

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

TUESDAY 15 JANUARY 2013 AT 15:00 PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

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

Councillors Lawson (Chairman), Mrs Green and G Sutton

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

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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meeting held on 15 October 2012.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

AGENDA ITEM: 5

SUMMARY



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	15th January 2013
PART:	1
If Part II, reason:	

Title of report:	Application to vary Premises Licence: The White Hart, 30-32 High Street, Hemel Hempstead, Herts HP1 3AE
Contact:	Sally Taylor – Senior Assistant Licensing Officer, Legal Governance
Purpose of report:	This report sets out details of applications in respect of premises licences or club premises certificates, which require consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application(s), and determine the application(s) in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none">• Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none">• Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.

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

1. Background

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

2. Applications

- 2.1. The application(s) 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(s)

5.1. The following applications require 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 White Hart, 30-32 High Street Hemel Hempstead Herts HP1 3AE	Variation of a premises licence (Section 34)

APPENDIX 1

Applicants name	SYD Promotions Limited
Name and address of premises	The White Hart 30-32 High Street, Hemel Hempstead, HP1 2RJ;
Ward	Hemel Hempstead Town

1. **Current Licence**

1.1 The White Hart is subject to a premises licence, number DAC 7152, which has had effect since the conversion of previous licences in 2005. The licence has been held by SYD Promotions Ltd since December 2007.

1.2 The licence currently permits the following activities:

Supply of Alcohol (on and off sales), Recorded Music

Sunday to Wednesday	10:00 hours – 00:00 hours
Thursday to Saturday	10:00 hours – 00:30 hours

Late Night Refreshment

Sunday to Wednesday	23:00 hours – 00:00 hours
Thursday to Saturday	23:00 hours – 01:00 hours

Exhibition of Film

Monday to Sunday	10:00 hours – 00:00 hours
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Live Music

Monday to Sunday	12:00 hours – 00:00 hours
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Hours the premises may open to the public

Sunday to Wednesday	10:00 hours – 00:30 hours
Thursday to Saturday	10:00 hours – 01:00 hours

An additional hour is allowed for all permitted activities on Bank Holiday weekends, Christmas Eve and Boxing Day. The licence also permits activities for a 36 hour period on New Year's Eve, and during major international sporting events with 14 days notice to the police.

1.3 The current premises licence is reproduced at Annex A.

1.4 Since first granted, the licence has been subject to four variation applications, two of which were considered by Sub-Committees as a result of representations, at meetings on 30 May 2006 and 15 May 2008.

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 application requests an extension to the terminal hour for Live Music, Recorded Music, Late Night Refreshment and the Supply of Alcohol, as follows:

Supply of Alcohol (on and off sales), Recorded Music

Sunday to Wednesday	10:00 hours – 00:00 hours (<i>unchanged</i>)
Thursday	10:00 hours – 00:30 hours (<i>unchanged</i>)
Friday and Saturday	10:00 hours – 02:30 hours

Late Night Refreshment

Sunday to Wednesday	23:00 hours – 00:00 hours (<i>unchanged</i>)
Thursday	23:00 hours – 01:00 hours (<i>unchanged</i>)
Friday and Saturday	23:00 hours – 02:30 hours

Exhibition of Film

Sunday to Thursday	10:00 hours – 00:00 hours (<i>unchanged</i>)
Friday and Saturday	10:00 hours – 02:30 hours

Live Music

Sunday to Thursday	12:00 hours – 00:00 hours (<i>unchanged</i>)
Friday and Saturday	12:00 hours – 02:30 hours

Hours the premises may open to the public

Sunday to Wednesday	10:00 hours – 00:30 hours (<i>unchanged</i>)
Thursday	10:00 hours – 01:00 hours (<i>unchanged</i>)
Friday and Saturday	10:00 hours – 03:00 hours

The existing non-standard timings are not altered by this application.

