



Licensing of Alcohol and Gambling Sub- Committee

TUESDAY 26 MAY 2020 AT 2.00 PM

Microsoft Teams - Microsoft Teams

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.

Membership

Councillor Allen
Councillor Bhinder (Chairman)

Councillor Rogers

For further information, please contact Corporate and Democratic Support on 01442 228209

AGENDA

1. MINUTES (Pages 2 - 6)

To confirm the minutes of the meeting held on 19 December 2019.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003 (Pages 7 - 59)

5. PROCEDURE OF THE HEARING (Pages 60 - 61)

Agenda Item 1

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

19 DECEMBER 2019

Present –

MEMBERS:

Councillors Hearn (Chairman), Bassadone and Link

OFFICERS:

Sally Mcdonald	Lead Licensing Officer
Usman Mohammed	Barrister
Katie Mogan	Corporate and Democratic Support Lead Officer

OTHER PERSONS PRESENT:

Jim Rowland	Applicant's husband
Suk Yee Cheng	Applicant

The meeting began at 2pm

1. MINUTES

The minutes of the meeting held on 31 July 2019 were confirmed by the members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

The Sub-Committee were required to consider an application for a premises licence for the following premises:

Cedar
Church Road
Potten End
Berkhamsted
Herts
HP4 2QY

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. The members of the committee confirmed they had.

The Chairman asked S McDonald if the legal requirements had been complied with and S McDonald confirmed they had.

The Chairman asked S McDonald if she had anything to add to the report.

S McDonald said the hearing was to consider a variation of a premises licence at Cedar Village Store and Café, Church Road, Potten End.

The premises had a current premises licence which authorised off sales of alcohol between 7am and 9:30pm seven days a week, which matched the premises opening hours. The variation application sought to continue off sales at the amended hours of 7am to 7pm Monday to Saturday and 8am to 4pm on Sundays. The initial variation also sought to authorise alcohol sales for consumption on the premises in the café area between noon and closing time.

One representation was received in respect of the application during the consultation period, from the proprietor of a local business in the village. Much of the content of this representation did not relate to the potential impact of the grant on the licensing objectives and therefore had to be disregarded, but some relevant concerns were raised, in particular capacity levels, noise nuisance from removal of increased waste from the premises, and the presence of unaccompanied children in the premises when on sales were taking place. This representation was set out at Annex D1 on page 36, and the sections deemed to be relevant were highlighted in bold. The applicant responded by addressing the relevant issues, and these were set out in Annex D2 on page 39. The objector confirmed that he still had concerns and that the Sub-Committee should decide the application.

As a result of a query raised in the representation about the actual timings for on sales, the applicant submitted an amendment to the application to confirm that the requested hours for on sales of alcohol would be from noon until 5pm Monday to Saturday, and noon until 4pm on Sundays, and only to customers seated in the café.

Mediation was offered between the two parties. However, the objector declined a face to face meeting, and had also notified the Licensing Team that he was unable to attend the hearing today.

The Sub-Committee were considering only the amendment to hours and the request to add the provision of on sales to the premises licence. The sale of alcohol for consumption off the premises was already an authorised activity and therefore could be considered. When considering the application the Sub-Committee should have regard for all written and oral submissions, Dacorum Borough Council's Licensing Policy, and relevant sections of Section 182 Guidance issued by the Home Office, which are appended to the report, and they must give full and clear reasons for their decision.

Councillor Bassadone asked if the amendment to the opening hours needed to be in a separate application.

S McDonald said the amendment was submitted during the consultation period so was acceptable.

The Chairman asked the applicants to address the committee.

J Rowland said that the business opened in May 2019 and initially, the intention was only to sell alcohol for off premise consumption. During the summer months, the café is visited by hikers and cyclist who pass through the village and stop for a break and these visitors have asked if they could buy a beer in the shop and then drink in the garden but the current licence does not allow this. The concerns of the objector have been taken into account and the applicant ran through each point and explained how they would mitigate these concerns.

