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**DACORUM BOROUGH COUNCIL**

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

**15 OCTOBER 2012**

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Present –

**MEMBERS:**

Councillors Mrs Green (Chairman), Conway and Sutton.

**OFFICERS:**

L Crowley	Solicitor Advocate/Barrister
R Hill	Licensing Team Leader
S Taylor	Senior Assistant Licensing Officer
D Wills	Assistant Licensing Officer
P Bowles	Member Support Officer

**Applicant's Representatives**

Mr Patel  
Ms Hammond

**Other Persons Present who spoke at the meeting:**

Ms Mangan  
Mr Rees  
Mr King  
Mr Pritchard  
Mr Weightman

The meeting began at 2.30 pm

**1. INTRODUCTIONS**

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

**2. MINUTES**

The Minutes of the meeting held on 5 September 2012 were agreed by the Members present and then signed by the Chairman.

**3. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**4. DECLARATIONS OF INTERESTS**

No interests were declared.

## 5. APPLICATION TO VARY PREMISES LICENCE

The application was for:

The Watermill Hotel  
London Road  
Bourne End  
Hemel Hempstead  
Hertfordshire  
HP1 2RJ

The Chairman outlined the procedure for the meeting, as set out in the agenda. The speakers would speak for an agreed time. The Chairman emphasised that all speakers were not permitted to introduce new information and there should be no repetition.

The Chairman informed the Sub-Committee that she is the Ward Councillor for Berkhamsted West. The Chairman said that she had not visited the premises as a customer but she had visited the day before the meeting to view the position of the marquee in relation to other premises and the boats moored along the canal.

Councillor Sutton declared that he is the Ward Councillor for Leverstock Green. He had not visited the premises for many years and not since becoming a Councillor.

Councillor Conway said that she is the Ward Councillor for Tring West and Rural. She had visited the premises 3 months ago.

The Chairman asked the Members of the Sub-Committee if they had read the Agenda. Councillors Sutton and Conway confirmed they had read the documents at hand.

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

Ross Hill confirmed that they had.

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

Mr Patel explained that he is the General Manager and the owners' son. He made the following comments:

- Over the last 10 years since his father became the owner of the Watermill, there had been consistent contact with neighbours as well as the authorities and the Licensing Department.
- Due to increasing demand the management have had to look at ways of expanding the business.
- The Watermill was a hotel and had a bar and two function rooms as well as the marquee that all brought in different types of business.
- In 2012 the Watermill hosted 37 weddings in total, including 15 in the marquee.
- 18 weddings had been confirmed for 2013, including 10 in the marquee. This represented a significant fall in business and predicted income.
- The marquee was a semi-permanent structure, erected for 7 months a year (April-October). The variation of the Licence would enable the Watermill to carry out more events to meet demand and maximise revenue. This would ensure the survival of the business.
- Using temporary event notices meant that only 12 licensed events could be carried out in the marquee per year which did not meet demand. 15k worth of business had had to be turned down in 2012.

- Without a licence for licensable activities, the profitability of the business was restricted significantly.
- The Watermill would abide by the regulations of any variation to the licence and would work with the authorities and neighbours to ensure that the business was not jeopardised.
- Planning permission for the marquee permitted activities up to 11pm and an extension to the times was not being sought.
- Mr Patel claimed the application had support from two local Councillors who had expressed a wish to support local businesses. The Watermill employed local people, it backed and supported other local trades and businesses,
- The Watermill paid full business rates. It provided meeting rooms for neighbourhood action groups and tried hard to donate to and support the community.
- No formal complaints had been received from the authorities over the last 3 years and management had tried to address any issues that have arisen.
- The Watermill had a good track record in regards to public nuisance. Policies were in place to minimise noise and nuisance to the public. The marquee had sound insulation and a sound limiter was in situ.
- At all licensed events, the duty manager enforced the 11pm restriction and the Watermill was not seeking to go beyond this time.
- A nearby hotel, that the Watermill was in direct competition with, had a permanent marquee with a licence to 12 midnight and they used the same sound technology as the Watermill.
- Mr Patel claimed that some of the representations made to the Licensing department were untrue. The Watermill had gone out of its way to prevent nuisance and clarify any issues.
- The sale of alcohol was permitted in the hotel and banqueting rooms and this had never caused nuisance problems.
- Drug misuse was alleged in one of the representations, but the Watermill had never in its present ownership had any formal accusations of drug misuse.

