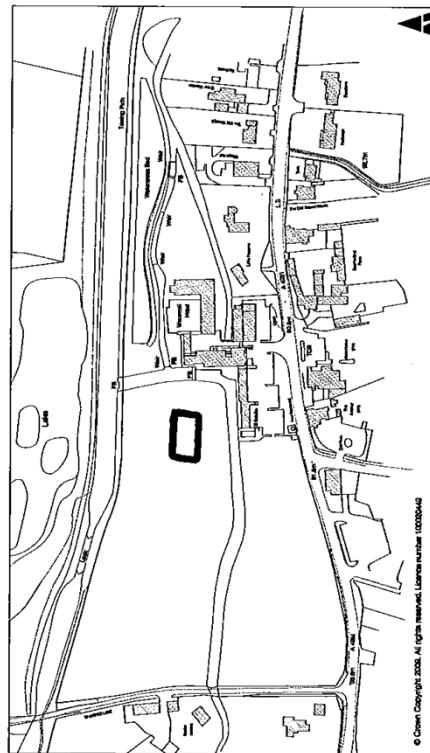
SOUTH ELEVATION

FLOOR PLAN



These areas to be reserved for future development by the client.

SCOTT BRIDGE TRUST ASSOCIATION 100 WING STREET BRUSH SPRING QUARTERS MANRING & BARNES ASSOCIATES ARCHITECTS 11/11/2008 PROJECT NO: 0800001880 DRAWING NO: 100-01 SHEET NO: 100-01-01 TITLE: FLOOR PLAN		
DATE: 11/11/2008 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1/4" = 1'-0" DATE: 11/11/2008 DRAWN BY: [Name] CHECKED BY: [Name]	SHEET NO: 100-01-01 DATE: 11/11/2008 DRAWN BY: [Name] CHECKED BY: [Name]



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ANNEX D 1



- **DACORUM**
- **LICENSING AUTHORITY**
- **Licensing Act 2003**



REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES.

Responsible Authority: Police - On behalf of The Chief Constable of Hertfordshire

Your Name	Deborah LATTO 8964
Job Title	Assistant Investigator
Postal and email address	Community Safety Unit, County Police Station, Coombe Street, Hemel Hempstead, Herts. HP1 1HL. deborah.latto@herts.police.pnn.uk
Contact telephone number	01442 271601

Name of the premises you are making a representation about	Watermill Hotel
Address of the premises you are making a representation about	London Road, Bourne End, Hemel Hempstead, HP1 2RJ

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Although measures are proposed on the operating schedule – these currently lack sufficient detail to make them enforceable.
Public safety	No	
To prevent public nuisance	No	
To protect children from harm	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where	<p>1. The digital closed circuit television system shall be 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.</p> <p>The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers</p>
---	--

necessary and refer to checklist.

remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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 office recent data or footage with absolute minimum of delay when requested.

2. The licence holder will ensure that all members of staff are trained in the requirements of the Licensing Act 2003. A written record will be maintained of all staff training.
3. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.

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)

I can confirm that we are only carrying out a variation to enable our tent/marquee to be included into our premises licence, the hours and timings will stay exactly the same to what we currently have. The Hotel is happy to work with the relative authorities, to ensure that the Four Licensing objectives are worked towards. The Licence Holder will ensure that all members of staff are trained in the requirements of the Licensing Act 2003. A written record will be maintained of all staff training

b) The prevention of crime and disorder

The digital closed circuit television system shall be 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.

The CCTV system 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 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 office recent data or footage with absolute minimum of delay when requested.

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

The Licence Holder will ensure that all members of staff are trained in the requirements of the Licensing Act 2003. A written record will be maintained of all staff training

c) Public safety

The hotel takes regular steps to ensure that the safety of the public and the hotels guest are a priority. The hotel has numerous policies to ensure that health and safety of the public and guests are always in place. The Licence Holder will ensure that all members of staff are trained in the requirements of the Licensing Act 2003. A written record will be maintained of all staff training

d) The prevention of public nuisance

All functions have dedicated parking attendants on ground to arrange vehicles, monitor the flow of traffic into and out of the Hotel premises. In the case of our marquee, Noise levels are monitored through regular checks of the sound levels, both inside the marquee and grounds around the marquee. Any sort of music that a DJ played was only through our specialised speaker system, the hotel had implemented a policy never to allow any DJ to bring in external speakers into the marquee or banqueting room. In addition, our system is set to certain level of sound therefore this set level can not be exceed in any case. The levels of sound are monitored throughout each function day, and levels are adhered to. Furthermore,

our Marquee has a specialised sound proofing and sound insulation, to ensure levels of sound are contained. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

