



# LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

MONDAY 2 JUNE 2014 AT 10.00 AM

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

For further information, please contact Pat Duff, Member Support Officer on Tel: 01442 228558, or Email: [pat.duff@dacorum.gov.uk](mailto:pat.duff@dacorum.gov.uk). Information about the Council can be found on our website: [www.dacorum.gov.uk](http://www.dacorum.gov.uk).

## PART I

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## **1. INTRODUCTIONS**

## **2. MINUTES**

To confirm the minutes of the meeting held on 29 April 2014.

## **3. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

## **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a personal 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, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].



**AGENDA ITEM: 5**

**SUMMARY**

<b>Report for:</b>	<b>Licensing of Alcohol and Gambling Sub-Committee</b>
<b>Date of meeting:</b>	<b>2 June 2014</b>
<b>PART:</b>	1
If Part II, reason:	

<b>Title of report:</b>	<b>Application for review of premises licence: Life and Soul Theatre Academy, Boxmoor Hall, St John's Road, Hemel Hempstead, Herts HP1 1JR</b>
Contact:	Ross Hill – Licensing Team Leader
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires 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, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
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, June 2013)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

- 1.1. The supply of alcohol, provision of 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 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 local authority was also required to give public notice of the application, 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 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 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.

## 5. Details of application

5.1. The following application requires consideration and determination by the Sub-Committee. Further details on the application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Life and Soul Academy Boxmoor Hall, St John's Road, Hemel Hempstead Herts HP1 1JR	Review of premises licence (section 51 of Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	Mr Philip Jonathan Grainger-Carr
<b>Licence-holder name</b>	Miss Sally J Ilsley
<b>Name and address of premises</b>	Life and Soul Theatre Academy Boxmoor Hall St John's Road Hemel Hempstead Hertfordshire HP1 1JR
<b>Ward</b>	Boxmoor

### 1. Current Licence

1.1 The premises is subject to a premises licence, number DAC 017431. The licence was initially granted on 25<sup>th</sup> September 2008, after consideration at a meeting of the Sub-Committee. There have been no subsequent applications in respect of this licence prior to the current application.

1.2 The premises licence authorises the following licensable activities:

**Sale by retail of alcohol (for consumption on/off the premises),  
Performance of plays, Exhibition of films,  
Indoor sporting events, Live music, Recorded music,  
Performance of dance, Entertainment similar to music/dance:**  
Monday to Sunday 10:00 hours to 00:00 hours

**Late night refreshment**  
Monday to Sunday 23:00 hours to 00:00 hours

**Hours the premises may open to the public**  
Monday to Sunday 09:00 hours to 00:30 hours

The licence also permits later hours on New Year's Eve, Christmas Eve, and on 20 further occasions per year.

The current premises licence is attached at Annex A. Non-mandatory conditions applying to the licence are set out in the 'operating schedule' document, within that Annex.

1.3 The current licence also includes the provision of facilities for making music, dancing and for entertainment similar to both. However, following the implementation of the Live Music Act 2012, these activities are no longer licensable, and will be removed from the licence when it is next amended.

### 2. Application

2.1 An application for review of this premises licence was received by the licensing authority on 10 April 2014, citing grounds under the prevention of public nuisance objective, namely that activities at the premises were causing nuisance to nearby residents. The review application and supporting

documentation received from the applicant is attached at Annex B.

- 2.2 Copies of the review application were served by the applicant on the licence-holder and responsible authorities on the same day.
- 2.3 Officer ensured that notice of the application was displayed near the premises in accordance with the relevant regulations, for a period of 28 days from the day after the application was received.

### **3. Details of Representations**

- 3.1 Representations were accepted in respect of this application between 11 April 2014 and 8 May 2014.
- 3.2 Forty-one representations were received during this period from 'other persons': this number includes one representation from a ward councillor, and one submitted jointly by fifteen owners and/or occupiers of apartments in a neighbouring building. All representations submitted refer to the public nuisance objective. Copies of these representations are attached at Annex C.
- 3.3 A further representation was received from Environmental Health, suggesting a number of conditions in respect of the prevention of public nuisance. A copy of this representation is attached at Annex D.
- 3.4 No representations were received from other responsible authorities.