2.2 The variation application is reproduced at Annex B.

3. Details of Representations

3.1 Representations were accepted between 16 November 2012 and 14 December 2012, and the applicant advertised the application within this period in accordance with statutory requirements.

3.2 A representation was received from the Police requesting amendments to the operating schedule relating to the provision and standard of CCTV at the premises. The Police representation, amendment made by the applicant and the subsequent withdrawal of the representation are set out at Annexes D1 to D3.

3.3 One representation opposing the application has been received from a person living in the vicinity of the premises, citing concerns relating to the public nuisance objective. This is set out at Annex E.

3.2 The following responses were received from responsible authority officers in respect of this application:

Police: As paragraph 3.2

Environmental Health (Health and Safety): No relevant representations

Planning: See paragraph 4.2

Environmental Health (Noise and Pollution): Comments received after deadline

4. Observations

4.1 A map of the area is shown at Annex C.

4.2 Relevant paragraph references from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex F.

4.3 Planning officers have advised that there is a planning condition restricting the outside patio hours as follows:

“The outside patio area shall only be open to customers between the hours of 08:00 and 23:00 on any day”.

Annex A – Current premises licence

PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 007152

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:			
The White Hart High Street			
Address:			
Post town:	Hemel Hempstead Herts	Post code:	HP1 3AA
Telephone number:	265863		

Licensable activities authorised by the licence:

Sale by retail of alcohol
The provision of late night refreshment
Exhibition of films
Performance of live music
Playing of recorded music

The opening hours of the premises:

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

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday of each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day. New Years Eve 11:00 hours until 23 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit

the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

Sale by retail of alcohol

FOR SALE BY RETAIL BOTH ON AND OFF PREMISES

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
Thursdays	10:00 hours until 00:30 hours
Fridays	10:00 hours until 00:30 hours
Saturdays	10:00 hours until 00:30 hours
Sundays	10:00 hours until 00:00 hours

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

New Years Eve 11:00 hours until 23:00 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

The provision of late night refreshment

INDOORS and OUTDOORS

Monday	23:00 hours until 00:00 hours
Tuesday	23:00 hours until 00:00 hours
Wednesday	23:00 hours until 00:00 hours
Thursday	23:00 hours until 01:00 hours
Friday	23:00 hours until 01:00 hours
Saturday	23:00 hours until 01:00 hours
Sunday	23:00 hours until 00:00 hours

To offer non-alcoholic beverages, eg. tea, coffee to customers.

To hold occasional BBQ's outside, up to 23:00 hours only. From 23:00 hours the sale of hot food will take place from inside the premises only, in accordance with the hours stated.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.
An additional hour every Christmas Eve.

An additional hour every Boxing Day.

New Years Eve 11:00 hours until 23:00 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

Exhibition of films

INDOORS only.

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
Thursdays	10:00 hours until 00:00 hours
Fridays	10:00 hours until 00:00 hours
Saturdays	10:00 hours until 00:00 hours
Sundays	10:00 hours until 00:00 hours

Music videos, general recorded and live television.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

New Years Eve 11:00 hours until 23:00 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

Performance of live music

INDOORS only.

Mondays	12:00 hours until 00:00 hours
Tuesdays	12:00 hours until 00:00 hours
Wednesdays	12:00 hours until 00:00 hours
Thursdays	12:00 hours until 00:00 hours
Fridays	12:00 hours until 00:00 hours
Saturdays	12:00 hours until 00:00 hours
Sundays	12:00 hours until 00:00 hours

Live music two to three times per week on variable days. Music to be amplified.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

New Years Eve 11:00 hours until 23:00 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

Playing of recorded music

INDOORS only.

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
Thursdays	10:00 hours until 00:00 hours
Fridays	10:00 hours until 00:30 hours
Saturdays	10:00 hours until 00:30 hours
Sundays	10:00 hours until 00:00 hours

Discos with amplified music.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday to the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

New Years Eve 11:00 hours until 23:00 hours New Years Day.

