

LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA



MONDAY 9 JUNE 2014 AT 2.00PM

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 Green (Chairman), G Sutton and Taylor

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

PART I

ITEM	PAGE
1. Introductions	2
2. Apologies for Absence	2
3. Declarations of Interests	2
4. Licence Hearing Premises: The Bell Old High Street Hemel Hempstead	3
5. Procedure for the Hearing	44
6. Exclusion of the Public	46

* * *

Appendix A	Minutes of the Licensing Alcohol and Gambling Sub-Committee Meeting on 29 April 2014	47
------------	---	----

1. INTRODUCTIONS

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. 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: 4

SUMMARY

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	9 June 2014
PART:	1
If Part II, reason:	

Title of report:	Application for review of premises licence: The Old Bell, 51 High Street, Hemel Hempstead, Herts, HP1 3AF
Contact:	Sally Taylor, Lead Licensing Officer
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"> • Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	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 applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant 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 appropriate 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 each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	The Old Bell 51 High Street, Hemel Hempstead, Herts, HP1 3AF	Review of premises licence (section 51 of Licensing Act 2003)

APPENDIX A

Applicants name	Mr Richard Rule and Mr Gordon Loughran
Licence-holder name	Spirit Pub Company (Services) Ltd
Name and address of premises	The Old Bell 51 High Street Hemel Hempstead Hertfordshire HP1 3AF
Ward	Hemel Hempstead Town

1. Current Licence

- 1.1 The premises is subject to a premises licence, number DAC 007538. The licence was granted following conversion of previous licences during the transition to the current legislation in 2005. The licence-holder has held the licence since that date.
- 1.2 The premises licence authorises the following licensable activities:

**Sale by retail of alcohol (for consumption on/off the premises),
Entertainment similar to music/dance:**

Monday to Thursday	10:00 hours to 00:00 hours
Friday and Saturday	10:00 hours to 02:00 hours
Sunday	10:00 hours to 23:30 hours

Late night refreshment:

Monday to Thursday	23:00 hours to 00:00 hours
Friday and Saturday	23:00 hours to 02:30 hours
Sunday	23:00 hours to 23:30 hours

Live music:

Monday to Thursday	10:00 hours to 00:00 hours
Friday and Saturday	10:00 hours to 00:30 hours
Sunday	10:00 hours to 23:30 hours

Recorded music:

Monday to Thursday	10:00 hours to 00:30 hours
Friday and Saturday	10:00 hours to 02:00 hours
Sunday	10:00 hours to 00:00 hours

Hours the premises may open to the public:

Monday to Thursday	09:00 hours to 00:30 hours
Friday and Saturday	10:00 hours to 02:30 hours
Sunday	09:00 hours to 00:00 hours

The licence also permits one additional hour for all of the above activities on UK Saints days and on 12 further significant occasions per year, subject to prior agreement with police; and one additional hour for all of the above activities on bank holiday weekends, the Thursday before Easter and Christmas Eve.

- 1.3 The current premises licence is attached at Annex A. Non-mandatory conditions, including those agreed at the Licensing of Alcohol and Gambling Sub-Committee on 05 September 2012 are set out in annexes 2 and 3 of the licence.
- 1.4 The licence-holder applied for a full variation to the original licence in July 2012 to extend the licensable activities at the premises. This was subsequently granted with additional conditions. A further minor variation application in respect of changes to the layout of the premises was granted in December 2012.

2. Application

- 2.1 An application for review of this premises licence was received by the licensing authority on 23 April 2014, citing grounds under the prevention of public nuisance objective, namely that activities at the premises had caused nuisance to the occupants of a nearby property. 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. Officers 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 Representation

- 3.1 Representations were accepted in respect of this application between 24 April 2014 and 21 May 2014.
- 3.2 One relevant representation was received during this period from a local resident, which refers to the public nuisance objective. A copy of this representation is attached at Annex C
- 3.3 A further representation was received from Environmental Health, citing the results of a site visit and noise monitoring, and suggesting a number of conditions in respect of the public nuisance objective. 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 attached 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.



PREMISES LICENCE

Licensing Act 2003

Premises Licence Number: DAC 007538

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:			
Old Bell			
Address:	51 High Street		
Post town:	Old Town Hemel Hempstead	Post code:	HP1 3AF
Telephone number:	01442 252867		

Licensable activities authorised by the licence:

Sale by retail of alcohol
The provision of late night refreshment
Performance of live music
Playing of recorded music
Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

The opening hours of the premises:

Monday 09:00 hours until 00:30 hours
Tuesday 09:00 hours until 00:30 hours
Wednesday 09:00 hours until 00:30 hours
Thursday 09:00 hours until 00:30 hours
Friday 10:00 hours until 02:30 hours
Saturday 10:00 hours until 02:30 hours
Sunday 09:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police. Notwithstanding these usual opening times, the premises, in accordance with the converted right, may chose to open to the public at any time for non-licensable activities/purposes.