The Licence Holder will ensure that all members of staff are trained in the requirements of the Licensing Act 2003. A written record will be maintained of all staff training

e) The protection of children from harm

Staff will be trained to deal with Potential times where children may be involved, and ensure that all licensing activities are followed in any scenario. The protection of children will be monitored when involving certain licensing activities, therefore identification and checks may be carried out. Hotel will ensure that supervision and monitoring is in place when children are involved.

Sally Taylor

From: Deborah.Latto@Herts.pnn.police.uk
Sent: 18 September 2012 12:47
To: Sally Taylor GCSX Mailbox
Cc: Linda.Holliday@Herts.pnn.police.uk
Subject: RE: Watermill - Amendments to the operating schedule

Hi Sally,

Just to confirm as stated in my letter of 5th September – with the amendments suggested in the representation being made to the application for the Watermill, the police representation is withdrawn.

Regards

Debbie Latto 8964
Assistant Investigator
Licensing and Anti-social Behaviour
Community Safety Unit
Dacorum
01442 271601

From: Sally Taylor GCSX Mailbox [<mailto:sally.taylor@dacorum.gcsx.gov.uk>]
Sent: 10 September 2012 10:42
To: LATTO, Deborah 8964
Subject: Watermill - Amendments to the operating schedule

Hi Debbie

We have now received amendments from Mr Patel showing the insertion of the conditions you have requested.

Kind regards

Sally

Sally Taylor
Senior Assistant Licensing Officer
Legal Governance
Dacorum Borough Council
Tel: 01442 228470

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only.

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

Ref: MA030763

[REDACTED]
Bourne End
Hemel Hempstead [REDACTED]

14 September 2012

Dear Ms Wills

Re. Premises Licence Application - The Watermill Hotel, Bourne End

We are writing in response to the application for a premises licence under the Licensing Act 2003 by the Watermill Hotel, London Road, Bourne End. We understand that the licence would apply to a tent/marquee to be erected in the grounds of the hotel and that this would be used to hold functions.

We consider that this proposal is unacceptable and inappropriate for a venue situated in a small rural community in the green belt. The hotel is situated in the centre of the village, very close to many residential properties and sensitive wildlife habitats.

If a premises licence were granted for a marquee, there would undoubtedly be an increase in public nuisance. It would result in unacceptable, frequent noise disturbance as the sound in the tent/marquee would be completely uncontained. Already, when events occur in the marquee, the noise is often at an unacceptable level and disturbs inhabitants of the village. Furthermore, the grounds in which the marquee is generally situated are adjacent to the River Bulbourne and important to wildlife, particularly wildfowl, and increased activity would affect this sensitive area.

There is potentially also an increase in crime and disorder, given the increased number of individuals coming into the village at night.

It is for the above reasons that we feel very strongly that this application for a premises licence conflicts with the Council's licensing policy, particularly its statutory objectives to prevent public nuisance, and crime and disorder. In our view, the evidence presented above supports this conclusion.

Thank you very much for your assistance in this matter.

Yours sincerely

[REDACTED]
[REDACTED]

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

LICENSING DIVISION		
HPP		
19 SEP 2012		
LEO	SOLO	LSO
COMPLAINTS	PRaise	

17 September 2012

Ref: The Watermill Hotel, London Road, Bourne End - Licensing Application

Dear Sir / Madam,

We write in respect of the application by The Watermill Hotel to extend their Licences on the hotel to the marquee which has planning permission for 7 months of the year.

Functions currently taking place within the marquee have been dealt with by Temporary Event licenses of up to 12 per year.

We believe that there is a planning restriction of 11pm on licensable activities for the marquee at the moment.