### **4. Observations**

- 4.1 A map of the area in which the premises is situated is included at Annex E.
- 4.2 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex F.
- 4.3 The review application makes reference to matters pertaining to the planning permission and highways status of parts of the premises. Members are reminded that the review application must be determined with regard to the promotion of the licensing objectives, and that these matters are primarily for the attention of the planning and highways authorities respectively.





# PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 017431

## Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:			
Life & Soul Theatre Academy			
Address: Boxmoor Hall St Johns Road			
Post town:	Hemel Hempstead Herts	Post code:	HP1 1JR
Telephone number:	233050		

## Where the licence is time limited the dates:

Not applicable

## Licensable activities authorised by the licence:

Sale by retail of alcohol  
The provision of late night refreshment  
Performance of plays  
Exhibition of films  
Indoor sporting events  
Performance of live music  
Playing of recorded music  
Performance of dance  
Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance  
Provision of facilities for making music  
Provision of facilities for dancing  
Provision of facilities for entertainment of a similar description to making music or for dancing

## The opening hours of the premises:

Mondays	09:00 hours until 00:30 hours
Tuesdays	09:00 hours until 00:30 hours
Wednesdays	09:00 hours until 00:30 hours
Thursdays	09:00 hours until 00:30 hours
Fridays	09:00 hours until 00:30 hours
Saturdays	09:00 hours until 00:30 hours
Sundays	09:00 hours until 00:30 hours

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Christmas Eve 10:00 hours until Christmas Day 01:30 hours

And on 20 occasions throughout the year from 10:00 hours until 02:30 hours.

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An additional hour to the standard and non-standard timings at the commencement of British Summertime.

**Sale by retail of alcohol**

For consumption both on and off the premises

Mondays	12:00 (noon) hours until 00:00 hours (midnight)
Tuesdays	12:00 (noon) hours until 00:00 hours (midnight)
Wednesdays	12:00 (noon) hours until 00:00 hours (midnight)
Thursdays	12:00 (noon) hours until 00:00 hours (midnight)
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And on 20 occasions throughout the year from 12:00 hours (noon) until 02:00 hours.

**The provision of late night refreshment**

Indoors and Outdoors

Mondays	23:00 hours until 00:00 hours
Tuesdays	23:00 hours until 00:00 hours
Wednesdays	23:00 hours until 00:00 hours
Thursdays	23:00 hours until 00:00 hours
Fridays	23:00 hours until 00:00 hours
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Christmas Eve 23:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 23:00 hours until 02:00 hours.

**Performance of plays**

Indoors and Outdoors

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
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### **Exhibition of films**

#### Indoors and Outdoors

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
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

### **Indoor sporting events**

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
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

### **Performance of live music**

#### Indoors and Outdoors

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
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Playing of recorded music**

Indoors and Outdoors

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
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Performance of dance**

Indoors and Outdoors

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
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance**

Indoors and Outdoors

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
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### **Provision of facilities for making music**

#### Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

### **Provision of facilities for dancing**

#### Indoors and Outdoors

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
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New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Christmas Eve 10:00 hours until Christmas Day 01:00 hours.

And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

### **Provision of facilities for entertainment of a similar description to making music or for dancing**

#### Indoors and Outdoors

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
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**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**  
On-premises and off-premises alcohol sales permitted

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**  
Name: Miss Sally J Ilsley  
Address:  
Telephone Number:  
E-mail Address:

**Registered number of holder, for example company number, charity number (where applicable):**  
Registration Number: N/a

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

Name:	
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:	
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Date issued: 12th November 2008

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.**

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**Licensing Act 2003**  
**Premises Operating Schedule Conditions**

**Premises:** Life & Soul Theatre Academy  
**Premises Address:** Boxmoor Hall St Johns Road Hemel Hempstead Herts  
HP1 1JR  
**Licence number:** MA 017431      **Date:** 12th November 2008

**The opening hours of the premises:**

Mondays	09:00 hours until 00:30 hours
Tuesdays	09:00 hours until 00:30 hours
Wednesdays	09:00 hours until 00:30 hours
Thursdays	09:00 hours until 00:30 hours
Fridays	09:00 hours until 00:30 hours
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Christmas Eve 10:00 hours until Christmas Day 01:30 hours

And on 20 occasions throughout the year from 10:00 hours until 02:30 hours.

