
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

2 JUNE 2014

Present –

MEMBERS:

Councillors Mrs Green (Chairman), G Chapman and G Sutton.

OFFICERS:

T Cawthorne	Environmental Health Officer
P Duff	Member Support Officer
R Hill	Team Leader (Licensing)
S Scrowther	Solicitor
S Taylor	Lead Licensing Officer

Other Persons Present:

Mr P J Grainger-Carr	Applicant
Mrs A Grainger-Carr	Applicant
Mr J Grainger-Carr	Applicant
Cllr J Marshall	Ward councillor
Ms M Thorley	Representing residents of Heath Park House
Mr Firth	Resident of Heath Park House
Ms P Warren	Interested Party
Mrs S Illsley	Premises Licence Holder, Life and Soul Theatre Academy, Boxmoor Hall, Hemel Hempstead
Mr J Smith	Solicitor representing the Licence Holder, Poppleston Allen Solicitors
Mr J Lardner	Licence Holder's Husband
Mr D Rees	Smile Events DJ Hire
Mr B Vasey	Interested Party

The meeting began at 10.00 am

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. The Chairman informed all parties that speeches would be time limited and asked that only items referring to the licence should be referred to.

The Chairman advised that the procedure was in the agenda. Those speaking would be asked to identify themselves and any party may be represented by a representative.

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Mr P Grainger-Carr expressed concern about the time limit on representations and said that under European legislation there must be a proper and fair hearing.

The Chairman said that the members of the Sub-Committee had read through the papers and she believed that 20 minutes per party was adequate.

Mr Scrowther said the committee was entitled to set a time limit which must be the same for both parties of the proceedings.

Mr P Grainger-Carr said since the case papers had been delivered there had been other incidents which needed to be reported and expressed concern that the three applicants were not being given 20 minutes each.

Mr Hill said the regulations referred to the review applicants as a single party, not as individual speakers.

The Chairman said members considered 20 minutes for each party to speak was long enough. At the end of the meeting the Chairman would ask both parties if all relevant matters had been raised.

Speakers for the review applicant and supporting representations:

Mr P Grainger-Carr / Mr J Grainger-Carr
Ms M Thorley
Mr M Firth
Councillor J Marshall
Mr T Cawthorne

Speakers for the Licence Holder and supporting representations:

Mr J Smith, Solicitor
Mr J Lardner
Mr D Rees
Mr B Vasey

2. MINUTES

The minutes of the meeting held on 29 April 2014 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.

The Chairman outlined the procedure for a review, as set out in the agenda. The speakers would speak for the agreed time of 20 minutes and late documentation could only be introduced by the agreement of all parties. The Chairman said the matters of visits to the premises, the reading of papers and formal requirements would be addressed and the discussion would be led by the Panel. The Chairman emphasised that all speakers were not

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permitted to introduce new information and there should be no repetition. The order of speakers would be: 1) the review applicant and supporters; 2) the Licence Holder and supporters; and there would be cross-examination only if this was necessary in the view of Members.

The Chairman asked members to declare any interests.

Councillor G Sutton declared that he has lived in Hemel Hempstead for 60+ years. He has never visited the premises and they were not in his ward.

Councillor G Chapman declared that she lives in Bovington. She has seen the premises but has never visited them and they are not in her ward.

The Chairman informed the Sub-Committee that she is the Ward Councillor for Berkhamsted West. The Chairman said that she has never visited the premises.

5. REVIEW OF PREMISES LICENCE HEARING

The application was for:
The Life and Soul Theatre Academy
Boxmoor Hall
St John's Road
Hemel Hempstead
Herts HP1 1JR

The Chairman asked the members of the Sub-Committee if they had read the agenda and all additional documents. Councillors G Chapman and G Sutton confirmed they had read the documents at hand.

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

Mr Scrowther confirmed that they had.

The Chairman confirmed that all parties would have 20 minutes to make a statement.

The Chairman asked Mr P Grainger-Carr for his statement.

Mr P Grainger-Carr made the following statement.