In the event of the transmission of the Football World Cup, Rugby World Cup or the Olympic Games, which fall outside the currently permitted hours on the premises licence, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve 7 days prior to the event, notice, upon the Designated Premises Supervisor.

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

Sale of alcohol permitted ON and OFF the premises

Part 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Name: Syd Promotions Ltd,
 Address: Morgan Rose 37 Marlowes, Marlowes, Hemel Hempstead, HP1 1LD

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

Registration Number: 5895613

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

Name: Yvonne Fry

Address:

Telephone Number:

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

Licence Number: Issuing Authority:

Where the licence is time limited the dates:

Variation to Premises Licence effective from 30th May 2006
 Transfer of Licence effective from 11th April 2007
 Variation to Premises Licence effective from 2nd October 2007
 Transfer of Licence effective from 30th November 2007
 Variation of Premises Licence effective from 15th May 2008
 Variation to Designated Premises Supervisor from 10th September 2009
 Variation of Premises Licence effective from 9th November 2009.

Date issued: 2nd October 2007

SIGNED

John Clarke

Head of Public Protection

NOTES

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

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

MANDATORY CONDITIONS

Where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULEGeneral Statement of Licensing Objectives

There will be a 30 minute drinking up time to allow appropriate dispersal, and use of lavatories etc.

The Licence holder reserves the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

The management, bar and door staff will work closely together to implement all four licensing objectives.

To consult with immediate neighbours on the patio area any issues they have regarding planning objecting to their requests for certain materials to be used. The Licence Holder undertakes to consult with our neighbours on an ongoing basis to minimise any concerns that they may have.

The Prevention of Crime and Disorder

On Friday and Saturday evenings there will be a minimum of two door staff, one at the main entrance to the premises, and one to supervise the new building and patio area.

An experienced supervisor who has radio contact with the door staff to assume responsibility to patrol the inside of the premises.

Regular toilet checks are undertaken at all times.

A zero tolerance to drugs is operated.

Additional Security Industry Authority approved door staff to supervise the new building and patio area on Friday and Saturday evenings and whenever security is felt necessary.

The patio and car park area will be lit.

CCTV internally and externally to comply with Data Protection Act and to allow full facial ID of all persons entering the premises. Additional CCTV to be placed on patio which is on view to staff.

The Licence holder is a member of Pub Watch.

Challenge under 21's.

The Licence holder will undertake regular toilet checks at all times.

Public Safety

The Licence Holder holds the following:

Health and safety certificate.

Hygiene certificate.

Fire Certificate

A fire alarm system and fire fighting equipment is installed at the premises.

The Licence Holder will ensure that all fire exit signage is illuminated.

A Smoking charter is displayed.

The Prevention of Public Nuisance

A trellis is in place on the back wall by the patio to dampen any noise to neighbours and to prevent anyone trying to climb over the wall.

The Duty manager will ensure that staff inspect the patio area at regular intervals during opening hours. There will be no regulated entertainment in the new building or on the patio.

Notices are placed inside and outside on the patio area, also at each exit and in the car park, reminding customers using the premises they are in a residential area and to respect the neighbours and to leave quietly.

Customers will be actively encouraged to leave quietly and their departure will be managed by bar and door staff (when on duty) preventing customers from loitering outside.

Outside lighting to be placed so as not to throw light onto neighbouring properties.

No regulated entertainment is to take place in the additional bar.

The Protection of Children from Harm

No unaccompanied children, no other children after 21:30 hours except for special community events within the Old Town.

All bar staff are to be vigilant in ensuring that children do not use the gaming machines.

No smoking except in designated no smoking area.

No striptease or nudity.

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Conditions agreed by the Licensing Act 2003 Sub-Committee 30th May 2006:

Public Safety

The Management will use best endeavours and instruct door staff (when on duty) to prevent customers leaving the premises with glass drinking vessels, open bottles or similar, during open hours and in particular at closing times (except for genuine off sales) or where external seating is being used.