Although there have been instances of noise nuisance during the temporary events, through loud recorded music, these have been dealt with by the management when they have been brought to their attention. However these situations have been uncontrolled until then and this can only intensify with unfettered access to licensable hours.


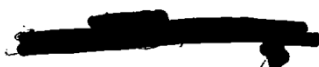

We support the application of the non resident alcohol license to the marquee but suggest that it is granted in line with the planning permission to 11pm. This is because of the public nuisance aspect of policy ie noise from a large body of people impacting upon the local residents.

We object to the license for recorded music and dancing being granted to a structure unsuited to contain noise, on an unfettered basis. This is under the public nuisance aspect of policy. We suggest that this be restricted to a number or preferably to restricted days ie Friday and Saturday (28 days in effect). We also suggest that there is a noise limiting facility installed in the marquee to ensure that the noise at a specific radius is within sensible limits. This can be done as a condition of license.

We believe that the Hotel is already subject to a noise limiter within its function room but for a structure like a marquee the external noise is paramount. The Village Hall has a restriction of 56 decibels at its property boundaries after 8pm.

Please receive our representations favourably.

For and on behalf of The Bourne End Village Association,



 Chairman.


[Redacted]
Bourne End.
Hemel Hempstead.

Ref: Your MA 03 07 63.

DATED: 30-8-2012.

To DENISE WILLS.

ASSISTANT LICENSING OFFICER

LICENSING DIVISION		
HPP		
19 SEP 2012		
LEO	SOU	LSO
COMPLAINTS	PRAISE	

Re. Bourne End Licence application, the Watermill Hotel, Bourne End.
We feel strongly against this application on the grounds of:- The Noise factor. That the functions will exceed, at all times.

The increase in Traffic into the, and to the Village, on the now overloaded A4125. There are too many, Restaurants, Hotels, & Public Houses in the Village already. We at 18 Bourne End Lane. Say No to this Application.

Yours Sincerely,
[Redacted]

Denise Wills

From: [REDACTED]
Sent: 21 September 2012 16:19
To: Licensing Mailbox
Subject: Watermill Licensing

Dear Sally Taylor,
I have been informed by The Bourne End Residents Association that The Watermill Hotel has applied for a revised premises licence.

I object to this application strongly.

I understand that the hotel has asked for permission to serve alcohol in the tent until midnight ! also to allow any type of music to be played until midnight.

At present all activities should stop at 2300 hours, but on at least 3 occasions recently, music has been going on sometimes up to 0130 hours.

The P A system they use is very powerful and can be heard all over the village and it is more loud and clear the later it is .

I am happy for the patrons of the hotel when everyone has a good time ,but I feel any music and festivities should stop as they do now at 2300 hours.

As I said I strongly object to this application

Yours Sincerley [REDACTED]

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

Denise Wills

From: [REDACTED]
Sent: 23 September 2012 15:50
To: Licensing Mailbox
Subject: licence application - Watermill Hotel

Dear Sir/Madam,

With reference to the licence application by the Watermill Hotel, to allow them to sell alcohol and play any music in the White tent until Midnight, we want to strongly object to this. As mooring occupiers at the Bourne End Moorings, we are directly behind the tent with only the canal that separates us from the hotel premises. While enjoying our stay on our boat at weekends and holidays we have on numerous occasions been disturbed by the loud music which often continues way past midnight. The latest case of this non compliance with their existing licence was on 2nd September 2012 when at approximately 2a.m. loud music was still being played.

We strongly object to the new licence application as mentioned and would respectfully suggest that the residents around the hotel will not let this continue.

We do hope that common sense will prevail and that no alcohol be allowed to be sold from other than the hotel building and that no loud music be played after 23.00 hours. I would request that a "Db meter" be installed which will limit the noise automatically.

We thank you for your consideration and hope the matter be resolved quickly.

Many thanks

[REDACTED]
[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20-09-2012

LICENSING DIVISION		
HPP		
24 SEP 2012		
LEO	SOL	LSO
COMPLAINTS		PRaise

Dear Sally,

I am writing to express my concerns about the increasing noise levels that are being endured by my wife and me at our once peaceful moorings at Bourne End Moorings in Hertfordshire. We have moored at Bourne End for more than ten years and enjoyed the peace and tranquillity of such a beautiful place. We even decided that it was worth putting up with the sounds of the weekend weddings that became a feature of the Watermill Hotel because it seemed to be sensibly managed.