An additional hour to the standard and non-standard timings at the commencement of British Summertime.

**Sale by retail of alcohol**

For consumption both on and off the premises

Mondays	12:00 (noon) hours until 00:00 hours (midnight)
Tuesdays	12:00 (noon) hours until 00:00 hours (midnight)
Wednesdays	12:00 (noon) hours until 00:00 hours (midnight)
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And on 20 occasions throughout the year from 12:00 hours (noon) until 02:00 hours.

**The provision of late night refreshment**

Indoors and Outdoors

Mondays	23:00 hours until 00:00 hours
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Christmas Eve 23:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 23:00 hours until 02:00 hours.

#### **Performance of plays**

##### **Indoors and Outdoors**

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
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And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

#### **Exhibition of films**

##### **Indoors and Outdoors**

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
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And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

#### **Indoor sporting events**

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
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And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Performance of live music**

Indoors and Outdoors

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
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Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Playing of recorded music**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Performance of dance**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Provision of facilities for making music**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Provision of facilities for dancing**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**Provision of facilities for entertainment of a similar description to making music or for dancing**

Indoors and Outdoors

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

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  
Christmas Eve 10:00 hours until Christmas Day 01:00 hours.  
And on 20 occasions throughout the year from 10:00 hours until 02:00 hours.

**GENERAL STATEMENT OF LICENSING OBJECTIVES**

Life & Soul have implemented a code of practice with regard to Child Protection, (please see 'Protection of children from harm')

Events are mainly ticketed and require members of the public to purchase tickets before admittance to the events. Members of the public generally attend because they are interested in the arts or they want to encourage their children to become directly involved with the arts.

All public events are appropriately stewarded by trained and supervised stewards.

The Premises are situated away from any "drinking circuit" and while the Premises would be open to the public to come in and have a drink when not attending a show, such demand would be low.

**THE PREVENTION OF CRIME AND DISORDER**

In the case of any events at the Premises where more than 100 people are expected to attend, at least 2 registered door supervisors would be on duty from 20:00 hours.

No alcohol will be sold to a person who is drunk, or bought on behalf of a person who is drunk.

People will not be allowed to bring alcohol onto the premises.

People will not be allowed to leave the premises or its frontage with open bottles or glasses.

We will ask any person acting in a drunk or disorderly manner to leave our premises.

An incident book will be kept and will be reviewed regularly by the Premises Licence Holder.

A CCTV system will be installed both inside and outside the Premises to the satisfaction of Hertfordshire Constabulary and recordings maintained for a minimum of 14 days and made available to the Police or other Responsible Authorities on demand.

At least one member of staff will be trained in how to use the CCTV system and download recordings from the system.

CCTV monitors will be placed both behind the service counter on the ground floor and in the office.

## **PUBLIC SAFETY**

A Risk Assessment will be undertaken for each new type of event at the premises including consideration of any specific fire risk posed by the event. Sufficient stewards or door security will be employed at each event to ensure the safety of visitors.

The risk assessments will specifically include consideration of management and staffing, health and safety, noise/nuisance reduction measures, security procedures and other hazards relating to the event including emergency evacuation.

All staff and performers will be trained in emergency evacuation procedures.

A full fire safety system including fire alarm, fire fighting equipment and fire escape routes will be utilized and updated from time to time in conjunction with the fire officer.

## **THE PREVENTION OF PUBLIC NUISANCE**

Life & Soul Academy's activities mainly take place in a building located with little or no detrimental effect in terms of noise pollution or public nuisance.