The Prevention of Public Nuisance

A noise limiting device will be used inside the premises that has been set to a level agreed by Dacorum Borough Council Environmental Health Officers. The use of the noise limiting device will ensure music will be kept to the set level and will be locked to prevent tampering.

Doors and windows to be kept closed during entertainment.

The car park at the rear of the premises will be shut on Thursdays Fridays and Saturdays; and where possible and not in contravention of fire safety regulations all doors leading to the car park shall be closed on those days.

Agreed by Licensing of Alcohol and Gambling Sub committee on 15th May 2008

Having regard to National Guidance and the Council's own Licensing Policy and having taken into account all written and oral evidence and the Licensing Objectives under the 2003 Act and the fact that the facilities applied for were available at neighbouring licensed premises, as well as the interests of preserving public order and public safety at the front of the premises, and, most of all, in view of the undertaking given by the applicants to the Sub-Committee that noise would be controlled at the back of the premises, the request to remove the restriction closing the patio area at 23:00 hours is granted.

Annex B – Application to vary premises licence

Dacorum Borough Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

LICENSING DIVISION		
16 NOV 2012		
LEO	ROU	LSO
PLP	PLP	PLP

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.

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

Premises licence number DAC 007152
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description White Hart 30-32 High Street			
Post town	Hemel Hempstead	Post code	HP1 3AE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£44,500.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Morgan Rose 37 Marlowes		
Post Town	Hemel Hempstead	Postcode	HP1 1LD

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1) To extend the sale of alcohol, provision of regulated entertainment and late night refreshment Friday and Saturday until 0230 the following morning; premises to close Friday and Saturday at 0300 the following morning.

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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	NO CHANGE		Please give further details here (please read guidance note 3)		
Tue	NO CHANGE				
Wed	NO CHANGE		State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	NO CHANGE				
Fri	10:00	02:30	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	02:30			
Sun	NO CHANGE				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		Please give further details here (please read guidance note 3) NO CHANGE		
Tue	NO CHANGE				
Wed	NO CHANGE		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	NO CHANGE				
Fri	12:00	02:30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	02:30			
Sun	NO CHANGE		NO CHANGE		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		Please give further details here (please read guidance note 3) NO CHANGE		
Tue	NO CHANGE				
Wed	NO CHANGE		State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	NO CHANGE				
Fri	10:00	02:30	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)		
Sat	10:00	02:30			
Sun	NO CHANGE		NO CHANGE		

Late night refreshment Standard days and timings (please read guidance note 6)			Indoors	<input checked="" type="checkbox"/>	
					Outdoors
Day	Start	Finish	Both		<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3) NO CHANGE		
Tue	NO CHANGE				
Wed	NO CHANGE		State any seasonal variations for the provision of late night refreshment (please read guidance note 4).		
Thur	NO CHANGE				
Fri	23:00	02:30	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)		
Sat	23:00	02:30			
Sun	NO CHANGE		NO CHANGE		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			On the premises	<input type="checkbox"/>	
					Off the premises
Day	Start	Finish	Both		<input checked="" type="checkbox"/>
Mon	NO CHANGE		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	NO CHANGE				
Wed	NO CHANGE				
Thur	NO CHANGE		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)		
Fri	10:00	02:30			
Sat	10:00	02:30	NO CHANGE		
Sun	NO CHANGE		NO CHANGE		

K

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

L

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	NO CHANGE		
Tue	NO CHANGE		
Wed	NO CHANGE		
Thur	NO CHANGE		
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	NO CHANGE		

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
 NONE

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

M 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)

Bearing in mind the nature of this variation and those conditions already attached to this licence nothing further is required.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