However this year the noise has become so loud and extensive, (one evening continuing until 1.45am) that we have had to go home or suffer the consequences of getting very little sleep.

The noise levels have become so bad that the PA system they are using actually vibrates the hull of our narrow boat and I feel I personally know the DJ as I can even hear every word of every conversation he has.

I am not a local resident and therefore do not pay council tax but I do pay in excess of £3000 pounds a year to secure my once peaceful mooring so I do feel able to express my displeasure at what is an escalating problem. I will send a copy of this letter to British Waterways in the hope that they will have a view. The hypocrisy of having a notice outside the Watermill Hotel presenting it as a sensitive wildlife breeding area has not escaped our notice

We understand that the Hotel has to consider its profit margins and until last year the management kept most of the noise and the timing of it at an acceptable level though it has increased year on year. To our dismay this year it has not been so and we believe management is considering increasing it further. For the reasons outlined above I feel the management at the Hotel has not taken reasonable care to ensure the residents and moorers at Bourne End Moorings suffer discomfort when staging events such as weddings and parties etc. and for that reason I ask the council to consider refusing any further increases to hours and monitor the current situation to ensure the current legislation and restrictions are adhered to.

Yours sincerely

[REDACTED SIGNATURE]

Sally Taylor
 Licensing Dept
 Dacorum Borough Council
 Civic Centre
 Hemel Hempstead
 HP1 1HH



██████████
 ██████████
 Bourne End
 Hemel Hempstead
 ██████████

20 September 2012

Ref; WATERMILL HOTEL
 Bourne End, Herts. HP1 2RJ

Dear Madam

I wish to object in strongest terms to the application from Peacock and Dove for the variation to the license of the above property.

I own fourteen acres of land behind the Watermill Hotel with the width of the Grand Union Canal separating our two properties. Adjacent to my land is an official British Waterways mooring site for eleven craft, one of which is mine.

I spoke to Nigel Gibbs in the planning department when the Tent was erected in April 2012 and expressed the concerns of the boat owners reference the noise that emanates from inside the Tent. He persuaded me to adopt a 'live and let live' policy as regarding the noise and put me in touch with Mr Patel who I believe is the manager of the Hotel. Since that time I have spoken to Mr. Patel on numerous occasions reference the public nuisance caused by the loud music played in the Tent.

Unfortunately the Tent is sited in the back, rather than the front, field of the Hotel and within 40 metre of the Canal Towpath. The area is regarded by British Waterways to be a tranquil rural setting, indeed the Hotel has a notice posted on the gate warning people that it is 'A sensitive area for bird breeding'. Some twenty years ago we established the moorings so that we could spend time on our boats in a quiet peaceful rural location.

I arrived on site on Sunday 5th August to be told how the very loud music from the Tent had continued past midnight until 2.00am. I spoke to Mr. Patel who tried his best to deny that their licence had been exceeded however, I can call on eight people who are prepared to state that the music continued through to the early hours of Sunday morning.

One can not compare the brick built hotel with the tent in a field for lincensing purposes. The Hotel is solid construction that absorbs most of the sound generated in its function rooms. The Tent does not possess the same sound proofing qualities, all of the noise generated passes straight through the canvas walls.

I find it an extraordinary situation where the brick built Village Hall on the other side of the Hotel is fitted with a sound limiter but a tent with no sound proofing qualities can play music as loud as they wish. Surely the same sound limiting conditions should be fairly applied to both venues. That is to say a reading of 57 decibels at the perimeter of the field i.e. the hedge at the canal side.

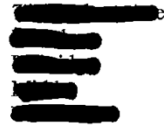
The original planning permission stated that all activities should finish in the Tent at 23.00 pm at present the planning restriction is being overruled by the granting of special licences. When the activities ended at 23.00pm before the present sound system was installed there was not a problem. Now, the sound system is so loud that every word that is spoken is relayed outside across the canal and throughout the moorings and field opposite.. When the music starts it is so very loud that the base sound waves vibrate inside my boat drowning out any music that I choose to listen to inside my boat.