There has been a shift in this business from when the premises licence was granted in September 2008 when the principle business was the dance theatre and health and beauty. The emphasis has now moved to parties, weddings and other functions accompanied by late music and disturbance. The premises are in the middle of a residential area, immediately adjacent to flats and homes. The damage cost is of great significance.

Reference has been made in the representations to evidence. It is not the Life and Soul Academy now, the advert in the newspaper, on the website and on the liveried smart car was all about the events side of this business. The studio timetable shows very limited activities of Life and Soul. In April 2013, there was a full front page advert for weddings, whereas the advert celebrating the 10 year anniversary of the Life and Soul Academy was on an inside page. This shows what is going on and Boxmoor Hall has the nature of a public house.

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The frontage of Boxmoor Hall should also be taken into account. There is a lot of noise and activity on the frontage. Regarding public safety, the reason the planning application has been withdrawn is because of objections from HCC on the grounds of public safety. When people are on the frontage, the public have to walk in the road to pass the premises.

In 2008 the Environmental Health Officer said, 'noise should be inaudible at the façade of the building.' 215 metres away from Boxmoor Hall I heard a great deal of noise. Windows and doors were open with total disregard of all conditions that were agreed regarding the noise emanating from the building.

It is not theatre on the frontage that causes problems, it is the party activities that create the noise and disturbance. Smoking is also an issue. We have to shut our doors and windows to keep out the problems from the frontage. The Licensee cannot keep to the terms of her licence.

As an example of the disturbance, on Saturday night there were six girls, one drinking from a bottle and five from glasses. There had been a door supervisor standing in the road keeping people within the frontage but when he is not there, people are out in the road. This was two days before the hearing. They have nothing to limit the noise or to limit the number of attendees. In 2008 numbers were limited to 120, including staff. The licensee continues to advertise functions for up to 200 guests.

A lot of representations received in support of the licence are misrepresentations, some of which are libellous. A recent incident resulted in my son and me being assaulted.

Mr J Grainger-Carr said he had given notice of this by email on 9 May and if it had not been included in the papers. That was a problem.

Mr Hill said the letter was among additional papers circulated last week.

Mr Smith highlighted Regulation 19 of the Licensing Act 2003 (Hearings) Regulations, and questioned the relevancy of the incident to an application or representation.

Mr Scrowther said it was proper for it to be raised, but whether it was taken into consideration or not was a separate matter.

Mr P Grainger-Carr continued with his statement.

Residents have been put to a great deal of inconvenience in having to record the disturbances. For example at 1.00 am I am having to write notes about events that are still going on. It cannot be right that the people should be put to this inconvenience on an on-going basis.

Many representations reference the dance classes and that is fine, we want that to continue. There are at least 18 dance premises in Hemel Hempstead and they do not all have licences to continue their business. It is not necessary to hold this licence for that.

Mr Lardner has made a lot of misrepresentations and examples were given. This is a heartfelt plea that something radical must be done. We have to see the Enforcement Officers take effective action so that the Licensee comes to recognise that a licence is a privilege, a permission given subject to conditions all of which must be observed at all times and not disregarded (front and back of premises, opening of doors and windows and noise). We would like to see the frontage removed from the licence. I doubt if the committee in 2008 would have been considering granting a licence in respect of that. There should be a

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limitation on offering drinks and glasses from the front door of the premises. I would like to reset the balance between the performing arts and other activities and limit the entertainment to 11.00 pm. All the near residents work and would like noise limiting set and monitored by Environmental Health. There should be pre-paid admission to control the numbers to fit with the Fire Authority's recommendation. The main thing is that recommended conditions be complied with.

The Chairman said the company who compiled the fire report was accepted by the Council as providing professional advice and their statement that up to 200 people were able to go into the building is accepted by the Council and that is part and parcel of the regulations.

Mr Hill said that, under the Regulatory Reform (Fire Safety) Order, the onus was on the Licence Holder to assess a safe capacity, taking appropriate advice either from the Fire authority or a suitable advisor.

The Chairman asked members if they wanted to ask Mr P Grainger-Carr any questions. There were no questions.

