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**DACORUM BOROUGH COUNCIL**

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

**18 JUNE 2013**

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Present –

**MEMBERS:**

Councillors Lawson (Chairman), Sutton and Whitman

**OFFICERS:**

L Crowley	Solicitor Advocate
R Hill	Team Leader, Licensing
P Duff	Member Support Officer
C Thorley	Member Support Officer

**Other Persons Present:**

Anna Brown	Applicant, Hospitality Director, Ashridge
Andy Plumbly	Applicant, Chief Operations Officer, Ashridge

George Godar	Chairman, Rural Heritage Society of Little Gaddesden, Ringshall, Hudnall and Ashridge
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Karin Solomons	Resident
David Brattle	Resident
Douglas Adams	Chairman, Little Gaddesden Parish Council
Penny Holland	Resident
Carol Gigg	Resident

The meeting began at 3.00 pm.

**1. INTRODUCTIONS**

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

**2. MINUTES**

The minutes of the meeting held on 22 May 2013 were agreed by the Members present and then signed by the Chairman.

**3. APOLOGIES FOR ABSENCE**

Councillor Whitman substituted for Councillor Taylor.

**4. DECLARATIONS OF INTERESTS**

The Chairman declared that the premises was not in his ward, and that he had visited the premises for conferences, but not for a number of years.

Councillor Sutton declared that the premises was not in his ward, and that she had not visited the premises for many years.

Councillor Whitman declared that that the premises was not in his ward, and that he had not visited the premises for many years.

## **5. LICENCE HEARING**

The application was for:

Ashridge (Bonar Law Memorial) Trust  
Ashridge House  
Ashridge  
Nr Berkhamsted  
Herts HP4 1NS

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

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

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

R Hill confirmed that they had.

The Chairman then invited the applicants to make representations in support of their application to the Sub-Committee.

Anna Brown made the following statement:

Amendments were being sought to the Ashridge licence to capture all the different elements of what was done at Ashridge, and to ensure that activities were in keeping with the legal framework. Mediation had taken place with members of the Parish Council and neighbours regarding key elements of concern and agreement had been reached as follows:

1. That non-amplified music outside will finish at 11.00 pm.
2. That drinks served outside will finish at 11.00 pm.
3. Objectors were satisfied with the application for 24 hours for the internal spaces.
4. Any event on the cricket pitch would only be done via a Temporary Event Notice (TENs).
5. Non-amplified music played in the gardens adjacent to Angus Building and the Fernery would finish at 10.00 pm.
6. Any amplified music outside would only be done via a TENs.
7. Any outside licensable event/activity covered would finish by 11.00 pm (music, plays, opera, etc.).
8. The extent of the South Lawn to be covered was to be redefined (suggested as 30 metres from the house max). An amended drawing was circulated.
9. Advice was requested to confirm how the Hospice event (and similar) might run if it were simply covered by a TENs, as it is for over 499 people. Residents did not want to prevent the applicant supporting such an important local charity, but equally wanted to safeguard themselves from large events happening every other weekend.

Anna Brown indicated that they would very much like to continue the agreement reached with the neighbours, stating that it would be helpful for this to be used as a basis for the Committee's decision.

George Godar confirmed that agreement had been reached on many of the concerns, and the only remaining issue was external amplified live music. Ross Hill had advised prior to the meeting that, if there were less than 200 people on the premises, it was no longer a licensable activity. Residents would like an undertaking by Ashridge that there would be no amplified music in the external parts of the premises and that a condition be imposed to that effect. If this undertaking was broken, residents could ask for the licence to be reviewed.

Councillor Lawson asked for legal advice on this condition.

L Crowley referred to para 15.23 of the Statutory Guidance, and advised that such a condition could only be added if there had been a previous issue. At this stage the Sub-Committee had no authority to agree to this condition. The undertakings would be voluntary and there would be no direct sanction, although if an undertaking had been breached, this could be considered at a review.

Councillor Lawson confirmed that no condition could be added at this stage but said if there were complaints the licence could be reviewed.

George Godar suggested a condition could be inserted to deal with more than 200 people that there would be no amplified music in the external areas and the licensed premises.

Anna Brown expressed concern about the Hospice event.

Ross Hill said he had offered to meet with the licence holders and go through the Hospice event in detail to ensure that all activities were covered by Temporary Event Notices.

Karin Solomons said neighbours were concerned about the noise and nuisance from amplified music, especially from weddings which could be held weekly. The agreement reached was on the understanding that noise nuisance would be avoided by not having any amplified music outside. It would be difficult to come back for a review without having to jump through a lot of hoops, and it would be necessary to produce evidence of the suffering that residents had experienced. She stated that it was not that residents didn't trust the applicants, but were trying to avoid having to come back to the Committee, by putting in place at this time conditions to protect neighbours from any successors to the current management of the premises. She summarised by adding that residents wanted the college to be able to operate as agreed but had concerns about the revised boundary.