For the past six months I have tried a 'live and let live' existence with the Hotel and have acted as the buffer between the complaints of the boat owners on one side and Mr. Patel with the interest of the Hotel on the other. Unfortunately the situation has just got worse since the special licences have been granted. All we ask for is a peaceful coexistence with understanding on both sides. I have in the past managed to persuade the boat owners not to call on environmental health reference the public nuisance created. However the Hotel is no longer in control of the noise generated in the Tent and I am not in a position to keep diffusing the situation that they regard as a public nuisance.

Yours Sincerely

A blacked-out signature, likely of the sender, is present below the closing text.

RECEIVED
24 SEP 2012



22 September 2012

For the attention of the Licencing Dept, Hemel Council.
Re: Watermill Hotel, Bourne End, Hemel Hempstead.

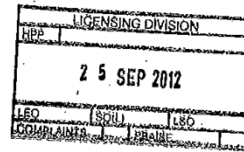
As moorers at Bourne End Moorings, a lovely peaceful rural place, we are horrified to hear that the Watermill Hotel is applying for a variation of licence. They have not had a full music licence (as far as we are aware) but we have been disturbed frequently in recent months by loud music emanating from the marquee, rowdy behaviour on the towpath, not to mention staff at the back of the hotel - presumably ending their shift at 2am - shouting, cheering, laughing, clapping, with no regard for those who are sleeping locally. We have had many disturbed nights on what we expect to be "a restful. recharge batteries, weekend" on our supposed "peaceful mooring"..

We expect the Watermill Hotel security exercises a "zero tolerance" with regard to drug consumption but in reality it seems that the drug users that congregate at the back of the hotel in the rear carpark or on the public towpath are free to manufacture their illegal cigarettes (which they call "spliffs") and after smoking this garbage, they exhibit totally unsocial language, obscene and sexual behaviour (urinating, noisy intercourse, fights, etc.late at night). It is bad enough for us adults to have to deal with this but very difficult to explain to our curious grandchildren who staying with us for the weekend. This behaviour is bad enough, without the added insult of loud music until (supposedly midnight but in reality 0200-0300 as in July & August this year).

We are not killjoys and many of the Asian weddings that the hotel hosts are enjoyable and musical - and end early in the evening with no drunken behaviour . However, the Hotel has already shown its disregard of the current regulations, we fear that the granting of a "full licence" will only succeed in giving them carte blanche to do exactly as they please with regard to loud music and the general disturbance of the local Bourne End residents and moorers - who ARE considerate to neighbours and the community as a whole.

We therefore are fully against this proposal and trust that the Council will consider our concerns.





[REDACTED]
[REDACTED]
[REDACTED]

E-mail: [REDACTED]

Re: application for revised premises licence Watermill Hotel Bourne End.

Firstly let me explain that although we don't live locally we spend a lot of time on our boat which is moored at Bourne End Moorings just over the canal from the Hotel and we suffer the noise pollution from the watermill first hand.

We would ask that you do not grant this revision as this will be a flagrant breach of the original planning permission which required all activity in the marquee to cease by 2300hrs.

This condition was applied to provide and protect local residents from the excessive noise and disturbance that this activity can create. We are concerned and puzzled that the provision to date of these special licences negates and contravenes the original Planning Permission. We will be contacting the Planning enforcement dept regarding this matter.

Recent experiences since April have witnessed and evidenced numerous occasions where music has been played past midnight one night until 0200, this was on the 2nd September 2012.

Surely this flagrant disregard for local residences, notwithstanding the complete contravention of the original Planning Permission should be and must be unacceptable.

As an aside the Village Hall have a noise limiter fitted as does the Watermill however there is no noise limiter fitted in the marquee which allows them to run at higher decibel levels than the others.

We trust that you will take the above into consideration when making your decision.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
25.09.2012

Dear Sally Taylor,

Re: Revised Premises Licence for The Watermill Hotel, London Rd., Bourne End, Herts HP1

We are writing to convey our objections to the application by The Watermill Hotel to extend the hours of outside functions in the marquee as this is a significant noise pollution issue, which constitutes a public nuisance.