The Chairman asked Mr J Grainger-Carr to make his statement in the allotted time remaining.

Mr J Grainger-Carr made the following statement.

I want to be able to sleep at night but there is music, slamming of car doors and people shouting. This is as a result of alcohol. I want to be able to enjoy the back garden and the TV, to have the windows open without smoke and noise entering the house. I want to feel the Licensee of Boxmoor Hall is showing proper consideration and respect for its neighbours. Mr Lardner has assaulted my father and me.

The Chairman said the committee was dealing with the licensing application only.

Mr J Grainger-Carr continued with his statement.

I enjoy dance and health and wellbeing but am against loud late night alcohol fuelled activity.

The Chairman asked Councillor Marshall to make her statement.

Councillor Marshall made the following statement.

I am speaking as the ward councillor for Boxmoor. I have been contacted by residents from both sides who wish to see the licence terms amended. There is an instance of tension between neighbours and there is a repeated noise and disturbance problem to the occupants of 4 and 6 St John's Road and the occupants of Heath Park House. The agenda illustrates instances and contains noise diaries.

There have been complaints to Environmental Health and the noise and lateness of the noise is a regular problem. Residents have to watch TV using subtitles. Evidence indicates the terms of the licence conditions, especially regarding closure of windows, need to be enforced. There should be implementation of noise limiters fixed by Environmental Health for live and recorded music. It is not enough to rely on Boxmoor Hall and it is suggested that the committee reduces the permitted hours.

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This is a residential area and the emphasis of the business has changed to an events establishment. The licensee is now running more of a hospitality venue rather than a dance venue.

I want the dance and wellbeing activities to thrive and urge the committee to amend the terms of the licence. Residents lives are being affected by the change of primary use.

The Chairman asked Mrs Thorley to make her statement.

Mrs Thorley made the following statement.

I am here as a representative of residents of Heath Park House who want the licence reviewed. I want to emphasise that our actions are not to close the dance academy. We support the review as the owner of Boxmoor Hall has made no attempt to address the problem of noise at evening events. We are concerned about the development of the owner's business and feel the regulatory authorities have to be aware of the owner's current use of the Boxmoor Hall and the impact on the neighbours. We are being deprived of the peaceful enjoyment of our possessions and property.

The committee has before them the submission of Heath Park House, additional photographs were taken over the weekend. In view of the small space outside the front, we request the licence restricts the consumption of beverages to the inside of Boxmoor Hall at all times. The outside area to be used only for smoking without heating or music. In support of this the owner proposes to move the front from the west to the east side. This would simply move the current problems. We want to address DBC policy. Granting a licence has had catastrophic effect on residents and with the noise problem it is difficult to attract quality tenants. The tenants support the recommendations 1 – 6 and 8 – 11 made by Councillor J Marshall in her representation as ward councillor dated 7 May. The tenants also supported the advice from the Environmental Health Officer made on 2 May. The licensee has made no attempt to address the problem of noise and tenants trust the outcome will enable Boxmoor Hall to continue and to address the noise problems.

The Chairman asked Mr Firth to make his statement.

Mr Firth made the following statement.

We had problems with Hemel Hempstead Cricket Club. We approached them and had a meeting to discuss problems relating to alcohol and noise. They implemented a policy of no under 21's parties etc. There are other ways to deal with matters in the right way. Whenever we have tried to make representations to Boxmoor Hall we have been met with animosity. I want to see the prohibition of a late night alcohol licence and no outside drinking with events finishing at midnight. I have no problem with the dance academy. It is midnight to 2.00 am that is the problem.

The Chairman asked Mr Cawthorne to make his statement.

Mr T Cawthorne made the following statement.

I became aware of the issues on 8 April 2014 when I was notified of the review of the licence because of potential noise nuisance. I instigated an inspection to investigate for statutory nuisance and this is ongoing. The letter was sent out and information was received back before the deadline for the submission. There had been several complaints regarding the premises in 2009, 2010, 2011 and 2014. The current case is under investigation and no evidence can be given currently as it may be used in court action. The previous histories are

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being reviewed and the action being taken is that there will be further investigations and that is an open ended and could possibly take two months.