Mr Patel concluded by saying that the Watermill was applying to have a licence to allow more than the present 12 events. It was not looking to make the marquee permanent, nor to extend the 11pm limit, but to make the most of this asset, to secure the Watermill's future and to provide jobs for the local economy and support local businesses.

Councillor Sutton asked Mr Patel to clarify how many marquees were on site and he asked about the size and capacity of the venues.

Mr Patel answered that there was one marquee, it was a split facility but could not be used simultaneously for two separate events. The marquee measured 30m wide by 27m long. The two function rooms within the hotel could accommodate 50 to 100 people and the marquee 450 people.

Councillor Sutton asked if Mr Patel lived on site. Mr Patel answered that he lived off site but stayed over when there was an event.

Councillor Sutton then asked what powers the staff had to prevent traffic issues. Mr Patel answered that they had no powers but the hotel had parking attendants who monitor traffic leaving the site and who request that guests leave quietly. The large events in the marquee often used coaches which averted the situation where too many cars came to the premises.

Councillor Conway asked if complaints had been received about the noise from the marquee. Mr Patel replied that two complaints had been received from the same person.

Councillor Mrs Green said that complaints had been received to say that the noise had continued until the following day which would mean that the terms of the temporary event notice were being breached, including 25<sup>th</sup> August when no temporary event notice was applied for. Mr Patel replied that a couple of dates were mentioned in the representations, those being 2<sup>nd</sup> September when there had been an event, however, on 25<sup>th</sup> August, no event had taken place.

In response to a question from Councillor Mrs Green about the effectiveness of the noise limiter, Mr Patel replied that he had been advised that the noise limiter was set to comply with the limit set by the Environmental Health Department but had not been set or tested for many years. He said that the marquee had a specialised sound system but there had been no official notification of what the limit should be.

The Chairman suggested that an up to date inspection should be carried out.

Councillor Conway asked for clarification about the two events mentioned in the representations.

Mr Patel replied that one person complained on two occasions. He said the Watermill had gone out of its way to comply with the regulations laid down in the temporary event notices. Mr Patel did refer to one occasion when the music finished at 11.45pm and the last guests left by 12.15am.

#### Objectors:

Ms Mangan said she was the Chair of the Bourne End Village Association and was speaking on behalf of the neighbours who had come to her with complaints of noise and disturbance late into the evening and concerns about the increase in traffic to and from the site.

Mr Rees said he owned 14 acres of land adjacent to the rear of the hotel with 200 metres of mooring for canal boats. Mr Rees claimed that there were two marquees situated close to the boundary edge. He said he had been a canal boat owner for 40 years and found this particular site 20 years ago after searching for a suitable environment. It was the tranquillity that attracted him. British Waterways described it as an area of natural beauty. The hotel itself asks its guests to respect the area as a wildlife breeding site.

Mr Rees said that the temporary planning permission was initially granted for one much smaller marquee but it had turned out to be two very large marquees. Planning permission allowed activities up to 11pm. Over the years, the volume of noise from the marquee had increased enormously. He said that he first wrote to the Licensing Committee in November 2006 to complain about the increase in disturbance and noise as a result of the increased activity at the Watermill. He had also been in touch with the Planning Department in 2007 and was asked by the planning officer to adopt a lenient approach, which is why Mr Patel had not received the amount of complaints that he should have. However in June 2007 complaints were made to the Police and Environmental Health about the level of noise. This year the problem had grown and was out of control. In August things came to a head when the music had continued until nearly 2am. The next day Mr Rees said he complained to Mr Patel, who denied that this had happened despite the fact that Mr Rees was able to produce 10 independent witnesses.