- Waste. The café has a contract with Cawleys who collect the waste. The frequency of collections can be increased or decreased dependant on demand. The waste bins are stored in an alleyway outside the shop which is gated.
- Public safety. There is a full CCTV system in operation at the café alongside a fire safety system which extends to the flat above the café and to the house adjacent and is monitored 24/7 by the security partner. The certificates for both systems have been submitted to the Licensing department.
- Protection of children. The café will not be exclusively selling alcohol and it would not be the primary function of the café. This issue has been taken into account but the applicant did not feel there would be an increased risk to children. There is a pub across the road and it is not uncommon in the summer months for children to be playing on the green whilst their parents enjoy a drink. There are measures in place to ensure the staff are aware of alcohol consumption and alcohol sales will be restricted to those seated, there is not a bar. Staff are trained on the Challenge 21 principle and they have received training on how to recognise if someone has consumed too much alcohol. Most customers are not typically those who would consume high amounts of alcohol

The Chairman asked the applicant to clarify how many members of staff would be working.

J Rowland said they have six members of staff working at any one time.

The Chairman asked how many staff would be solely dedicated to the café.

J Rowland said staff were dedicated to certain sections like the shop, café and the kitchen.

The Chairman asked if the training provided to staff was sufficient to protect children.

J Rowland said he believed it was adequate. If the licence is granted, staff will be given an additional set of training before operation.

Councillor Bassadone asked how they would be serving alcohol and whether it would be in cans and bottles.

J Rowland said it would be served in glasses.

Councillor Bassadone asked where they would store the alcohol.

J Rowland said it would be stored in the servery.

Councillor Bassadone asked if the alcohol would be seen by children in the shop.

J Rowland said the alcohol they see is no different to what they see now in the shop. There is beer and wine on the shelves and spirits behind the counter.

Councillor Bassadone asked what food was served in the café.

J Rowland said it was light food like sandwiches, soups, cakes etc.

S Cheng clarified that they would only be serving alcohol from 12 noon.

Councillor Hearn asked if they were only serving alcohol to people seated.

J Rowland confirmed this.

U Mohammed wanted to clarify if the serving of on sales of alcohol would be dependent on two factors, customers would need to be seated and eating.

J Rowland confirmed this.

U Mohammed asked the applicants if they would have any objections to conditions attached to the licence that stated that appropriate training should be given to staff prior to the serving of alcohol and that it would only be served to those who were seated and eating in the café.

J Rowland said he would be happy to accept those.

U Mohammed asked to clarify how many staff would be working solely in the café.

J Rowland said four.

S Cheng said training was a very important control procedure. She said that she and her husband were from a corporate background so understood that training was an important risk control. All staff had received food safety training, including part time staff, in case any of them needed to cover sickness and holidays.

Councillor Bassadone asked if Environmental Health had visited the café.

J Rowland said they visited in June and the café received a five star rating.

The Chairman referred to the objector's query about the cafes capacity.

J Rowland said there were 22 seats inside and 12 seats outside.

S Cheng said the shop has been popular during its six months in operation. If the licence was granted, it would give the café the flexibility to cater to different requests. There was no intention to change the use into a bar or pub. The café had a relaxing atmosphere and there were no gambling machines or music played so people were not coming in to watch sport or gamble.

The meeting adjourned at 2.24pm

The meeting reconvened at 2.30pm

The Chairman asked the applicants to return in order to ask some additional questions. She referred to the additional training that would be given to staff should the licence be granted and asked how long this would take to implement.

J Rowland said the training would take a couple of hours to deliver which can be implemented immediately. There were four full time staff members and 4-6 part time staff,

two of which were seasonal workers. This training would build on the training already given about the challenge 21 principle and noting down in the log book anyone who has been rejected for sale. There was also a file under the till with important numbers for staff to contact should they need too.