An email dated 2 May requested three conditions to be applied to the variation of the licence.

1. All doors and windows should be closed except for access and egress. Ventilation to be supplied.
2. Acoustic limiter to be provided and maintained in all event rooms. There is already a noise compressor but no noise limited that would keep noise at set levels.
3. A record of the 20 occasions where the opening hours are in excess of the normally permitted activities and the activity undertaken to be provided to the Licencing Authority on request. An email has been received from the applicant advising that would be acceptable.

The Chairman asked if everybody who had indicated they wanted to speak had spoken. This was confirmed.

Mr Smith asked if the Environmental Health Officer felt it was proper for the licensee to answer the allegations he was making from 2009 – 2014 when he has not provided any details.

Simon Scrowther referred to Regulation 3 of the Hearings Regulations which stated that cross examination was not to be permitted unless the committee feels the question needs to be answered.

The Chairman said the committee would take note of what had been said.

Mr Smith referred to the email from Mrs Thorley dated 11 April to the residents of Heath Park House asking them to sign that they were in agreement to a letter that she had not yet written. Mr Smith asked if residents had seen the letter of objection before they were being asked to support.

Ms Thorley confirmed they had.

Mr Smith said he had never seen so many complaints with legal action being taken between two neighbours. There were issues concerning the Police being called, regarding deliveries being made to the Grainger-Carr properties, smokers and parking. Mr Grainger-Carr was attempting to enforce a covenant dating back to 1889 to stop alcohol being served on the premises. The owners of the apartments had kept logs of incidents. The only logs in the agenda were two pages from March. Councillor Marshall has put forward proposals. The owners of the apartments are backing Mr P Grainger-Carr.

Mr Smith said he had given in a late response as he had been told on the previous Friday the timing was likely to be guillotined to 10-20 minutes.

Mr Hill said the documents had been circulated last week by email. Everybody except Mr P Grainger-Carr and Mr J Grainger-Carr said they had received them.

Mr Scrowther said the committee would accept the document and people could comment in the closing submissions.

Mr Hill said a copy of the submission had been sent to Mrs Thorley as the representative of Heath Park House. In respect of the submission of additional documentation, Mr Hill

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referred to Regulation 18 of the Hearings Regulations which said submission of documents would require the consent of all parties.

Mr P Grainger-Carr said he had prepared a summary of his documents and had had to shorten it, and that Mr Smith had used this to escape the guillotine.

The Chairman asked if Mr P Grainger-Carr was happy to submit his document and if Mr Smith was happy to receive it. This was confirmed.

The Chairman asked that copies of the late submission be circulated for consideration over the lunch break.

Mr Smith made the following statement.

Pages 4 – 9 of the report give background of Boxmoor Hall. Page 10 of the report gives the conditions. The hall runs a total of 27 classes plus 4 classes which are run by other teachers but these could be temporary. In 2008 we were running 31 classes which means there are four less classes being run now. Table 19 breaks down the number of hours provided for performing arts and health and wellbeing and fitness against the licensing activities.

There were 255 hours of events, including christenings, wakes and childrens' birthday parties as against 1,621 hours of dance teaching and health and wellbeing activities. There are more events and this has been addressed. We now have a premises licence. The lounge itself is the area to the front and serves coffees from 10.00 am until 2.00 pm every day except Sundays. Alcohol is not served a great deal during the day and the predominant element is a performing arts and wellbeing dance studio.

We have 20 occasions when we can run until 2.00 am. Over 5 years that could have been 100 times. We have run to 2.00 am at the bar once at the Christmas event in 2012. Another event went to 1.30 am in 2013. In 2008 we made it clear that we would hold some events. We now have more availability so we do more. There was a complaint from the Environmental Health Officer in May 2014. There were complaints from residents who say the event went on until 1.45 am. This was a 60th birthday party that ran from 20.00 to 01.00. The music finished at midnight. There was a complaint at 01.43 from people who live in the apartments. That cannot be. We need a premises licence to hold events. It is a question of what is the predominant use. We have given hard evidence of how the hall is used. The large adverts were in use at the start of the academic term. Outside of term time there are smaller adverts because they are not recruiting new members.