Sale by retail of alcohol

FOR SUPPLY BOTH ON AND OFF PREMISES

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 02:00 hours
Saturday	10:00 hours until 02:00 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

The provision of late night refreshment

INDOORS ONLY

Monday	23:00 hours until 00:00 hours
Tuesday	23:00 hours until 00:00 hours
Wednesday	23:00 hours until 00:00 hours
Thursday	23:00 hours until 00:00 hours
Friday	23:00 hours until 02:30 hours
Saturday	23:00 hours until 02:30 hours
Sunday	23:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Performance of live music

INDOORS ONLY

Monday	10:00 hours until 00:00 hours
Tuesday	10:00 hours until 00:00 hours
Wednesday	10:00 hours until 00:00 hours
Thursday	10:00 hours until 00:00 hours
Friday	10:00 hours until 00:30 hours
Saturday	10:00 hours until 00:30 hours
Sunday	10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

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

Playing of recorded music

INDOORS ONLY

Monday 10:00 hours until 00:30 hours
Tuesday 10:00 hours until 00:30 hours
Wednesday 10:00 hours until 00:30 hours
Thursday 10:00 hours until 00:30 hours
Friday 10:00 hours until 02:00 hours
Saturday 10:00 hours until 02:00 hours
Sunday 10:00 hours until 00:00 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

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 ONLY

Monday 10:00 hours until 00:00 hours
Tuesday 10:00 hours until 00:00 hours
Wednesday 10:00 hours until 00:00 hours
Thursday 10:00 hours until 00:00 hours
Friday 10:00 hours until 02:00 hours
Saturday 10:00 hours until 02:00 hours
Sunday 10:00 hours until 23:30 hours

On St David's Day, St Patrick's Day, St George's Day, and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police. For statutory bank holiday weekend periods (Saturday, Sunday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

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: Spirit Pub Company (Services) Limited
Address: Sunrise House, Ninth Avenue, Burton upon Trent, DE14 3JZ
Telephone Number: 01283 498 400

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

Registration Number: 05266811

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

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

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:
Where the licence is time limited the dates: N/A	

Date issued: 10th November 2005

Signed _____

**On behalf of Steven Baker
Assistant Director
(Legal, Democratic and Regulatory)**

NOTES

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

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

MANDATORY CONDITIONS

Where licence authorises supply of alcohol

Condition A1.

No supply of alcohol may be made under this licence:

- a) At a time when there is no designated premises supervisor in respect of the premises licence; or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Condition A2.

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Condition A3.

1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2) In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - i) the outcome of a race, competition or other event or process, or
 - ii) The likelihood of anything occurring, or not occurring.
- e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Condition A4.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition A5.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Condition A6.

1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Condition A7.

The responsible person shall ensure that—

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

Condition F1.

The admission of persons under the age of 18 to the exhibition of films must be restricted in accordance with any recommendation of a film classification body [the British Board of Film Classification], or, where there is no such recommendation or the licensing authority has notified the holder that section 20(3)(b) of the Licensing Act 2003 applies to the film, the recommendation of the licensing authority.

Condition S1.

Each individual at the licensed premises to carry out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act) must:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General statement of licensing objectives

Non-alcoholic refreshment will be available at all times while the premises is open to the public.

The prevention of crime and disorder

A zero tolerance policy towards illegal drugs will be enforced at all times.

Text/radio pagers will be used during times when the premises is trading, and will be monitored by a responsible member of staff.

Public safety

The Licence holder will ensure that all management and staff are fully trained in the Spirit Pub Company Health and Safety policy.

The Licence holder will ensure that free drinking water is available at all times.

THE PROTECTION OF CHILDREN FROM HARM

The Licence holder will ensure that that, at times when children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.

Children will be required to be supervised by an accompanying adult at all times.

ANNEX 3

CONDITIONS APPLIED AT THE LICENSING OF ALCOHOL AND GAMBLING SUB COMMITTEE 5TH SEPTEMBER 2012

Prevention of crime and disorder

Digital CCTV shall be installed and 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.

CCTV shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised 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.