In the case of any external regulated entertainment, this will be generally run within daylight hours ceasing no later than 21:00 hours, and will take account of the potential for noise pollution.

Life & Soul Academy is concerned to develop a sense of community through its programme of workshops and activities and to develop personal skills and self-esteem of participants through involvement in the arts. We believe this to be a positive contribution to the community and ultimately to contribute positively towards the prevention of public nuisance by engendering a sense of responsibility, team work, and ownership amongst participants.

All windows are double glazed.

Any regulated entertainment within the Premises takes place in the rooms which are situated on the side of the building away from the residential premises next door on St Johns Road.

Notices will be displayed in prominent positions asking members of the public to leave quietly and have regard to the needs of local residents.

Notices offering information to the public on availability of transport locally including taxis will be displayed.

The premises has received no complaints since the Premises Licence Holder has owned them in connection with its current programme and operating practice. This programme will remain largely unaltered by the premises licence and no additional soundproofing measures are considered necessary.

The outside area will be covered by CCTV and will be supervised during any events by a member of door staff and when an event is not on a member of staff will be responsible for monitoring the area and providing any table service from 20:00 hours.

## **THE PROTECTION OF CHILDREN FROM HARM**

Life & Soul Academy operates its own Child Protection Policy.

This policy will be reviewed and amended from time to time.

With respect to the sales of alcohol, all responsible steps will be taken to establish the age of anyone it is believed may be less than 18.

Staff will receive training in operating this policy and dealing with members of the public who they believe may be under 18 years of age - requesting proof of age in the form of a passport, photographic driving licence, or other ID card with the PASS hologram.

The Challenge 21 policy will be adopted.  
There are no AWP's at the Premises.  
No children under 16 will be allowed to remain in the Star Lounge after 20:00 hours unless they are accompanied by a responsible adult.  
Alcohol will not be allowed to be bought on behalf of anyone under 18 years of age. Staff will be trained to monitor implementation of this policy.  
Children under 18 will not be admitted to any performance which contains any element of nudity or other material which may be considered unsuitable. All tickets and promotional material for such productions will make it clear that there is an element of nudity in the production.  
Any promotional material displaying a production in which there is an element of nudity will not contain any nudity or images which may cause offence to persons under the age of 18.

Additional Conditions agreed at the meeting of the Licensing of Alcohol and Gambling Sub-Committee 25<sup>th</sup> November 2008

Section (d) The prevention of public nuisance

From 20:00 hours all exterior doors and windows shall remain closed at all times the premises are being used for regulated entertainment, save for access to and egress from the premises.

Regulated entertainment, comprising performance of dance, unamplified live music and plays outdoors shall be limited to the area directly outside the premises which falls within the premises licence holder's demise and shall be provided on no more than 15 occasions per calendar year restricted to the months of April to September inclusive. In any event regulated entertainment outside the premises shall cease no later than 21:00 hours.

The nature of the operation as a facility for the performing arts will not materially change as a result of the grant of any premises licence.

The predominant purpose that persons will resort to the premises will be to use the premises for performing arts, not for the purchase and consumption of intoxicating liquor.

The only persons will be admitted to the premises during an event going beyond midnight will be members and their bona fide guests, persons on a guest list, and persons with a ticket, records in this respect being made available to the appropriate authorities on demand.

**ANNEX B**  
**Application for review of premises licence**

**SEE DOCUMENTS CIRCULATED UNDER SEPARATE COVER**

**ANNEX C**  
**Representations from other persons**

**SEE DOCUMENTS CIRCULATED UNDER SEPARATE COVER**

**ANNEX D**  
**Representation from responsible authority**

**Sally Taylor**

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**From:** Tony Cawthorne  
**Sent:** 02 May 2014 15:04  
**To:** Sally Taylor  
**Subject:** Boxmoor Hall Licence review

Dear Sally

Having reviewed the Licence and in view of the information received alleging noise nuisance it is advised that the following condition are applied to the variation of the premises licence.