The Serenity Suite has never been licensed. Mr P Grainger-Carr talks about how many hours we run dance events and refers to 10.5 core hours. It is more like 18 core hours. We do have an A board outside advertising. We advertise events such as birthday parties, weddings and anniversaries. Most people who book the hall have a connection with the event.

Regarding public nuisance and crime and disorder, we have had two visits from the police. On both occasions police decided there was no reason to come into the hall.

Regarding breaches of premises licence, most of these were raised on a Wednesday or Thursday. We do not hold events on these days – these complaints are from dance classes. The remainder of the log on Wednesdays or Thursdays says windows are open but there is no music. There are occasions when windows are opened by customers. We have now put locks on the windows so they cannot be opened in the main hall and downstairs. We hold

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events on Fridays and Saturdays. The window that has been left open at times is at the side. That is where the kitchen is. The Environmental Health Officer has asked for a noise limiter to be imposed. We are being asked to install all these things on the evidence of Mr P Grainger-Carr. You have two log sheets from the residents of the Heath Park apartments and there are only two logs from them in March. We have four years of complaints from Mr Grainger-Carr and not one conversation about the noise. Why didn't Heath Park residents approach us? We have suggested putting in dense foliage to prevent smoke going up. There have been two events where tickets have been sold in advance and on the door.

I ask members to bear in mind this review was brought by an individual and his family who have a long history of acrimony with the premises licence holder. She has put a noise suppressor in. Door staff are used every night on all occasions. We have not milked the hours. We could have used the late licence on 20 occasions each year. We have our own DJ and he has to be used at all music events. We have put a noise suppressor in. We have locked the windows in the ballroom and in the Oxygen Suite.

Door staff do monitor the windows to ensure they are kept closed and locked. This has been done for four years. Why is it only now that the Environmental Health Officer is involved and taking proceedings? In a couple of months there will be a firm conclusion because noise monitoring equipment will go in. At the moment it is being done on speculation from Mr Grainger-Carr and owners of Heath Park apartments.

Regarding customers outside, these are not rowdy parties. There is a guest list. We want to change the outside area to enhance it. On two occasions police did not want to come in.

Councillor Sutton asked about a reference to alcohol sales being only a low proportion of total sales, and queried what the precise proportions were.

Mr Smith said alcohol sales in the daytime are low, but that the premises did not have a sophisticated till system to break figures down by product type.

The Chairman asked Mr Lardner to make his statement.

Mr Lardner made the following statement.

I joined Boxmoor Hall in 2009 and was aware of the issues with the neighbours. I run a security company. Compared with other venues I have worked in, Boxmoor Hall is like a rose garden. People come to drink responsibly at the hall. Mrs Ilsley has been responsible and does everything she can. We have a legal obligation and have always tried to fulfil it. When a complaint is received we always act upon it. It was a surprise to have a licensing review. In 2009 parking seemed to be an issue. I spoke to the Parking Policy Lead Officer and asked for a management system. A lot of tenants and rail users would be parking there. This demonstrated we want to resolve problems. Permit parking was introduced.

We had a delivery and the Grainger-Carrs took it in. We asked the suppliers not to do it again. Mr P Grainger-Carr referred to an incident outside Boxmoor Hall. A parent complained there was someone photographing her when she brought her child in. Over time we are having a lot of petty calls but we are fulfilling our obligations.

Regarding fire safety, we have had audits done and the safety capacity of the building is fine. We are an accredited, responsible security company and we are teaching our bar staff not to serve under 18s. We then had a County Court Action taken against us by Mr Grainger-Carr regarding a car. We have done everything we can. We have had no requests from neighbours asking us to do anything. We are surprised we are here today.

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The Chairman asked Mr Rees to make his statement.

Mr Rees made the following statement.