One SIA registered door supervisor shall be on duty at the premises from 20:00 hours and one additional SIA registered door supervisor shall be on duty at the premises

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

from 22:00 hours on a Friday and Saturday evening until 15 minutes after the closure of the premises.

An incident log shall be kept on the premises and made available upon request to the Police or 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 for the sale of alcohol
- Any visits by the emergency services or a relevant authority.

The prevention of public nuisance

Staff will regularly monitor the outside areas to monitor any noise escape when regulated entertainment takes place, and all patrols will be logged.

Signs at the exit will remind customers to leave the area quickly and quietly and respect the neighbours.

The beer garden shall not be used after 00:30 hours.

A local taxi company will be engaged to provide taxis and their number made available to all customers wishing to hire a taxi. The taxi company will be instructed to act in such a way as to not cause disturbance to residents in the vicinity of the premises.

Customers shall not be permitted to take glassware outside the premises after 00:30 hours.

From 02:00 hours on Saturday and Sunday mornings until the last customer leaves, at least one member of door staff will be stationed outside the premises to ensure orderly dispersal and good behaviour by customers as they are leaving the premises.

Protection of children from harm

The Licence holder will operate Challenge 21. The only acceptable forms of identification will be recognised photographic identity cards, such as driving licence or passport.

ANNEX 4

PLANS

Due to the size of the plan held in respect of this premises, it is not possible to reproduce it in this space. However, for the avoidance of doubt, the licensed area of the premises is as shown on plan 0028/12/1010 drawn by White Design Architecture & Interiors dated 11th December 2012.

ANNEX B

Application for review of premises licence

Woking, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH



Revised April 2012

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We RICHARD RUKE & GORDON LOUGHRAN

(insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below. *(delete as applicable)*

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description			
The Old Bell, 51, High Street, Hemel Hempstead, Hertfordshire, HP1 3AF			
Post town	HEMEL HEMPSTEAD	Post code <i>(if known)</i>	HP1 3AF
Name of premises licence holder or club holding club premises certificate <i>(if known)</i>			
Spirit Pub Company (Services) Limited			
Number of premises licence or club premises certificate <i>(if known)</i>			
DAC 007538			

Part 2 – Applicant Details

- am *Please tick ✓ yes*
- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete (A) or (B) below)
 - 2) a responsible authority *(please complete (C) below)*
 - 3) a member of the club to which this application relates *(please complete (A) below)*

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname		RULE	
First names		RICHARD	
I am 18 years old or over <input checked="" type="checkbox"/> Please tick ✓ yes			
Current postal address		[REDACTED]	
Post town		[REDACTED]	Post code [REDACTED]
Daytime contact telephone number		[REDACTED]	
Email address (optional)		[REDACTED]	

(B) DETAILS OF OTHER APPLICANT

Name	GORDON LOUGHNAN
Address	C/O APPLICANT (A) above.
Telephone number (if any)	
Email address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	/
Address	
Telephone number (if any)	
Email address (optional)	

application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

PLEASE REFER TO ATTACHED: ADDITIONAL SHEETS (1) AND (2)

Please provide as much information as possible to support the application
(please read guidance note 3)

PLEASE REFER TO ATTACHED:

- APPENDIX (1)
- APPENDIX (2)
- APPENDIX (3)
- APPENDIX (4)
- APPENDIX (5)
- APPENDIX (6)
- APPENDIX (7)

Please use additional pages if needed

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them
N/A

Please tick ✓ yes


- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 168 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature	<i>[Handwritten Signature]</i>
Date	22nd APRIL 2014
Capacity	APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application. (please read guidance note 6)	
As PART 2	
Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	
	

ADDITIONAL SHEET (1)

The Grounds For Review

We are the freeholders of the adjoining property to the Old Bell which includes a first floor flat, number [REDACTED] High Street which was let from the 1st February 2014 for an initial period of one year under an Assured Shorthold Tenancy expiring on the 31st January 2015.

Shortly after the tenant, [REDACTED], took occupation, he reported he could loudly hear music and other noise through the party wall our property shares with the pub particularly on Friday and Saturday nights when the music is played loudly up to 2am. The music and other related noise is so loud that it prevented him from sleeping and also prevented him from being able to have his young child to stay with him at weekends.

We asked our tenant to take decibel readings of the noise levels and keep a record which are shown under **Appendix (4)**. He has since taken further readings which will be forwarded to you under a separate heading. You will note the readings regularly reach **70 – 90 decibels** inside his flat up to **2am**.

The music and noise is so unbearable at times that our tenant resorted to staying nights at a hotel for which he has receipts and staying with a friend.