1. All door and windows should be closed except for access and egress. If ventilation is required forced air ventilation or acoustic louvres may be provided in consultation with the Environmental Health Department of Dacorum Borough Council.
2. Acoustic limiter shall be provided and maintained in all event rooms where amplified music takes place. The level shall be set in consultation with the Environmental Health Department of Dacorum Borough Council.
3. A record of the 20 occasions where the opening hours are in excess of the normally permitted activities that the premises are permitted to open to 2-00am and the activity undertaken. The information to be provided to the Licencing Authority on request.

regards

**Tony Cawthorne**  
**Environmental Health Officer**  
**Environmental Protection & Housing**

EXT: 2857

[Tony.Cawthorne@dacorum.gov.uk](mailto:Tony.Cawthorne@dacorum.gov.uk)

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**From:** Sally Taylor  
**Sent:** 02 May 2014 14:33  
**To:** Tony Cawthorne  
**Subject:** SAT06542b



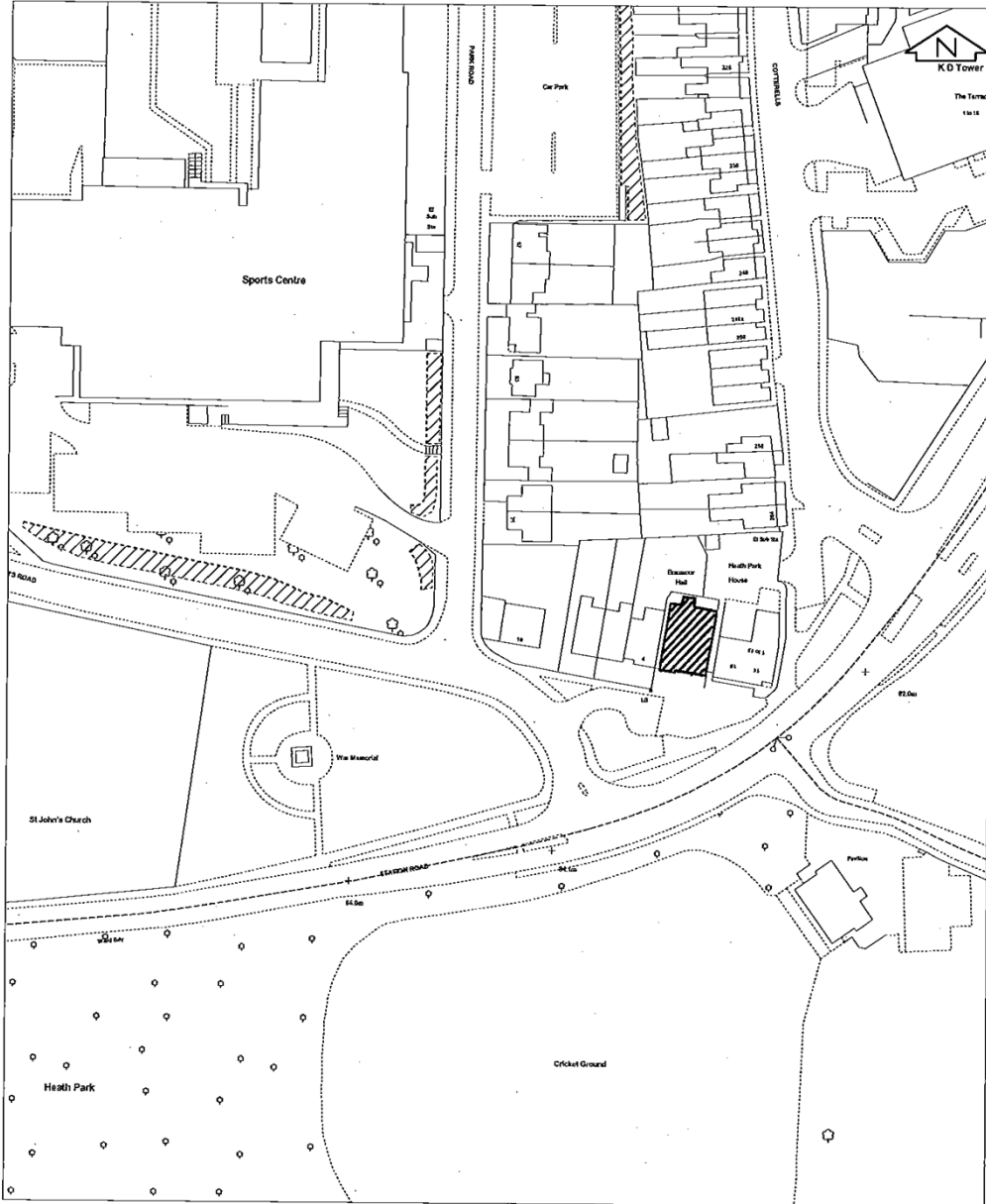
**ANNEX E**  
**Map of vicinity of premises**