I have been the DJ for the last 3 years. I have done several events at the Cricket Club. I support Mrs Ilsley. As a small business owner she does a good job with limited resources to run the venue and make ends meet. When we first got involved there was a definite indication from Mrs Ilsley that she wanted to control the volume of the DJs. We put in a compressor in the interests of her neighbours. We cannot hear it outside with the windows closed. Customers had been opening the windows but they are now locked. The venue is run very professionally. The level of organisation is very good and the sound systems are very closely controlled. Events seem to be weddings, 50th and 60th birthdays, perhaps 3 times per month. It is not every week. There is a responsible team of professional people who do their best to be reasonable but still give a good time.

The Chairman asked Ben Vasey to make his statement.

Ben Vasey made the following statement.

I am a dance teacher at the dance academy. I had been a student of Mrs Ilsley's and am now a teacher. She has very high standards, including the running of the venue. I have never seen any evidence of crime or bad behaviour. At every event I have attended, there has always been staff and security at the door remaining in complete control of what is going on in and outside the building. This prevents people from being noisy and causing anti-social behaviour.

Boxmoor Hall is a historic building, they hold dance classes, music nights etc. The building is in better shape than it has ever been and has once again become the community hub it was meant to be. They have tried to keep the windows closed. Everyone leaving the premises is asked to keep the noise down and respect the neighbours. Dance and performing arts are at the forefront. Other events help fund and run the dance school. Every experience I have had at Boxmoor Hall has been positive, professional and with community spirit and it has been a pleasure and joy to be around Boxmoor Hall. It is the cultural hub and such care and attention has been taken to make this a great venue for people in Hemel Hempstead.

The Chairman asked each side how long they would need for their summaries after the lunch break. 20 minutes each was agreed.

Mr Hill said if new people arrived after the lunch break, they would have the right to address the committee.

Mrs Thorley said that residents from Heath Park House had been going to make individual representations but, after speaking to Licensing Officers at Dacorum Borough Council, were told they could not make individual representations and they should appoint a representative to speak for them. If that had not been the case there would have been 14 more individuals speaking in support of the licence review.

Mr Hill said the advice given was for them to make representations in support of the first review application, rather than individual review applications in their own right. After that the owners came together and made a single representation.

Mr Scrowther said there was one representation and there was one group of speakers.

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The meeting adjourned for lunch at 11.50 am.

The meeting reconvened at 1.05pm.

The Chairman said that there would now be an opportunity for both parties to speak and make their closing statements.

Mr Smith said that he first wished to deal with some of the points raised by Mr Grainger-Carr in the document he had submitted earlier in the hearing to the Sub-Committee.

Mr Smith said that Mr Grainger-Carr's points referred to Mr Smith referencing that the sale of alcohol at the premises as being the main business focus; Mr Smith said that this was not the case and throughout proceedings he had not indicated that this was the case either. Mr Smith said that the licence was for the main part of the business which was performing arts. Mr Smith said that he and his client also refuted claims by Mr Grainger-Carr that the business had been 'cooking' the books to give the illusion that more dance classes were being held at the venue. Mr Smith said that Mr Grainger-Carr's comments about the nuisance involving people congregating in the outside areas should be taken in consideration with the fact that Mr Grainger-Carr had objected to planning applications for rails outside the building which would ideally mediate this problem.

Mr Smith said that in addition he refuted claims by Mr Grainger-Carr that fire inspections had been carried out by his 'cronies', as referred to by Mr Grainger-Carr, and that the fire inspection for Boxmoor Hall had been carried out by a reputable firm. Mr Smith said that although Mr Grainger-Carr had referred to eighteen dance schools in Hemel Hempstead Mr Smith wanted to point out that Boxmoor Hall was the only permanent dedicated dance school venue in the town. Mr Smith said that claims of the venue being used for hen parties was also exaggerated and that the only hen party held in recent times at the venue consisted of one in 2012 where the party had a dance class and one drink.