U Mohammed asked if the training would cover the protection of children.

J Rowland said all staff were aware of who they can serve alcohol too – those who are seated and eating.

U Mohammed asked how they would control the access to the café.

J Rowland said the café wouldn't exclusively be selling alcohol. Children will be in the café with their parents and being accompanied by an adult would be a requirement. There is a clear divide between the shop and café areas. Staff are trained to be aware of children in the shop.

S Cheng said there are two separate teams in the shop and in the café.

J Rowland said there is only table service in the café, there is no bar style serving.

The meeting was adjourned at 2.38pm

The meeting reconvened at 2.47pm

Decision

The Committee has resolved to modify the conditions of the licence as follows:

1. The Applicant do submit to the Licensing Authority written records of additional training provided to all members of staff to control access and egress of children to the Premises, and ensure their safety and protection from harm.
2. Alcohol consumption may only take place on the Premises between the hours of 12pm-5pm on Monday to Saturday and 12pm-4pm on Sunday.
3. Alcohol can only be sold for consumption on the Premises to those who are seated and eating in the café.

The Committee are satisfied that the concerns raised in the objections have been satisfactorily addressed by the Applicant. The Committee are also satisfied that the Licensing Authority and other responsible authorities have powers available to them in the event that issues arise following the variation of this licence.

The meeting ended at 2.50pm



AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	26 May 2020
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence application under the Licensing Act 2003
Contact:	Sally McDonald, Lead Licensing Officer, Legal Governance
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 determines 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 DBC Statement of Licensing Policy 2016-2021 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, April 2018)
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, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to 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) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

5. Details of application

5.1. The following applications require 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	Woodland Weddings Lila's Wood Wick Road Hastoe Nr Tring Hertfordshire	Application for grant of premises licence (s.17 Licensing Act 2003)

APPENDIX A

Applicants name	Woodland Weddings Limited
Name and address of premises	Lila's Wood Wick Road Hastoe Nr Tring Hertfordshire OS map reference: SP92666 09198
Ward	Tring East

1. **Background**

- 1.1 The site is an area of woodland accessed via Wick Road, Hastoe. The applicant has applied for a premises licence in order to permit licensable activities at weddings in the wood, and to provide on-site overnight camping and other non-licensable activities up until noon the day after each wedding. The site is not currently subject to a premises licence, but licensable activities associated with weddings have taken place over the last three years under Temporary Event Notice authorisations. The Licensing of Alcohol and Gambling Sub-Committee considered 14 of these notices in April 2019 following the receipt of objections notices from the Environment and Community Protection Department, and subsequently granted them.

2. **Application**

- 2.1 The application seeks authorisation for the following licensable activities and times:

Provision of live music - outdoors

Saturday 19:00 until 23:00

Seasonal variation: Music may occur on bank holiday instead of closest Saturday

Provision of recorded music - outdoors

Saturday 12:00 – 23:00

Seasonal variation: Music may occur on bank holiday instead of closest Saturday

Provision of late night refreshment - outdoors

Saturday 23:00 until 00:00

Sale by retail of alcohol for consumption on the premises - outdoors

Saturday 12:00 until 0:00

Seasonal variation: Alcohol sales may occur on bank holiday instead of closest Saturday

Opening hours of the premises

Saturday	12:00 until 00:00
Sunday	00:00 until 12:00

Venue may open on a bank holiday instead of closest Saturday.

The application is set out at Annex A.

Maps showing the location of the premises are set out at Annex B.

3. Details of Representations

3.1 Nine representations have been received during the consultation period, seven from residents living in the area, one from the Trustees of Hastoe Village Hall, and one from Tring Town Council. The representations received refer to concerns in respect of public nuisance and public safety. These are set out at Annexes C1 to C9.