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

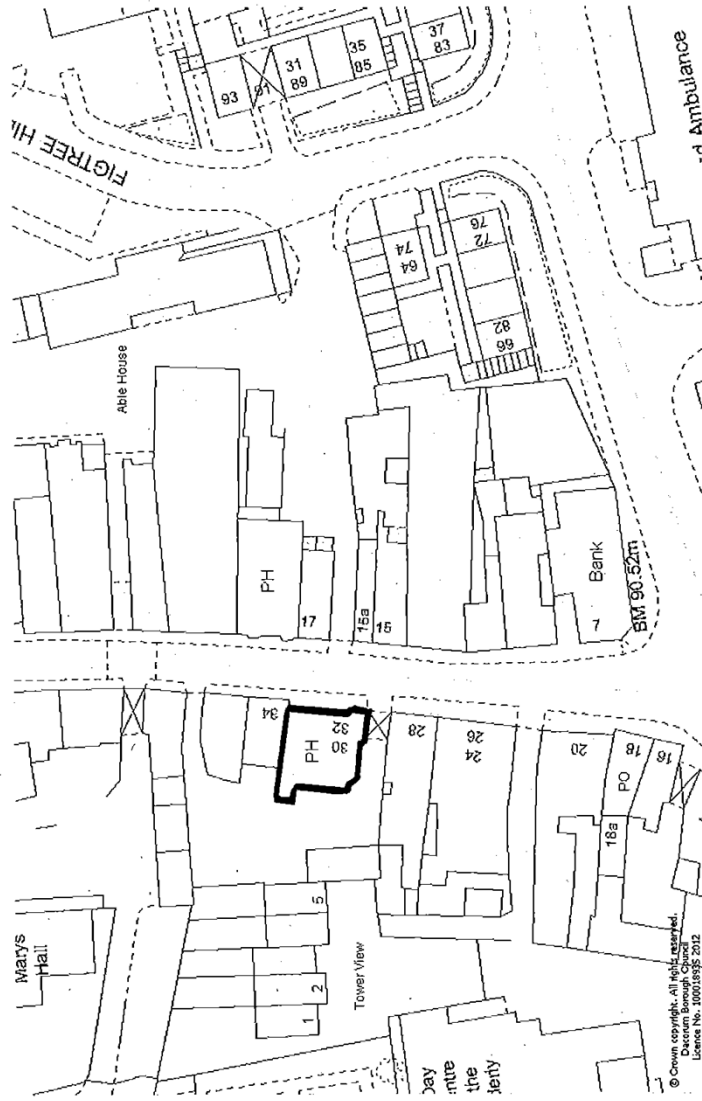
Signature	<i>Poppleston Allen</i>
Date	15 November 2012
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

Annex C – Map of area

Annex C



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

Annex D1 – Police representation



**HERTFORDSHIRE
CONSTABULARY**

- **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
Job Title	Assistant Investigator Licensing and Anti-Social Behaviour
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	White Hart
Address of the premises you are making a representation about	30-32 High Street, Hemel Hempstead, Herts

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	A Home Office report published in 2007 examined the impact of introduction of the Licensing Act 2003 and found that violent crime had sharply increased between the hours of 03.00 and 06.00. It is therefore vital that any premises closing at, or after 03.00 hours has a CCTV system that is fit for purpose. The existing CCTV system at the White Hart does not meet the UK Police Requirements for Digital CCTV Systems as recommended by the Home Office and ACPO (copy attached).
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 necessary and refer to checklist.	<ol style="list-style-type: none"> 1. Within a period of 3 months commencing from the date of the grant of the premises licence the CCTV system at the premises will be brought up to the standard recommended in the Home Office and ACPO UK Police Requirements for Digital CCTV Systems. 2. 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. 3. The CCTV shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised
---	---

	<p>officer throughout the preceding 31 day period.</p> <p>4. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised officer recent data or footage with a minimum of delay when requested.</p>
--	---

Signed: Deborah LATTO8964

Date: 10th December 2012

Annex D2 – Applicant’s agreement to additional conditions

Sally Taylor

From: Yvonne Mitchell [whitehartpub@googlemail.com]
Sent: 13 December 2012 11:04
To: Licensing Mailbox
Subject: Variation to license

Hi Sally,

As per discussion with Debbie Latto ref CCTV for new variation to license, I would to amend the operating schedule to say the following,

Within a period of three months commencing from the date of the grant of the premise license the CCTV system at the premises will be brought up to the standard recommended in the home office and acpo uk, police requirements for digital CCTV systems.