On two separate occasions Gordon Loughran (The joint freeholder) and myself approached the pub landlord, advising him of the unacceptable noise levels to be advised that the premises have a Licence permitting music which extends until 2am into Saturday and Sunday mornings.

I accordingly contacted the Head Office of the Premises Licence Holders and had a meeting with a number of their representatives on the 11th April where the problem was discussed in some detail but no solution put forward. The pub landlord agreed to go inside the flat with our tenant over the weekend to hear the level of noise for himself but we have received no feedback from the pub following the visit.

Following our meeting, our tenant advised me that the music noise level was not any noticeably quieter on the following Friday or Saturday nights.

Number [REDACTED] High Street is separated from the Old Bell Pub by an original old party wall which does not have the requisite sound insulation qualities necessary to deaden the sound of 'Live Music' or 'Recorded Music' played through a commercial sound system.

[REDACTED] High Street is a residential flat. It is not a reduction in the level of 'Licensed' noise which is requested. Any level of commercially played music will cause a nuisance in view of the very close proximity of the two properties separated by a single old party wall.

Continued

ADDITIONAL SHEET (2)

The Grounds For Review Continued

The noise permitted under the current Licence causes a nuisance in Tort and we have also received legal advice that the Licence also breaches Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as indicated in **Appendix (3)**.

It is unlawful for the Council to act, or fail to act, in preventing this to continue by virtue of Section 6 of the Human Rights Act 1998. The Council must act in a manner compatible with our and our tenants' fundamental human rights. Please refer to **Appendix (3)** for further details.

Although the tenant was contracted to remain at the property until the 31st January 2015, the level and regularity of the noise has been at such an intolerable level that the flat is uninhabitable and the tenant vacated over the weekend of the 18th – 20th April as we could not reasonably have enforced the contract period.

We now have a vacant flat which we will try to re-let but have very serious concerns as to whether this will be possible under the current 'Licensed' noise levels and times.

We therefore request that the Licence is modified or revoked which exists to allow music to be played at the public house and to enforce any restriction to ensure the noise pollution is not repeated

APPENDIX (1)

Subject: [No Subject]

From: [REDACTED]

To: [REDACTED]

Date: Tuesday, 4 March 2014, 21:27

Hi Richard,

I hope all is well in your world,

I just wanted your input on the pub next door, Friday and Saturday nights are becoming unbearable, Iv had a guy pee through the letterbox, lit fags put through letterbox, people being sick over the door, and the music is biblical I don't even attempt to sleep until at least 230am, I don't know whether I should approach the landlord... I have the feeling I will be told where to go...I fully expected noise from the pub, but Friday and Saturday its a full blown nightclub...

I don't want you to think I'm moaning, just after some advice, I'm sure he shouldn't have the music Soooooo loud, it makes the entire flat shake....

Warmest Regards

[REDACTED]

Sent from my Sony Xperia™ smartphone

APPENDIX (2)

Subject: Re:
From: RICHARD RULE [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Date: Sunday, 30 March 2014, 21:53

Hi [REDACTED]

I am really sorry the pub landlord hasn't cooperated in reducing the noise after we spoke to him. What you have had to put up with is intolerable and I can't understand how the Council gave him the music licence.

In any event as the noise has continued I am immediately taking the matter up with the Council reminding them of their obligations under the Human Rights Legislation as well as Environmental Health, requiring the Licence to be revoked. If necessary we are quite happy to take legal action.

To support our case, please can you e-mail me details of the days, times etc when the noise/music is loud. Provide me with the noise decibal readings you have taken and the days and dates when you or your children had to go and spend the night at a hotel because of the noise together with any other information which helps.

I am taking the matter up immediately.

To assist

Sent from Yahoo Mail on Android

From: [REDACTED]
To: Richard Rule [REDACTED]
Sent: Sun, Mar 30, 2014 7:20:22 PM

Hi Richard,

I'm so sorry but I'm thinking of moving, I've spent the last two nights at a travel Inn costing loads, I can't afford to keep laying out £130 for two nights every week, since the discussion with the landlord the music seems to have be louder than ever, today iv come home to vomit all over the door and step...Friday evening before i left for the hotel the db level was well over 90.... I love the place but I'm losing the will to live

I don't want to cause anymore trouble for either you or Gordon

Warmest Regards

[REDACTED]
Sent from my Sony Xperia™ smartphone

APPENDIX (3)

Subject: Fw: Old Bell Public House, High Street, Hemel Hempstead, HP1 3AF
From: RICHARD RULE [REDACTED]
To: licensing@dacorum.gov.uk;
Date: Friday, 4 April 2014, 13:05

Dear Sir/Madam,

The e-mail which was sent by me on Wednesday the 2nd April was sent prematurely by my computer before it was completed. The e-mail below is the completed version.