**Dacorum Borough Council**

**Licensing**

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



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Dacorum Borough Council 100018935: 2014

Scale: 1:1250  
Date: 15/05/2014  
OS Tile: TL0506SW

**Local policy considerations and national statutory guidance**

**It is considered that the following extracts from the Council's Statement of Licensing Policy and National Guidance have a bearing on the application:**

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.

1.12 The licensing process seeks only to control those measures within the control of the licensee and in the vicinity of the premises. Licensing legislation is not a mechanism for the general control of anti social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. Nonetheless, it is a key aspect of such control, and licensing law will always be a part of a holistic approach to the management of the evening and night-time economy in Dacorum.

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.

**10. Licence Conditions**

10.1 The Licensing Authority will avoid imposing disproportionate conditions on premises. It 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.

10.4 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.

15.2 When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

15.4 Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

## **19. 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.

### **NATIONAL GUIDANCE**

#### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. 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.

#### **Public Nuisance**

2.18 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.

2.19 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. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 **Conditions relating to noise nuisance will usually 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.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation 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.

**2.22 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.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

**2.24 Beyond the immediate area surrounding the premises, these are matters for the 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 (see paragraphs 9.4 to 9.10 below). 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;
- this Guidance;
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within five 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**

10.8 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.

### **Reviews**

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);

- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

### **Planning and building control**

13.55 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

### **Licence conditions and reviews**

15.20 The amendments made to the 2003 Act by the Live Music Act 2012 affect conditions relating to live music in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:

- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
- the live music takes place between 08.00 and 23.00 on the same day.

### **Live music and conditions**

15.22 In some instances, it will be obvious that a condition relates to live music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of Regulated Entertainment all doors and windows must remain closed” would not apply if the only entertainment provided was live music between 08:00 and 23:00 on the same day to an audience of up to 200, but the condition would continue to apply if there was a disco in an adjoining room.

15.23 However, even where the 2003 Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.

## **6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE 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 or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). 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 person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the 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**

**29 APRIL 2014**

\*\*\*\*\*

Present –

**MEMBERS:**

Councillors Lawson (Chairman), G Sutton and Taylor

**OFFICERS:**

S Scrowther	Solicitor
R Hill	Team Leader, Licensing
S Taylor	Lead Licensing Officer
T Coston	Member Support Officer

**OTHER PERSONS PRESENT:**

Mr A Scarff	Applicant
Mr J Shayler	Applicant's Business Partner
Mr F Fender	Applicant's Representative from FJF Licensing Solutions

The meeting began at 7.30 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 2 October 2013 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**

Councillor Lawson felt he should declare an interest due to having met Mr Frank Fender briefly before but did not hold a personal relationship with him and therefore felt it would not have an impact on the meeting.

No other interests were declared.

## **5. LICENCE HEARING**

The application was for:

Junction 9  
London Road  
Flamstead  
AL3 8EX

The Chairman asked the Members of the Sub-Committee if they had read the agenda, and Councillors G Sutton and Taylor confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with. R Hill confirmed they had.