3.2. Responses received from responsible authorities:

- Police – no response
- Fire Officer – no representations
- Public Health – no representations
- Planning – no representations
- Environment and Community Protection – no representations
- Trading Standards – no response
- Local Safeguarding Children Board – no response
- Licensing Authority – no response

3.3. The applicant indicated that they were willing to mediate with those parties that had made representations. At the time of publication of the agenda this had been taken up with two individuals. Copies of the correspondence between them is attached at Annexes D1 and D2.

4. Points to note:

4.1. The applicant has set out timings and conditions for regulated entertainment in this application. However, as a result of deregulatory changes to the Licensing Act 2003 brought about by the Live Music Act 2012, the following applies in this case:

All regulated entertainment up until 23:00 at this premises is exempt from the Licensing Act provisions, **unless** the numbers of persons present at the event goes above 500. This is because all other criteria set out in the exemptions is met, and means that any conditions relating to live and recorded music on the licence remain in place, but are suspended as long as music ceases by 23:00, and alcohol is being sold for consumption on the premises.

However, public nuisance can be interpreted in a wider sense, meaning that issues of noise, vibration, light, litter etc. connected to the provision of licensable activities can be considered.

- 4.2. There are a number of references to concerns around the provision of fire pits at the premises, although these do not appear as part of the application. It is the role of the Fire Officer to request a fire risk assessment from the applicant, under the Fire Regulatory Reform Order 2005. In line with statutory guidance and local policy it would be inappropriate for the Sub-Committee to duplicate conditions on the premises licence that may be sought under separate legislation.
- 4.3. With regard to breaches to Planning legislation referred to in some representations, Members should note that concerns covered by and relating to planning legislation cannot be considered at this hearing, or conditions added to address them.
- 4.4. Non-licensable activities on the site such as camping and leisure activities on the morning following weddings cannot be taken into consideration when the application is being determined.

5. Observations

- 5.1 Relevant extracts from local policy and statutory guidance are set out at Annex E.

Annex A Application for Premises Licence



Dacorum
Application for a premises licence
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Faye

Family name

Messenger

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

Yes

No

Business name

Woodland Weddings Ltd

If your business is registered, use its registered name.

VAT number

GB

24507611

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Your position in the business

Director

Continued from previous page...

Home country

United Kingdom

The country where the headquarters of your business is located.

Continued from previous page...

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Premises OS Map Reference

OS map reference

SP 92666 09198

Further Details

Telephone number

Non-domestic rateable value of premises (£)

0

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

Nationality Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Fenced woodland area named Lila's Wood. The area is used as a wedding venue and holds ceremonies and receptions. There are two bars on site for which TENS licences are normally obtained. 15 per year. Dacorum Borough Council have suggested obtaining a premises licence to avoid the need for TENS licences going forwards. on sales only, no off supplies.

Continued from previous page...

Council hold a site plan for the designated area already but this can be provided again to the licencing department.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The venue has a noise management plan in place. This will be submitted with the application. We also have a PA system which is limited. Our booking terms and conditions insist that all music is fed through the PA so that we can control the amplified volume.

There is a sound engineer on site throughout events.

All amplified music is controlled via a EV CPS4.5 (4.5W) amplifier and Cloud CX263 sound limiter.

No backline amplifiers are allowed

No high frequency acoustic instruments are permitted such as steel drums, trumpets, saxophones and horns.

The limiter has been set by the installation company in order that it will not go above a limit of 95dB(A) at 3m from the stage position

The in-house PA will be periodically calibrated by the installation company to ensure that the limit level is maintained.