I am the joint freeholder of [REDACTED] High Street which is situated immediately next door to the Old Bell pub and comprises ground floor offices with a flat on the first floor known as [REDACTED] High Street. Our property and more particularly the first floor flat share a party wall with the pub and the flat's first floor window is close to the pub's window. I understand the pub premises was granted a Music Licence Circa December 2012 which permits it to play music, whether live or recorded, until 2.30am on Fridays and Saturdays.

In February this year we let the flat under an Assured Shorthold Tenancy, following which the tenant notified us that the noise from the pub is unbearable. The noise has seriously impacted on his and his family life, preventing him from sleeping until after 2.30am and he informs me that both he and his children who visit him have resorted to spending nights at a hotel having currently spent £260. It is simply impossible for him to continue living at the flat with the current level of noise.

The tenant has kept a record of the nuisance, having taken decibal readings of the noise levels, times etc and these can be forwarded to you when requested. We have brought the problem to the pub landlord's attention on two occasions but with no apparent improvement, advising us that he has a Licence permitting the music. However, in view of the close proximity of the pub it is not an improvement in the level of noise which is required but a complete cessation of the music.

The pub is located in an area where there are a number of residential properties in close proximity and I am perplexed at what considerations were taken into account in arriving at the decision to give a music licence into the early hours of the morning. The noise has made our flat uninhabitable at weekends.

As a joint landlord of the property, I have an interest in the property as an aspect of private and family life, as protected by Article 8 of the European Convention on Human Rights, and by Article 1 of the First Protocol to the same.

I have been contacted by the tenant of the premises and have agreed to write this letter on our joint behalf.

The tenant's private and family life, also protected by Article 8 of the ECHR, is of course due respect by the Local Authority in all matters within its control and powers. It must be considered and given protection and respect.

The Licence the public house appears to enjoy, to play very loud volumes of music until 2.30am on weekend nights, is entirely incompatible with the location of the premises, and the rights and considerations of the residential neighbours including our tenant.

<https://uk-mg-bt.mail.yahoo.com/neo/launch?partner=bt-1&.rand=e64980427fvrs>

18/04/2014

continued

APPENDIX (3) cont

It is, of course, unlawful for the Council to act, or fail to act, in preventing this to continue by virtue of Section 6 of the Human Rights Act 1998. The Council must act in a manner compatible with our and our tenant's fundamental human rights.

Furthermore, the noise presents a nuisance to our tenant and to our property and wrongful interference with the common law rights of ourselves and our tenant. The Council is responsible for this nuisance continuing.


The matters also constitute a wrongful trespass to the use and enjoyment of the land by its owner and occupier.

Accordingly we request that you immediately revoke any licence that exists to allow late-night music to be played at the public house and to enforce any restriction to ensure the noise pollution is not repeated. Decibal readings of the noise levels are available on request.

This is an urgent matter affecting the health and well-being of our tenant and we request your immediate response.

Thank you for your assistance.

Yours sincerely,

Richard Rule


Sent from Yahoo Mail on Android

APPENDIX (4)

Subject: Old Bell Public House, High Street Hemel Hempstead HP1 3AF
From: [REDACTED]
To: richard.mabbitt@dacorum.gov.uk;
Cc: [REDACTED]
Date: Thursday, 10 April 2014, 12:56

Dear Mr Mabbitt,

Thank you for your prompt attention and two e-mails dated the 7th April concerning the noise problem from the above pub.

As you suggest, [REDACTED], who had already complained to you is our tenant and the meeting with the next door landlords, which is this Friday, to which the pub landlord had referred is with me and is one which I had arranged with the Premises Regional Manager from their head office.

The noise problem for our tenant was there from the date he moved in at the beginning of February. When he brought the problem to our attention, both Gordon Loughran, my business partner, and then myself approached the landlord informing him of the nuisance, to be told by him that he has a Music Licence permitting the noise until 2am and the intolerable noise has continued.

I accordingly asked [REDACTED] to take decibal readings which are attached below in his e-mail dated the 2nd April to me, although there is a typing error as the last 2 dates should read March rather than April.

I believe the pub has been granted a live music licence until 12.30 a.m. followed by recorded music until 2am using a professional sound system. The level of noise is unbearable and you will see from [REDACTED] e-mail that he has taken to sleeping at a hotel on occasions. In addition last weekend he slept at a friend's property.