On 2nd September 2012, the function which was held in the marquee and the loud recorded music which was being played, continued until 2.30am. This is not the first time this has happened as there have been many weekends when the music and noise from those attending has gone on until well after 11pm (the time specified in the original licence).

The noise pollution is very disturbing to those with boats moored at the mooring site, which is directly opposite the garden area where the marquee is erected. It is impossible to sleep, or even listen to music or watch television as the sounds carries so loudly and the vibration of the music can be felt throughout the boat. As there are functions nearly every weekend it is unreasonable to allow the hotel to further extend their licence, since they do not keep to the original agreement. The noise is so loud that almost every weekend is ruined, in such a peaceful setting, which is also a "sensitive breeding area" for birds and other wildlife.

We would ask that, not only does Dacorum Borough Council not extend the hours of the licence, but that a noise limiter is installed to control the volume.

Thank you for your attention in this matter.

Yours sincerely,
[REDACTED]

Sally Taylor

From: [REDACTED]
Sent: 26 September 2012 09:11
To: Licensing Mailbox; Sally Taylor
Subject: Licensing Application Watermill Hotel

Ref: Premises Licensing Application with respect to the Watermill Hotel.

The marquee is currently erected for seven months of the year. There are occasions when functions are a public nuisance to the residents of Bourne End. The variation proposed would increase this public nuisance and should therefore be opposed.

[REDACTED]
Resident of Bourne End

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

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



24 September 2012

Ref: The Watermill Hotel, London Road, Bourne End - Licensing Application

Dear Sir / Madam,

I write in respect of the application by The Watermill Hotel to extend their Licences on the hotel to the marquee which has planning permission for 7 months of the year. I understand that there have been temporary licenses granted to the hotel for the marquee which of course have not been publicised.

I understand that there is a planning restriction of 11pm on activities within the marquee..

I live within earshot of the hotel and, there have been instances of excessive noise , of music, this year, from the marquee. These have been dealt with by the management when they have been brought to their attention, but have re occurred. However these situations have been uncontrolled until then and this can only intensify with unfettered access to licensable hours. I can quote in particular the 2nd September 2012 when the music went on into the early hours as did the function.

I have no objection to the the application of the non resident alcohol license to the marquee but suggest that it is granted in line with the planning permission to 11pm. This is because of the public nuisance aspect of policy ie noise from a large body of people impacting upon the local residents. This is conveyed straight through the walls of a marquee.

I object to the license for recorded music and dancing being granted to a structure unsuited to contain noise, on an unfettered basis. This is under the public nuisance aspect of policy. I suggest that this be restricted to a number or preferably to restricted days ie Friday and Saturday (28 days in effect),and with a noise limit condition.

I believe that the Hotel is already subject to a noise limiter within its function room but for a structure like a marquee the external noise is paramount. The Village Hall has a restriction of 56 decibels at its property boundaries after 8pm.

Yours faithfully,

A large, irregular black redaction mark covers the signature and the first line of contact information. Below this, there are five horizontal black redaction bars of varying lengths, covering the remaining lines of contact information.

Sally Taylor

From: [REDACTED]
Sent: 26 September 2012 10:54
To: Licensing Mailbox
Subject: Watermill Hotel revised premises licence

FOA Sally Taylor

Dear Ms Taylor,

It has been brought to our attention by the Bourne End Residents Association that the Watermill Hotel has applied for a revised Premises licence. We are extremely concerned about this due to the amount of excessive and very loud noise already experienced these past few months from the weddings and other events that have been held in the marquee at the hotel.

We have been regularly kept awake until the early hours of the morning, sometimes past 1am by very loud music and very loud DJ's. We understand that all activities were supposed to be finished in the marquee at 11pm. This does not occur. There is no sound proofing possible in a marquee so the noise is heard throughout the village.

We would like to suggest that all activities in the field should stop at the agreed 11pm cut off as per the original premises licence and that there should be a noise limiter installed exactly the same as installed in the village hall because the PA system used by the hotel is far too powerful to be used in a marquee.

We hope that the hotel would be more sensitive to the needs of local wildlife as well as residents and not to continue to engage in activities that are damaging both.