The Chairman asked R Hill if he had anything to add to the report. R Hill advised that the application before the committee was for a variation of a premises licence for Junction 9, on the A5 London Road near Flamstead. The details of the current licence were set out at paragraph 1.2 of the appendix to the report. The variation sought to extend the permitted hours for activities to a 02.00 terminal hour seven days a week, with an additional hour on the day the clocks go forward, and 30 minutes for closing and dispersing customers, as set out at paragraph 2.1. R Hill advised members that the premises was separately licensed for sexual entertainment, however only the premises licence was under consideration at this meeting, which permitted the sale of alcohol, music, non-sexual dance and similar entertainment.

R Hill explained that during the representation period the applicant and police had agreed a number of additional licence conditions would be added to the licence if the variation was approved. Two further representations had been received, one from a local resident and one from a ward councillor, which were included due to their references to the potential for public nuisance. He said a number of other matters referred to in the representations, such as the demand for licensed premises and potential for increased drink driving, were outside of the control of the licensee. The sub-committee were asked to disregard those sections of the representations. He advised the sub-committee that they were required, having regard to the representations, any submissions made by the applicant, the Government guidance and the council's statement of licensing policy, to take action as they considered appropriate for the promotion the licensing objectives, to either grant the application, grant with modification, or reject all or part of the application.

The Chairman asked Mr Fender, the Applicant's representative, for his statement.

Mr Fender presented the following submission:

"Junction 9 is a long established licensed premise which has operated for many years. As you have heard, the current licence was granted when the law changed from the 1964 Licensing Act to the 2003 Act; Mr Scarff was the licence holder then and he still is today. He was the licence holder under the previous legislation also, and this demonstrates a wealth of experience in managing and operating this venue. Your officer's report has outlined the current hours for licensable activity. These hours have been in place since 2005 and I am instructed that there have been no issues at these premises which have caused concerns for the Authorities throughout that period of time. The premise is well managed; they operate totally in accordance with the legislation and comply with all conditions as stated in the licence.

The applicant wishes to be able to extend the hours for licensable activity at the premises until 02:00 am each day. The provision of late night refreshment is also

requested, and this would allow the applicant to provide teas and coffees to customers who requested it, throughout the time the premises are open. You will note the requested opening hours for the premises exceed the times for licensable activity by 30 minutes – this would allow for customers to leave at their own pace within that 30 minute period, rather than have everyone leave at the same time.

The application has resulted in 2 representations received from interested parties but none from any of the Responsible Authorities. The Police have asked for the inclusion of additional conditions as per pages 42 and 43 of your report; these matters are in respect of CCTV, door Supervisors and an incident log. These requested conditions have been readily accepted by the applicant and will be added to the licence if you are minded to grant this application.

The first representation from an interested party, as per page 44 of the report, is from a gentleman who lives a considerable distance from these premises, and in fact, I believe his premises is approximately half a mile along the A5 from Junction 9. References to drink driving are not relevant to the licensing objectives and I will qualify this in a moment.

Second representation is from the Ward Councillor; Councillor Killen starts her representation by saying that she wishes to register her objection unless certain conditions are imposed. Councillor Killen finishes her representation by stating that the objection is to protect public safety on the roads and prevent the commission of road traffic offences. Public safety in respect of the licensing act is restricted to measures that can be undertaken by licence holders to promote public safety, matters for which they have control over.

Road Safety and Traffic Offences are matters for other regulatory bodies. Drivers have a responsibility to drive in accordance with the law, and the applicant cannot be held responsible for the actions of drivers on the road. This therefore begs the question as to whether or not this is a relevant representation at all, although there is a sentence which mentions sleep disturbance. There is no evidence within either of the representations that these premises create any noise nuisance, and there is nothing to suggest they will do so if the longer hours are granted. Any noise generated at the premises when regulated entertainment is provided is contained within the premises. The premises benefits from a set of external doors which are kept closed when entertainment is taking place, there is also a set of internal lobby doors which remain closed when entertainment is taking place. A door supervisor ensures these doors remain closed, save for access and egress of customers.