Councillor Lawson asked Mrs Solomons where the boundary should be revised to.

Mrs Solomons said it had been produced with short notice and she would have to meet with all interested parties to discuss it.

Anna Brown said she did not want to withdraw anything further from the application made. The college would put in writing their commitment on the way their business would be conducted in the future. The college was a charitable trust with restrictions on what it could do.

Councillor Lawson said he was pleased with the agreement reached and understood the objectors' anxieties over what could happen. The college was giving a commitment to

behave in a certain way. Councillor Lawson said he was prepared to accept that commitment.

Councillor Sutton agreed with Councillor Lawson and asked how many events were held at Ashridge. Councillor Sutton also asked how the new boundary area would be defined.

Anna Brown said she would give him a copy of the presentation given last week. Regarding the boundary, the original request had been for 30 metres. There is a very large oak tree that would be used as the dividing line.

In response to a query, Ross Hill advised that all licensable activities would have to take place within the licensed area. As the applicant was already licensed for on and off sales, if a supply of alcohol was made within the licensed area and subsequently carried by the customer over the agreed boundary to be consumed, this would constitute an off-sale.

Karin Solomons again expressed concern about the new boundary. There had been no chance to discuss it with other residents in the area who may be affected by the changes, in light of the information about external live music being exempt from licensing.

Anna Brown said the majority of business was educational and conference activities. Weddings could lead to noise but the most held was 24 in a year. 13 were booked for this year and one Hospice event, as well as drinks receptions on the terrace. The music would be a harpist or a string quartet. Evening entertainment would take place indoors.

Mrs Gigg said the current music she could hear from her house was not offensive. Mrs Gigg was concerned that the new licence would mean far more frequent loud music. The extended licence was a concern.

It was proposed that the meeting be adjourned until the next day to give the objectors the opportunity to discuss the revised boundary.

Vote:

0 For and 3 Against.

The hearing continued.

Councillor Douglas Adams asked what the situation was if objections remained.

Councillor Lawson said if objections remained, these would be taken into account but that the Committee would ultimately have to make a decision on the application, which may override the representations of one or more parties.

Karin Solomons asked what the situation was if somebody ordered and paid for alcohol indoors and was then served with it outside, asking if the garden could be removed from the variation in such an event.

Ross Hill said the legislation referred to the point of appropriation of alcohol to a contract, and that the licence would need to cover the outside area if the alcohol was to be supplied out there.

It was proposed by Councillor Sutton to grant the variation of the premises licence, subject to the amendments detailed in the decision.

Vote:

3 For, 0 Against.

Councillor Lawson said he hoped Ashridge Trust would act in good faith throughout. By granting this licence the committee was putting its faith in them and hoped this would be borne in mind.

Anna Brown said Ashridge Trust would commit to the agreement made with the neighbours.

Councillor Lawson said if there was a problem it could be reviewed and assured everybody that all possible measures would be taken. Councillor Lawson thanked everybody for the efforts made to reach an agreement.

### **Agreed:**

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to the guidance issued under Section 182 of the Licensing Act 2003, Dacorum Borough Council's own Licensing Policy and the Licensing Objectives of the Licensing Act 2003, and having taken into account all oral and written representations, agree to grant the application for variation of the premises licence as set out below, subject to the following conditions:

<b>Variation</b>		
<b>Activity</b>	<b>Days</b>	<b>Timings</b>
Sale by retail of alcohol (for consumption on and off the premises)	Monday to Sunday	24 hours indoors 09.00 to 23.00 outdoors
Late night refreshment (indoors)	Monday to Sunday	23.00 to 05.00 (outdoors ended by 23.00)
Plays, Films, Live music, Recorded music, Performance of dance, Entertainment similar to music/dance (all indoors and outdoors)	Monday to Sunday	24 hours indoors 09.00 to 23.00 outdoors 09.00 to 22.00 Fernery/Angus gardens (unamplified music only outdoors)
Hours the premises may open	Monday to Sunday	24 hours

### **Additional Conditions Imposed by the Committee**

1. That non-amplified music outside will finish no later than 11.00 pm.
2. That drinks served outside will finish no later than 11.00pm.
3. Non-amplified music played in the gardens adjacent to Angus Building and the Fernery would finish no later than 10.00 pm.
4. Any outside licensable event/activity covered would finish no later than 11.00 pm (music, plays, opera, etc.).
5. The cricket/football pitches are to be excluded from the varied licence (any events in this location to be authorised by temporary event notice).

6. The licensed extent of the South Lawn to be redefined in accordance with the plan tabled at the meeting, with activities to take place within an area no further from the House than a line level with the oak tree on the lawn.

The meeting finished at 3.55 pm.