I am not certain but believe the music may be played on the first floor of the pub where it is separated from our flat by a simple brick party wall and the respective first floor windows are adjacent.

The volume of sound created by playing music whether live or recorded on a regular basis next to a residential property makes the flat uninhabitable and would seriously affect the health of any occupants.

I can't understand why the pub was given a music licence in view of its location. Please could you therefore advise me as to what criteria are taken into account in considering music licences such as this one.

If it is necessary for us to submit a formal application to have the music licence revoked, please could you forward to me the requisite form, or alternatively please accept this e-mail as our formal request. In the meantime, if there is going to be a delay in having the licence revoked are there any immediate steps that can be taken to stop the noise immediately? [REDACTED] finds the noise unbearable and we have given our consent to him vacating the flat if necessary even though he is contracted for one year as the noise level and regularity is unreasonable.

I look forward to hearing from you and thank you for your assistance.

<https://uk-mg-bt.mail.yahoo.com/neo/launch?.partner=bt-1&.rand=e64980427fvrs>

18/04/2014

Continued

APPENDIX (4)

Yours sincerely,
Richard Rule

Sent from Yahoo Mail on Android

From: [Redacted]
To: Richard Rule [Redacted]
Subject: noise levels as requested and dates
Sent: Wed, Apr 2, 2014 6:33:14 PM

1st of march 2014	21:00-02:00	70-83 db	Caught Bloke urinating against my front door,
definitely from pub, he had a pint			
2nd march 2014	21:00-02:00	75-81 db	Lit Cigarette Butt put through letterbox
8th march 2014	21:00-02:00	79-87 db	Had to disconnect doorbell as was constantly
being pressed			
9th march 2014	21:00-02:00	70-79 db	
15th march 2014	21:00-02:00	75-90 db	
16th march 2014	21:00-02:00	68-82 db	
22nd march 2014	21:00-02:00	70-88 db	incidentally this is the day after Gordon spoke
to landlord			
23rd march 2014	21:00-02:00	77-92 db	
29th April 2014	21:00-02:00	74-88 db	(Found Vomit all over door an step)
30th April 2014	21:00-02:00	70-90 db	

Also since the road has re-opened the taxis now pull up outside and sound there horns.....this goes on right up till around 02:15

I have so far stayed at hotel 3 nights, the 8th, 15th and the 29th due to having my nine year old daughter

Again i'm so sorry to be a nuisance Richard

<https://uk-mg-bt.mail.yahoo.com/neo/launch?.partner=bt-1&.rand=e64980427fvrs> 18/04/2014

continued

APPENDIX (5)

Subject: Re: Guest Services Incident GS0024167 has been assigned to you
From: RICHARD RULE [REDACTED]
To: James.Schwartz@spiritpubcompany.com;
Cc: old.bell.2813@spiritpubcompany.com; [REDACTED]
Date: Tuesday, 15 April 2014, 16:33

WITHOUT PREJUDICE

Dear James,

Thank you for attending the meeting last Friday to discuss the noise from the above pub.

Unfortunately, following the meeting our tenant, [REDACTED], advised me that there was no noticeable improvement in the situation on the following Friday and Saturday nights. As you know, he had been complaining about the intolerable noise over several weeks since he moved into the flat which had resulted in his having spent several nights in a hotel for which he has receipts. As well as the inconvenience the problem has affected his family life and he confirmed to me today that he is vacating the flat this Friday coming or possibly Saturday.

He had contracted to stay a minimum of one year but in view of the persistent noise being the only reason he wanted to vacate, we could not force him to stay as it would be unreasonable for us to try and enforce the contract period.

We will try to relet the flat, making prospective tenants aware of the level of noise and late time of it as much as possible, but we believe the flat may be unlettable as the extent of noise contravenes acceptable habitable levels.

In the circumstances, as there is no alternative in sight, we are continuing with our representations to the Licencing Authority as well as considering other legal options and in the meantime must reserve our right to pursue damages against the Spirit Pub Company for our loss of income.

I trust you will appreciate that we cannot have a situation where we cannot let our flat.