Mr Smith acknowledged that there had been incidents of windows being open and his client had apologised for this, he also pointed out that locks had now been put on the windows to prevent guests of the hall from opening them and causing disturbance to local residents.

Mr Smith said that Mr Grainger-Carr's estimations around the predominant use of the hall was also inaccurate and that in reality 86% of events were performance events and 14% were other events such as children's parties, wakes, christenings and weddings.

Mr Smith urged the Sub-Committee to consider the evidence presented before them, the bulk of which came from one individual, Mr Grainger-Carr, and then only 2 pages of representation from residents of the flats that only appeared to refer to the two months prior to the licence's review in March 2014. Mr Smith acknowledged that there was clearly acrimony between the two parties but that there was no evidence from the police or other authorities that Boxmoor Hall was the cause of any anti-social behaviour. Mr Smith said that while Environmental Health Officers were going to install noise monitoring equipment soon the Sub-Committee did not yet have independent evidence that justified revoking the licence.

Mr Smith referenced national guidance on the licensing of venues and said that involvement of the police was often a contributing factor to having licences revoked and that there was no police representation at the Sub-Committee in relation to Boxmoor Hall.

Mr Smith said that the purpose of the licensing was to provide the means to regulate and solve issues as they arose with venues, but considering the venue had been operating for

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four years why had it taken only until recently for noise monitoring equipment to be installed. Mr Smith said that it would not be proportionate to install noise limitations with no independent evidence. Mr Smith also pointed out that the business could not sustain itself without both aspects of its business; the performing arts and the events. Mr Smith said that there would be a financial impact on Boxmoor Hall with the installation of air-conditioning/noise limitation devices and questioned if that cost would be proportionate considering there was not yet any impartial and independent evidence to prove that activities at Boxmoor Hall were indeed as intrusive as the Sub-Committee were being led to believe by Mr Grainger-Carr. Mr Smith suggested that the measures already being taken like locking the windows was more appropriate. Mr Smith pointed out that nearly all the evidence provided to the Sub-Committee was from Mr Grainger-Carr and that in addition there had been no mention of the noise at the nearby cricket club which was often very loud.

The Chairman thanked Mr Smith for his comments and gave the Premises Licence Holder and her associates the opportunity to address the Sub-Committee. Mrs Ilsley said that she found the whole situation very difficult but that she was very privileged to run activities at a community venue. Mrs Ilsley said she also felt privileged to host people's weddings and see people's involvement in the arts develop at Boxmoor Hall.

Mrs Ilsley acknowledged that there were a few occasions where windows were left open and that apologies had been made for this. Boxmoor Hall hired a security company where appropriate for events and, as the company used was run by her husband, this meant that she was able to have even greater control over ensuring the events ran smoothly.

Mrs Ilsley said that she had spoken to some of the residents in the flats about the issues but that she personally had not had any contact with the Grainger-Carrs but that this hearing was for one of five cases the Grainger-Carrs were currently bringing against her.

Mr Lardner then commented that Mr P Grainger-Carr had carried out a sustained and obsessive harassment campaign against the Premises Licence Holder and said that given the location of Mr Grainger-Carr's house there would always be noise in that area given the close proximity of pubs, the cricket club and a route in to the town centre and so he felt that to attribute all noise and disruption purely to Boxmoor Hall was unfair.

The Chairman then asked the committee members if they had any questions for the Premises Licence Holder or her representative.

Councillor G Sutton asked the Premises Licence Holder why there was the resistance to the installation of sound monitoring equipment when most people in his experience usually installed this equipment when asked to do so. Mr Smith said that in this instance if a sound limiter or monitor was installed at Boxmoor Hall then it would be at the request of Mr Grainger-Carr and not the local authority and that his client did not feel that this was appropriate.

Mr Grainger-Carr said that he did not want the premises to be completely closed and that he had no issue with the performing arts part of the business. Mr Grainger-Carr rejected the idea that he was running a campaign against the Premises Licence Holder but said instead that there had been a litany of issues and these were valid concerns. Mr Grainger-Carr said that he felt the proposals to develop the frontage of the venue was the last straw.