Yours sincerely,

[REDACTED]
[REDACTED]

Sally Taylor

From: [REDACTED]
 Sent: 26 September 2012 16:26
 To: Licensing Mailbox
 Subject: Objection to the granting of a Revised Premises Licence for the Watermill Hotel and it's 'Tent'.

Dear Sir/Madam

It has been brought to our notice that The Watermill Hotel, Bourne End, Herts. has applied for a variation to their original premises licence which relates directly to their 'Watermill Tent', erected in the grounds of the hotel which borders onto the Grand Union Canal.

- 1) Immediately opposite to these grounds are Bourne End Moorings which has some 10/12 narrow boats on linear moorings, the majority of which are occupied throughout the year and at all times during the **day and night**.
- 2) The distance from these moorings to the 'Tent' is not much more than 100/150 yards with only a hedgerow separating the two. As the name 'Tent' implies, it is made of canvas, through which sound travels with consummate ease, especially at night time.
- 3) It is also a well known fact that sound is even more easily heard when it travels over water!
- 4) My wife and I are active 70yrs + who have moored their narrow boat for the past 18 years at Bourne End Moorings and use it constantly throughout the year, most especially so in the summer months. It is considered to be one of the loveliest habitats on the southern section of the Grand Union Canal and proudly boasts of a wonderful selection of wild-life with, inevitably, an active breeding ground at the relevant times of the year. (We have noticed that a notice board on the towpath side of the canal at the rear access gate to the Watermill Hotel states that it is a 'sensitive breeding area' for wildlife.)
- 5) Over recent years and especially since the 'Tent' was erected after the formal granting of planning permission, we have noticed a marked increase in the use of the facilities provided by the Hotel and it's outside canvas annex. Most noticeably, at week-ends but not exclusively so, large wedding parties gather in the grounds, sometimes over 2 days, and one of the main features of these functions seems to be the incessant beating of loud drums, throughout the day and well into the night!
- 6) Added to this has been the increased use of loud disco music and, on occasions, this has gone on well after mid-night. Indeed, on the 4th August this year, the very loud music and noise went on until about 1.45am! The noise was such that it kept us both awake (as well as other boaters) and we had to put extra pillows over our heads. Again, on Sat. 25th August, the same thing happened and went on until almost 1am.
- 7) We, and other moorers, have been extremely tolerant of the situation to date but our patience is wearing thin and there is only a certain amount of law breaking by the hotel that we can put up with.
- 8) Our understanding of the situation is that when the Hotel finally received planning permission for their 'Tent' all activity had to be terminated by 11pm. If that is so they have quite regularly been in breach of that stipulation. Should the application for the variation to the existing licence be granted for alcohol and music to continue until midnight the situation would become quite intolerable, both for moorers and village residents alike.
- 9) **The amount of noise generated on past occasions at night time would constitute a greater public nuisance if allowed to continue until midnight and beyond and the granting of this application would seriously undermine the well-being of moorers, village residents (and wildlife!)**
- 10) We feel that the existing permission up to 11pm is more than adequate and even that has been abused in the past.
- 11) Why can't a noise limiter be installed, as has been in the Bourne End Village Hall which is a brick built structure! which could be also used to control the all too loud P.A. system in use at present?

Yours sincerely

[REDACTED]

Sally Taylor

From: Feedback Mailbox
Sent: 27 September 2012 08:22
To: Licensing Mailbox
Subject: FW: Watermill Licence Extension

From: [REDACTED]
Sent: 26 September 2012 23:07
To: Feedback Mailbox
Subject: Watermill Licence Extension

Dear Sirs

Reference the above

I am sending this e-mail to this address as there does not appear to be any means to send a representation by e-mail to the Licensing team, indeed there does not appear to be any e-mail address for dacorum under the "Contact" section on the web site.