Yours sincerely,
Richard Rule
[REDACTED]

From: James Schwartz <James.Schwartz@spiritpubcompany.com>
To: [REDACTED]
Sent: Thursday, 3 April 2014, 20:24
Subject: Re: Guest Services Incident GS0024167 has been assigned to you
Hi Richard

Correct, next Friday

Cheers

[REDACTED]
Sent from my iPhone
On 3 Apr 2014, at 17:58, "RICHARD RULE" [REDACTED]

APPENDIX (6)

Subject: Re: Old Bell Public House, High Street Hemel Hempstead HP1 3AF
From: RICHARD RULE [REDACTED]
To: Richard.Mabbitt@dacorum.gov.uk;
Date: Tuesday, 15 April 2014, 17:21

Dear Mr Mabbitt,

Thank you for your e-mail below of the 10th April. You state at the end of your e-mail that that [REDACTED] had already a complaint but that he would need to provide times/dates (in the form of a diary) before they (whoever they are) will consider further action but surely [REDACTED] email dated the 2nd April addressed to me, which I forwarded to you, giving the dates, decibal readings, dates he spent in a hotel, together with other information is exactly what you ask for above. I am re-sending the email to you under a separate heading.

In any event, the situation has moved on since your email and my meeting with the Spirit Pub Company last Friday. There was no noticeable improvement in the noise last Friday and Saturday following our meeting and [REDACTED] has notified us that he is vacating our flat this weekend.

He is contracted under an annual tenancy of the flat until February 2015 but in view of the extent of noise and lack of progress in having it abated we feel it would be unreasonable to try and enforce the term as it was having a serious impact on his family and personal life.

I would have hoped that you would have had enough information, provided by [REDACTED] and myself by now to revoke/review the licence but I will complete and return the form you emailed to me as soon as possible.

In the meantime we will now have a vacant flat which we will try to relet but I have serious concerns as to whether this will be possible under the current noise levels and times and in the circumstances must reserve our rights for possible legal action for damages for loss of rent.

Yours sincerely,
 Richard Rule
 [REDACTED]

From: Richard Mabbitt <Richard.Mabbitt@dacorum.gov.uk>
To: [REDACTED]
Sent: Thursday, 10 April 2014, 15:47
Subject: RE: Old Bell Public House, High Street Hemel Hempstead HP1 3AF
 Dear Mr Rule,

The Old Bell's licence was last dealt with by our Licensing of Alcohol & Gambling Sub-Committee (a panel of locally elected Councillors) in September 2012 when the premises applied for the extended hours. There were a number of objections and representations that were made by nearby residents and considered by the committee.

Should you wish to apply for the review of their licence and hours, etc.. I have attached the necessary form and advice. I have also attached a copy of their Operating Schedule and conditions. I did post this out to [REDACTED] with necessary advice (I have attached a copy of the information I sent to him).

I have spoken to our Environmental health department who had asked me to direct you to the following link <http://www.dacorum.gov.uk/home/environment-street-care/environmental-health/noise>
 This will take you to Dacorum Borough Council's website, noise section, with advice as to dealing with such problems. [REDACTED] has already lodged a complaint but he will need to provide times/dates (in the form of a

<https://uk-mg-bt.mail.yahoo.com/neo/launch?.partner=bt-1&rand=e64980427fvr> 18/04/2014

APPENDIX (7)

Subject: [No Subject]
From: [REDACTED]
To: [REDACTED]
Date: Tuesday, 15 April 2014, 13:42

Hi Richard,

I will be vacating [REDACTED] High Street on the weekend of the 19th of April

This is due to the ongoing and unchanged level of noise from the Old Bell Public House

I am very sorry for having to resort to such drastic measures as I love the flat and am very sad to be leaving it

But as you aware I have a small child every other weekend and am unable to stay at the flat with her due to the noise issues

Please accept my sincere apologies for having to vacate, but I feel I have no other option at this stage

Warmest Regards

[REDACTED]

Sent from my Sony Xperia™ smartphone

ANNEX C
Representation from other persons

Sally Taylor

From: [REDACTED]
Sent: 06 May 2014 10:01
To: Licensing Mailbox
Cc: mike@penning4hemel.com
Subject: Old Bell Licence review.

Dear Sirs, Re: Old Bell Public House, High Street, Hemel Hempstead, HP1-3AF.
Application to review of premises licence.

The purpose of this e-mail, is in support of the Application to have the above licence reviewed as it is causing nuisance to occupants of a nearby property.
The extension of the licence on Friday and Saturday until 2.30am has caused many problems beyond those highlighted in the correspondence in the review documents.
The licence extension has caused problems for other residents all along the High Street towards the end at Fletcher Way.

We are constantly being woken in the early hours of Saturday and Sunday mornings by drunken yobs coming along the High Street from the Old Bell pub.

We have checked that this is in fact where they have come from on quite a few occasions.