Immediately outside the premise is a large car park, and a large grassed garden area. There is then an area of approximately 2 acres in size between the car park and the nearest residential properties – the nearest residential property to the front doors of Junction 9 is approximately 125 yards away. It is interesting to note that none of the residents who live within that area have objected to this application, but a person who lives half a mile away has objected on the basis of noise potential. Will he be affected? No.

Notwithstanding the distance from residential properties, any potential for noise nuisance is further negated by the fact that the agreed condition with the police in respect of door supervisors will serve to ensure noise does not cause a nuisance – a door supervisor's role includes asking customers to leave quietly and they will be monitoring the car park also.

The potential for noise disturbance is further reduced by allowing customers to leave during the 30 minute period at the end of licensable activity as people will be leaving in

ones and twos, rather than everyone out at the same time. Councillor Killen suggests that you should restrict the later hours to a Friday and Saturday only – she suggests this so as to minimise sleep disturbance in the early hours for those in neighbouring properties during the working week. I respectfully suggest that these premises do not have any neighbouring properties or residents whose sleep will be disturbed by noise as they are too far away and there are measures in place to ensure there is no noise.

For this reason, I can see no reason why the later hours should be restricted to Fridays and Saturdays only, as suggested by Councillor Killen. There is no evidence to suggest that longer hours for every day would undermine the licensing objectives and for that reason, I would ask you to grant this application as applied for, subject to the adding of the agreed conditions with Hertfordshire Police.”

Councillor Lawson said due to the premises having no immediate neighbours, he couldn't find any reason to refuse the application.

Councillor Taylor said he agreed with the representations made by Mr Fender. He was aware of the premises and its location and explained it was an industrial type setting and had no neighbouring properties nearby. He couldn't see noise nuisance or the safety of local residents being a problem due to its location. He said it was ideally suited for what the applicant wanted and as there had been no record of problems or incidents in the past he felt the application should be granted.

Councillor G Sutton echoed the points made by the other members. He said his main concern was noise nuisance which had been addressed by Mr Fender and Herts Constabulary, and suggested that if there were any problems with noise in the future then this would need to be handled by Environmental Health.

Councillor Lawson made a proposal to grant the variation as applied for, with additional conditions as agreed with Hertfordshire Constabulary.

Vote:  
3 For, 0 Against.

**Agreed:**

That the Licensing of Alcohol and Gambling Sub-Committee, having considered the written representations and verbal submissions made on behalf of the applicant, and having regard to the council's statement of licensing policy and the Secretary of State's guidance to licensing authorities, the Sub-Committee unanimously resolved to grant the variation of the premises licence as applied for, subject to the additional conditions previously agreed by the applicant with Hertfordshire Constabulary with regards the operation of an internal CCTV system with recording capability, the provision of 2 SIA-licensed door supervisors, and the maintenance of an incident log, at all times while open to trade.

The Sub-Committee considered the comments made in representations with regards the possibility of public nuisance arising from the later hours sought, but were satisfied that the industrial nature of adjacent premises, the distance of the premises from residential properties, the noise from the adjacent main road and the measures in operation at the premises to prevent sound escape would prevent any adverse impact upon the public nuisance licensing objective as a result of the later hours sought in the application.

The Sub-Committee were advised that matters set out in representations pertaining to the demand for licensed premises or to the actions of customers after they had left the premises were excluded under the statutory guidance, and as such should not be taken into considering the current application.

Additional Conditions:

### **The prevention of crime and disorder**

1. 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.

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.

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 absolute minimum of delay when requested.

2. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
3. An incident log shall be kept at the premises, and made available on request to the Police or to an authorised officer, which will record the following:
  - All crimes reported to the venue
  - All ejections of patrons
  - Any complaints received
  - Any incidents of disorder
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system
  - Any refusals of the sale of alcohol
  - Any visit by the emergency services or a relevant authority.

The meeting finished at 7:47 pm