Mr Grainger Carr said that other residents had also submitted applications similar to the one he had brought against Boxmoor Hall but that they had been advised collectively that it would be more effective for just one application to be brought which was why he was the sole applicant at this Sub-Committee. Mr Grainger-Carr said that there was no reasoning

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with the Premise Licence Holders, particularly Mr Lardner, who in Mr Grainger-Carr's opinion took no responsibility for any of the issues related to Boxmoor Hall.

Mr Grainger-Carr referred to insinuations that because he was affiliated with the cricket club he ignored potential noise issues from there. Mr Grainger-Carr explained that he was not on the board of the cricket club but had completed some pro-bono work for the club and so had been given the honouree title of 'VP' but was not in any way associated with the day-to-day running of the club.

Mr Grainger-Carr said he had reservations about the Council's Environmental Health team fitting a noise recording device at Boxmoor Hall as he doubted whether the results of this would be a fair reflection of what he and other residents were subjected to as he questioned whether the Premises Licence Holder would allow noisy events to be run when they knew noise recording equipment was present.

Mr Grainger-Carr said that the condition of having all windows and doors closed to limit noise was continually ignored. Mr Grainger-Carr said that having a licence was a privilege and that if conditions were not met it was possible for the licence to be revoked and that he hoped the Sub-Committee would take the basic rights of the residents into account when making their decision.

Mr Grainger-Carr said that he had observed a shift in the nature of the business at Boxmoor Hall and that it was unfair for the residents to be continually monitoring this scenario. Mr Grainger-Carr said that he did not go out of his way to complain and that this case was the first of its nature he had ever had to take out against someone personally and that all they were asking for was that the Premises Licence Holder was respectful to other residents and did not push the boundaries of the licence.

The Chairman then asked Mr Grainger-Carr how long he had lived at his current address. Mr Grainger-Carr said 31 years.

The Chairman then asked the other residents present if they wanted to comment on the application.

Mrs Thorley said that the residents of Heath Park House had been concerned about the noise issues from Boxmoor Hall and that the noise from the open windows and people standing in front of the flat terraces was becoming an increasing problem.

Mr Firth said that he was a Heath Park House resident and had originally rented his property before buying it and during this time he had made numerous complaints to the landlord about the noise. In addition Mr Firth said that he had contacted the police in relation to the noise but that they had told him this was an issue that would need to be handled by the local Council. Mr Firth then said he had contacted the Council and they had advised him to keep noise records. Mr Firth said that the noise was consistent and at a disturbing level and frequently kept him awake. Mr Firth said that it was not just Mr Grainger-Carr who had issues with Boxmoor Hall but others within the community too.

The Chairman then asked Councillor Marshall if she wished to make a representation to the Sub-Committee in relation to her role as Ward Councillor for Boxmoor.

Councillor Marshall said that it needed to be acknowledged that residents had issues on both sides of Boxmoor Hall and that originally there were separate applications in relation to noise issues but that residents had been advised it would have been easier for the Sub-Committee to consider just one application if the issues were the same. Councillor Marshall

Chairman

said that the Heath Park House residents were very separate complainants and residents living on either side of the venue wanted amendments to Boxmoor Hall's licence.

The Chairman thanked all parties for their attendance at the hearing, and, noting the voluminous written representations and supporting material, stated that the committee would retire to consider the matter.

The meeting finished at 2.55 pm

The Sub-Committee deliberated in private and

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to the national guidance to licensing authorities and to Dacorum Borough Council's Statement of Licensing Policy, and having taken into account all oral and written representations, agree to modify the conditions of the premises licence, as follows:

1. In Annex 2 of the licence, the condition "People will not be allowed to leave the premises or its frontage with open bottles or glasses", shall be omitted.
2. 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)."

This action was considered to be appropriate for the promotion of the 'public nuisance' licensing objective.

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 – namely, 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.

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.

Based on the representations and evidence available to them, the committee did not consider it appropriate to take any of the other actions available to them, including revocation or suspension of the licence, nor removal of licensable activities.

Chairman