Mr Rees continued by saying that on one side of the Watermill was a brick built village hall where noise levels were governed very strictly to a limit of 57 decibels at the perimeter. A marquee did not contain any sound barrier and the bass had been known to vibrate objects within his property. Just one person speaking on a microphone could be heard clearly 100 yards away. Mr Rees said he was very pleased to hear that no events would go on beyond

11 pm and trusted that Mr Patel would not apply for any extensions beyond this limit. He asked if the same decibel limit could be applied to the marquee as at Bourne End Village Hall.

Mr King expressed concerns about the late night drinking and dancing which he said attracted all sorts of people to the area just outside the hotel that was not supervised.

Mr Pritchard explained that his property was 120 metres away from the field where the marquee was situated. He referred to Mr Patel's request to bring the licence in line with the planning permission and with the licensed hours for the hotel, however, those licences were completely different. The licensed hours for the hotel were until 12 midnight and the application for the marquee was for 11pm. He said he was very happy to hear Mr Patel say that the restriction on the marquee would be up to 11pm only. However on every occasion that a temporary event notice had been granted, the events had gone on until 12 midnight. On 28 June and 2 September the noise went on beyond midnight. He continued by saying that unless the policies were actively operated it wouldn't make any difference to the situation. He said he was surprised to hear that there was a noise limiter in the marquee because it was either not turned on or not set. The events over the last year had increased and involved more music than in previous years and the fear was that this noise would continue without control.

Mr Weightman said that he moved his boat to the area in December 2011. He said the noise levels were outrageous when events were taking place, most weekends. He said the area was a wildlife haven and that the Watermill was not controlling its noise levels. He added that when the marquee was being set up in the spring, tractors were on site working from 8pm until 2am causing further disturbance.

The Chairman asked Mr Hill if he had any further comments.

Mr Hill replied "No".

The Chairman asked Mr Patel if he had any further comments.

Mr Patel said that he was not trying to build a night club and tried not to encourage young people in order to avoid any trouble to the hotel and to the residents. 90% of the events in the marquee were for weddings or for corporate events. Young people were more inclined to use the bar inside the hotel but this was not the sort of client that the Watermill was trying to attract. 10 years ago the field that holds the marquee was full of weeds. The land has now been developed and maintained as a haven of beauty where visitors can enjoy the grounds. He reiterated that the Watermill would abide by any restrictions imposed by the Sub-Committee.

The Chairman asked Mr Patel if he would be willing to allow Borough Council Officers to visit the premises to set the noise limiter to a suitable level. Mr Patel said that he would be agreeable.

The Chairman explained that the noise limiter would have to be used every time there was an event in the marquee and she urged the local residents to telephone Environmental Health the next day if operations continued after 11pm because the Sub-Committee could only act if complaints had been registered.

Ross Hill advised that if the Sub-Committee were minded to impose a condition requiring the usage of a noise limiter, that he would recommend a supplementary condition also be imposed requiring it to be set at a level by and to the satisfaction of the Environmental Health team.

Ross Hill asked if any of the local residents would allow Environmental Health Officers access to their homes in order to set the noise limiter.

Mr Rees and Mr Pritchard both said they would be willing to help.

Mr Pritchard added that it was important to set a noise level. He said that the number of days the licence was granted for would be a key issue because of what has taken place over the last year in the frequency of events and the noise generated.

Mrs Crowley clarified that planning permission and licensing permission are dealt with separately. The planning control limited the period of time that the marquee could operate – 7 months, April to October. The application being considered by the Sub-Committee was to permit a number of licensed events within that period.

The Chairman asked Mr Hill to clarify the position in regards to the restriction on the number of days and the days of the week that the variation application referred to.

Mr Hill responded by saying that the application sought authorisation for every day of the week. However it was within the Sub-Committee's powers, if the Sub-Committee felt it appropriate to exercise them, to impose conditions limiting the number of permitted events, and to add a condition requiring the premises licence holder to give written notice to the licensing authority prior to events taking place.