During each event music noise monitoring will be periodically undertaken at the specified community receptor locations detailed in Table 1 below. Monitoring will be undertaken using a Uni-T UT352 sound level meter and a 2 minute measurement undertaken at each location using A Weighted SPL(S) metric. The underlying level during the 2minute period will be evaluated by visually assessing the sound pressure level and a written record will be included within the log. Aural observations will be made for each monitoring record indicating if music is audible and the subjective assessment of its impact along with other observations regarding the acoustic environment. In the event of music noise from the venue being above the proposed limit of 50dB(A) or if deemed to be causing significant intrusion, the venue manager will be contacted and an intervention sound reduction made at the PA system and noise monitoring undertaken at the specified location until music noise level has been reduced to an acceptable level.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Music may occur on a bank holiday instead of the closest Saturday.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NA

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises to
be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DJ music fed through an in-house limited PA. Pursuant to the noise management plan in place

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Music may occur on a bank holiday instead of the closest Saturday.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NA

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Occasional cup of tea.

Sometimes caterers have not finished by 23:00

Continued from previous page...

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NA

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NA

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 12:00

End 00:00

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Alcohol sales may occur on a bank holiday instead of the closest Saturday.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NA

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

[Redacted]

Family name

[Redacted]

Date of birth

[Redacted] / [Redacted] / [Redacted]

dd

mm

YYYY

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Continued from previous page...

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NA

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises to
be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Venue may be open on a bank holiday instead of the closest Saturday.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NA

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The venue has already operated for 5 years with no breaches in HS / Referrals to the H&S Executive/Police incidents/Personal Licence is unblemished.

Noise management plan is adhered to

First aider on site at all times

Health and safety risk assessment carried out before each event by event coordinator

Fire risk assessment carried out before each event by event coordinator

Car park attendant between the hours of 21:00 and 00:00 controlling guests leaving the venue. Liasing with Taxis, mini buses and coaches.

b) The prevention of crime and disorder

Car park attendant between the hours of 21:00 and 00:00 controlling guests leaving the venue. Liasing with Taxis, mini buses and coaches.

The venue has already operated for 5 years without incidents arising.

c) Public safety

The venue has already operated for 5 years with no breaches in HS / Referrals to the H&S Executive

First aider on site at all time

Health and safety risk assessment carried out before each event by event coordinator

Fire risk assessment carried out before each event by event coordinator

Car park attendant between the hours of 21:00 and 00:00 controlling guests leaving the venue. Liasing with Taxis, mini buses and coaches.

d) The prevention of public nuisance

Adhere to noise management plan.

All amplified music is controlled via a EV CPS4.5 (4.5W) amplifier and Cloud CX263 sound limiter.

No backline amplifiers are allowed

No high frequency acoustic instruments are permitted such as steel drums, trumpets, saxophones and horns.

The limiter has been set by the installation company in order that it will not go above a limit of 95dB(A) at 3m from the stage position

The in-house PA will be periodically calibrated by the installation company to ensure that the limit-level is maintained.

Car park attendant between the hours of 21:00 and 00:00 controlling guests leaving the venue. Liasing with Taxis, mini buses and coaches.

During each event music noise monitoring will be periodically undertaken at the specified community receptor locations detailed in Table 1 below. Monitoring will be undertaken using a Uni-T UT352 sound level meter and a 2 minute measurement undertaken at each location using A Weighted SPL(S) metric. The underlying level during the 2minute period will be evaluated by visually assessing the sound pressure level and a written record will be included within the log. Aural observations will be made for each monitoring record indicating if music is audible and the subjective assessment of its impact along with other observations regarding the acoustic environment. In the event of music noise from the venue being above the proposed limit of 50dB(A) or if deemed to be causing significant intrusion, the venue manager will be contacted and an intervention sound reduction made at the PA system and noise monitoring undertaken at the specified location until music noise level has been reduced to an acceptable level:

e) The protection of children from harm

Continued from previous page...

Continued from previous page...