Digital close circuit tv system shall be compatible with 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 shall continually record whilst premises is open for licensable activities and during times when customers remain on 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 proceeding 31 day period.

Staff member from the premises who is knowledgeable of CCTV will be contactable when the premises are open.

Many thanks

Yvonne Fry

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

Annex D3 – Withdrawal of police representation



HERTFORDSHIRE
CONSTABULARY

13th December 2012

Direct Line: 01442 271601

E.Mail: Deborah.latto@herts.pnn.police.uk

**Licensing Act 2003 Premises Licence Variation Application:
White Hart, 30-32 High Street, Hemel Hempstead, Herts**

Having received the proposed amendments to the operating schedule for the above premises the police wish to **withdraw** their representation dated 10th December 2012 in respect of the above application.

Yours sincerely

Deborah Latto 8964
Assistant Investigator
Community Safety Unit
Hemel Hempstead Police Station

Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL
Tel: 01442 271601 Fax: 01442 271604

Annex E - Representation

Sally Taylor

From: [REDACTED]
Sent: 10 December 2012 17:50
To: Licensing Mailbox
Subject: representation on change of licence at the White Hart Public House, Hemel Hempstead

Dear sir, i would like to make a representation about the following change of licence application

The White Hart 30-32 High Street Hemel Hempstead Herts HP1 3AA

The application is to extend opening hours on Fridays and Saturdays from 10am to 2.30am. This extension of hours covers exhibition of film, live music, recorded music and late night refreshment indoors only. The provision of the supply of alcohol is for both indoors and outdoors. Extended hours the premises are open to the public on Fridays and Saturdays 10am to 3am.

.....

I live directly opposite the White Hart pub, and already suffer from broken sleep due to the noise from live music played in this venue up to midnight on weekends, Any extension to this venues licence to exhibit films and Television or play live or recorded music until 2:30am will severely restrict my ability to enjoy my own home and will make it impossible for me to sleep until 3:00am at the earliest during weekends. Customers also spill outside onto the street to smoke currently, whilst there, they sing, shout, argue, and generally do the sort of things that people do whilst drinking, This is also very disturbing already and to increase the hours of alcohol sale, will by necessity increase the hours that people will be standing on the street smoking and causing a disturbance. It is for these reasons that I object to the request for an extension under any circumstances.

If this licence is altered i will regrettably have to leave the High street altogether, a place which has been my home for over 10 years.

Regards
[REDACTED]
[REDACTED]
hemel Hempstead
Herts
[REDACTED]

LICENSING DIVISION		
HPP		
11 DEC 2012		
LEO	SO(L)	LSO
COMPLAINTS	PRAISE	

Annex F – Extracts from policy and guidance

LOCAL POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

6. Licensing Hours

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

6.2 Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the interests of local residents.

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

6.6 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas.

10. Licensing Conditions

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

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

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

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

Administration, Exercise and Delegation of Functions

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

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

NATIONAL GUIDANCE

Each application on its own merits

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Avoiding duplication of other legal requirements

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

Public Nuisance

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

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

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

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

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Determining Applications

Where representations are made

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

9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Section 182 Guidance issued by the Home Office
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

Imposed Conditions

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

Introduction

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

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

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

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

Procedure

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

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

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

Please Note

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

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

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

15 OCTOBER 2012

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 25th August when no temporary event notice was applied for. Mr Patel replied that a couple of dates were mentioned in the representations, those being 2nd September when there had been an event, however, on 25th 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