Mr Patel said that the present limit of 12 events was not viable. He asked for the Sub-Committee to consider allowing 25 events per annum.

Councillor Sutton said that, taking into consideration the inconvenience and the anti social situation that the residents were having to live with, he could therefore not support any significant variation. He would also like to see further action taken to ensure that the premises meet the agreed requirements. Councillor Sutton added that he would like to see the size of the marquee investigated.

Mrs Crowley said that the Sub-Committee needed to make sure that the premises licence was not confused with the planning considerations.

Councillor Conway said that she could not support the proposal for 25 events. It was clear that the Watermill was not keeping to the present restrictions, and this was not fair on the neighbours.

The Chairman said that unless the days of use for the marquee could be limited then the Sub-Committee could not support the variation. The Chairman invited Mr Patel to offer a lower number of less than 20 or to appeal.

Mr Patel said that the hotel had had to turn down 6 events and would therefore ask for 18.

Mrs Crowley advised that it was the decision of the Sub-Committee as to whether to impose conditions if it was felt that those conditions were appropriate to promote the four licensing objectives.

The Chairman said that the Sub-Committee did not want to compromise businesses, but it did want to protect the lives of the local residents and 18 would appear to be a compromise.

Councillor Sutton said he would support a limit of 18 but with a strong warning that if complaints continued, they would be dealt with severely.

The Chairman said that the Council was dependent on residents letting Environmental Health know if events carried on past 11pm and advised keeping a diary of complaints. The Chairman drew attention to the additional conditions as set out in the schedule and reiterated that all activities within the marquee must finish at 11pm and that Environmental Health will set the noise limiter.

The Chairman read out proposed conditions as listed below and asked the Sub-Committee if they were agreed.

All three Councillors agreed (unanimously) the application to vary the Licence in accordance with the conditions below.

**Agreed:**

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to Section 182 of the National Guidance and Dacorum Borough Council's own Licensing Policy and the four Licensing Objectives of the Licensing Act 2003 and having taken into account all oral and written representations, in accordance with the reasoning indicated above, grant the application for variation of the premises licence as set out in the application, with the imposition of the following additional conditions and restrictions:

**General**

1. The marquee may be utilised for licensable activities on no more than 18 days per annum. The licence-holder shall give written notice of every such day to the licensing authority, prior to the event taking place.
2. Licensable activities provided in the marquee shall cease no later than 23:00 hours.
3. The Licence Holder shall 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.

**Prevention of crime and disorder**

4. 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.
5. 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.
6. 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.

**Prevention of public nuisance**

7. Dedicated parking attendants shall be provided on site during all functions to arrange and direct vehicles, and monitor the flow of traffic into and out of the premises.
8. Recorded music shall be played through a suitable sound system provided and maintained by the licence-holder. The installation or use of sound systems (or

amplification equipment or loudspeakers comprising part of such a system) belonging to a third party shall not be permitted.

9. All entertainment by way of recorded music shall be played through a suitable sound limiter device, which prevents sound levels exceeding a pre-set level. The permitted levels on the device shall be set by and to the satisfaction of Dacorum Borough Council's Environmental Health officers, prior to the first use of the marquee area. The device shall be secured so as to prevent alteration of settings or tampering or bypassing of the device by any other person.
10. Sound levels, both inside and outside the premises, shall be monitored throughout every function involving regulated entertainment, and immediate remedial action shall be taken if levels are found to be excessive.
11. The marquee shall be of a suitable design, construction and maintenance so as to incorporate suitable and sufficient acoustic insulation properties.
12. 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.

**Protection of children from harm**

13. The licence-holder shall have in place a suitable policy for actively verifying the identity and age of any children and young persons, with a view to exclusion from events which include elements which may not be suitable for minors.
14. The licence-holder shall ensure that a suitable and sufficient number of staff are employed and present at the premises to supervise and monitor any function at which a large number of children are expected to attend.

The meeting finished at 3.52 pm