I am a resident a [REDACTED] and am concerned at the proposed extension of the current licence to the temporary marquee without some restrictions in respect of the marquee. Living at the Watermill end of the road it is common to hear sound from the marquee even with the limited use that exists today. By extending the current licence and its hours to the marquee, there is a serious risk to the local area from increased noise levels at the time when, what is a residential area, will be trying to sleep. If the licence is extended there will be increased use of the marquee with drinking taking place in the surrounding field. Increased use will also lead to additional traffic in the area, where there are already two public houses with car driving clientele. Parking facilities at the Watermill are limited especially at weekends, and although the hotel uses an adjacent field as an overflow car park, in inclement weather, such as we had this summer, it is not useable. This additional traffic therefore seeks parking in the surrounding area. If the Council is minded to extend the licence to the marquee I would ask that conditions be imposed that mean music and the bar have to cease at 11pm and the marquee shut by 12pm, the guests can still use the hotel itself, that there be an automatic cut off if the sound level exceeds a set amount of decibels and that there be some restrictions on when it can be used e.g. Friday to Sunday evening.

Yours sincerely

[REDACTED]

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

From Councillor Richard Roberts, County Councillor for Kings Langley Division.

Denise Wills

From: Sally Taylor
Sent: 05 September 2012 16:57
To: Denise Wills
Subject: FW: Variation of premises licence

Sally Taylor
Senior Assistant Licensing Officer
Legal Governance
Dacorum Borough Council
Tel: 01442 228470

From: Richard Roberts [mailto:Richard.Roberts@hertfordshire.gov.uk]
Sent: 05 September 2012 16:45
To: Sally Taylor; Jim Doyle; GBOLA ADELEKE; Gill Chapman; Jack Organ; Hazel Bassadone
Subject: FW: Variation of premises licence

Dear Hazel and Sally and Jim,

I have met Mr. Patel from the Watermill Hotel on a number of occasions, particularly during meetings of the local neighbourhood action.

Mr. Patel seeks to extend the number of times he can use his marquee in the adjacent field. The field is bounded by two roads and a canal. I have never received any complaints about the wedding parties held here which tend to be large Indian weddings but where there is a great deal of Decorum in their conduct.

I would be happy to support his application and for this support to be recognised at a public appeal if it came to that.

We must do all we can to support our local businesses during these tough times.
The understanding has to be that if there is a nuisance in the future this could well jeopardise his license.

With kind regards

Richard

ANNEX F2

From Councillor Gbola Adeleke, ward Councillor, Bovingdon, Flaunden and Chipperfield.

Sally Taylor

From: GBOLA ADELEKE [gbolaadeleke@btinternet.com]
Sent: 07 September 2012 09:06
To: Richard Roberts; Sally Taylor; Jim Doyle; Gill Chapman; Jack Organ
Subject: Re: Variation of premises licence

Dear All,

May I also offer my support for this Application. I have informed Bournend Village Association about the Application and no objection has been received to date.

Regards,

Gbola

LOCAL POLICY CONSIDERATIONS

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

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.

10. Licence Conditions

10.1 The Licensing Authority will avoid imposing disproportionate conditions on premises. It 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.

11. Planning and Building Control

11.1 The planning and licensing regimes involve the consideration of different (albeit related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee. The Licensing of Alcohol and Gambling Sub Committee is not bound by the decisions made by the Development Control Committee and vice versa.

11.2 The granting by the Licensing of Alcohol and Gambling Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

11.3 There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

11.4 The planning and building control and licensing regimes of the Licensing Authority will be properly separated to avoid duplication and inefficiency. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

11.5 The Council as Local Planning Authority is a Responsible Authority and can make representations on applications. It can, however, only make representations relating to the licensing objectives.

11.6 Public nuisance and crime and disorder are shared concerns of planning and licensing.

11.7 The absence of lawful planning use for an activity is not itself a matter for the Licensing Authority. The Licensing of Alcohol and Gambling Sub-Committee and the applicants may be informed of the planning status of the premises in reports on licensing applications. Only in exceptional cases would the Local Planning Authority make representation as a Responsible Authority. Whether the premises have planning permission or whether a lawful use exists are matters that are dealt with by the Local Planning Authority.

11.8 The Council as a Local Planning Authority has planning policies which relate to planning concerns, including the development and use of buildings and land. They contain criteria related to such matters as the size of premises and the use of premises, rather than to individual licensable activities.

11.9 Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, do not prevent the Council as Licensing

Authority from considering in detail the licensable activities, their management and conditions appropriate to them.

11.10 The Council regard licensing as a key means of controlling nuisance and antisocial behaviour and part of the holistic approach to the management of the evening and night time economy.

19. 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.