

Licensing AG Sub-Committee –02/06/2014

Decision recording sheet

Item 5A – Life & Soul Theatre Academy, Boxmoor Hall, Hemel Hempstead

Details of matter	<input checked="" type="checkbox"/> Application for review of premises licence <input type="checkbox"/> Application for summary review of premises licence <input type="checkbox"/> Application for review of premises licence following closure order
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Decision reached	<input type="checkbox"/> To take no action
	<input type="checkbox"/> To remove the designated premises supervisor (<i>on police request only</i>)
	<input checked="" type="checkbox"/> To modify the conditions of the licence (addition, omission or alteration), as follows: <i>(please set out modifications below, continuing on a separate sheet if necessary)</i> <p style="text-align: center;"><u>In Annex 2 of the licence, the condition "People will not be allowed to leave the premises or it's frontage with open bottles or glasses", shall be omitted.</u></p> <p style="text-align: center;"><u>A new condition shall be added to Annex 3 of the licence, "No person shall be permitted to take any open drinking container outside of the building (excluding refuse disposal by staff)."</u></p> <p style="text-align: center;"><u>These changes are considered by the Committee to be appropriate for the promotion of the public nuisance licensing objective.</u></p>
	<input type="checkbox"/> To exclude licensable activity(ies) from the scope of the licence: <input type="checkbox"/> Entirely (<i>set out excluded activities below</i>) <hr/> <hr/> <hr/> <input type="checkbox"/> Partly (<i>set out activities and new restrictions below</i>) <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
	<input type="checkbox"/> To suspend the licence for the following period: _____ <i>(up to 3 months – effective from the day after the appeal entitlement expires/appeal is disposed of)</i>
<input type="checkbox"/> To revoke the licence	

Licensing objectives promoted by decision	<input type="checkbox"/> Prevention of crime and disorder <input type="checkbox"/> Public safety <input checked="" type="checkbox"/> Prevention of public nuisance <input type="checkbox"/> Protection of children from harm
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Please state reasons for decision on rear. These will form the basis of the council's defence against any challenge to the decision.

Reasons

“By a unanimous decision, the committee resolved to modify the conditions of the licence as follows:-

In Annex 2 of the licence, the condition “People will not be allowed to leave the premises or it’s frontage with open bottles or glasses”, shall be omitted.

A new condition shall be added to Annex 3 of the licence, “No person shall be permitted to take any open drinking container outside of the building (excluding refuse disposal by staff).”.

These changes are considered by the Committee to be appropriate for the promotion of the public nuisance licensing objective.

Committee, having regard for the ongoing environmental health investigation, also wishes the licence holder to be reminded of the licence requirement that from 20.00 hours, all exterior doors and windows shall remain closed at all times the premises are being used for regulated activities save for access to and egress from the premises”.

Per para 11.20 of the statutory Guidance, the Committee considered the representations made by owners and occupiers of adjacent residential premises and adjudged that there were two primary causes attributed to public nuisance – music emanating from the premises, and noise from persons utilising the frontage. The Committee noted the ongoing statutory nuisance investigation into the music issue, and determined that it would not be appropriate to pre-empt the outcome of that investigation by taking action at this time, although it would be appropriate for the licence-holder to be issued a warning in accordance with para 11.17 of the Guidance as to her responsibilities under the conditions attached to her licence. In respect of the noise arising from the use of the front external area, the Committee noted that the use of external areas for smoking, etc, could not be prevented, but that the time such areas were in use, and as such the potential for nuisance to be caused, could be reduced by prohibiting the removal of drinks from the premises to such areas, and that it was considered appropriate to take action to this effect to promote the public nuisance licensing objective.

Signed: (Chairman)