We have seen and experienced fights in the street, people being sick in doorways, people urinating in the car park entrance opposite our house and empty food containers strewn over the pavements etc.
Also, our neighbour recently had his window broken by a drunken youth which we saw him do.
Over the past year, both ourselves and our neighbours have called 101 many times, but nothing changes or has been done about this bad situation.
A couple of our friends have recently moved away from the High Street partly because of the noise and disturbances on Fridays and Saturdays, as nothing seems to have been done about the situation.

Mr Mabbit mentions in his letter of 10th April 2014 that the Old Bell's licence was dealt with by the Licensing of Alcohol and Gambling Sub-Committee (a panel of locally elected Councillors)
I would like to know how many of this panel live in the High Street or Old Town or have had any experience of all the disturbances and bad behaviour that the residents have had to put up with due to their granting of this late licence to the Old Bell?

Therefore we would strongly recommend that this licence is revoked and that The Old Bell pub should close at the same time as the other pubs in the High Street.

At least this may help to reduce the problems that we all have to endure.

I hope this helps to highlight the situation and will be considered in your review?

I have copied Mr Mike Penning, our local MP in on this letter as we believe that as it is elected Councillors who make these decisions he should be aware of the situation.

Also, we may require his assistance with this situation in the future.

Yours Sincerely,
Mr and Mrs C.R.Trott,

[REDACTED]
[REDACTED] High Street,
Hemel Hempstead,

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

ANNEX D
Representation from responsible authority

DACORUM COUNCIL LICENSING AUTHORITY

LICENSING ACT 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority:
Environmental Health – Environmental Protection/Health and Safety

Your Name	Tony Cawthorne
Job Title	District Environmental Health Officer
Postal and email address	Civic Centre, Marlowes, Hemel Hempstead
Contact telephone number	Ext 2857

Name of the premises you are making a representation about	The Old Bell
Address of the premises you are making a representation about	51 High Street, Hemel Hempstead, HP1 3AF

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	<p>The noise levels within the public house are allegedly being transferred through the party wall into the adjacent property and alleged producing levels 70 – 90 dBa as reported by the applicant.</p> <p>These levels are in excess of the World Health Authority Guidelines for Community Noise 1999 of 35dBa for indoors daytime and evening and 30dBa in bedrooms for rest full sleep.</p> <p>A site visit has been undertaken on the 15th May 2014 and identified that these levels are supported by noise monitoring undertaken by the Public House. Levels of between 80 and 90dBa have been recorded within the Public House. These are in excess of The Control of Noise at Work Regulations 2005. The lower exposure</p>

		<p>action value is a daily or weekly average noise exposure level of 80 dB, at which the employer has to provide information and training and make hearing protection available.</p> <p>The upper exposure action value is set at a daily or weekly average noise exposure of 85 dB, above which the employer is required to take reasonably practicable measures to reduce noise exposure, such as engineering controls or other technical measures. The use of hearing protection is also mandatory if the noise cannot be controlled by these measures, or while these measures are being planned or carried out.</p> <p>Finally there is an exposure limit value of 87 dB, above which no worker can be exposed (taking hearing protection into account).</p> <p>The noise monitoring under taken by the Public House has been taken, both internally and externally. The predominant noise source externally is the outside seating area. With levels of 60dBa. This provides an additional noise source to the residential properties.</p>
To protect children from harm	No	

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.</p>	<ul style="list-style-type: none"> • An acoustic assessment is required and the resultant remedial works proposed as a result of the assessment should in consultation with Dacorum Borough Council Environmental Health Department be instigated. The resultant level of noise within the adjacent residential property shall comply with the Who Guidelines of 30dBa in bedrooms after 23:00hrs. No live or recorded music other than incidental music shall be permitted until the acoustic works have been completed to the satisfaction of Dacorum Borough Council's Environmental Health Department. • The beer garden to be closed at 23:00hrs to comply with the requirement of the Who Guidelines of 30dBa in residential bedrooms. • All doors and windows to be closed except for access and egress. Should mechanical ventilation be required this should be sited so as not to cause a nuisance and in consultation with the Dacorum Borough Council Environmental Health Department. <p>Advisory Note: This is a listed building, prior consent and approval should be sort before any works are carried out at the premises.</p>
---	--

ANNEX E
Map of vicinity of premises



Dacorum Borough Council

Licensing

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



(C) Crown copyright. All rights reserved.
Dacorum Borough Council 100018935: 2014

Scale: 1:1000
Date: 16/05/2014
OS Tile: TL0507NE

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.

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.

5. 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.

6. 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