The venue will not serve alcohol to minors. We will display a clear 'Challenge 25' sign to prevent sales of alcohol to minors. The venue will also refuse service to alcohol to any adult who we suspect of serving alcohol to a child. The team have a strong management lead and are well trained in such practices.
The venue provides quiet places and play equipment for children. The venue is a no smoking zone. A designated area is

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

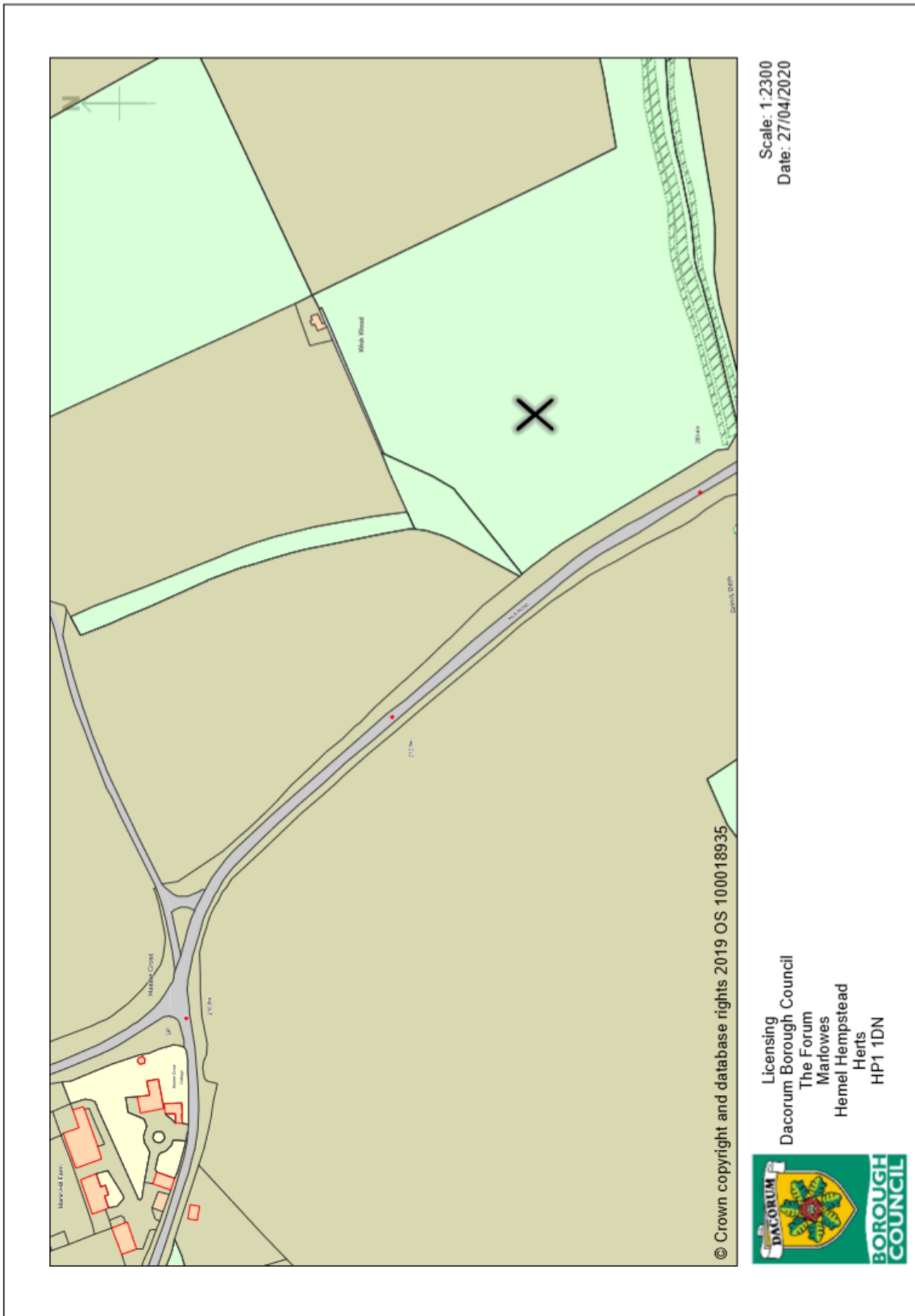
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/dacorum/apply-1> to upload this file and continue with your application.

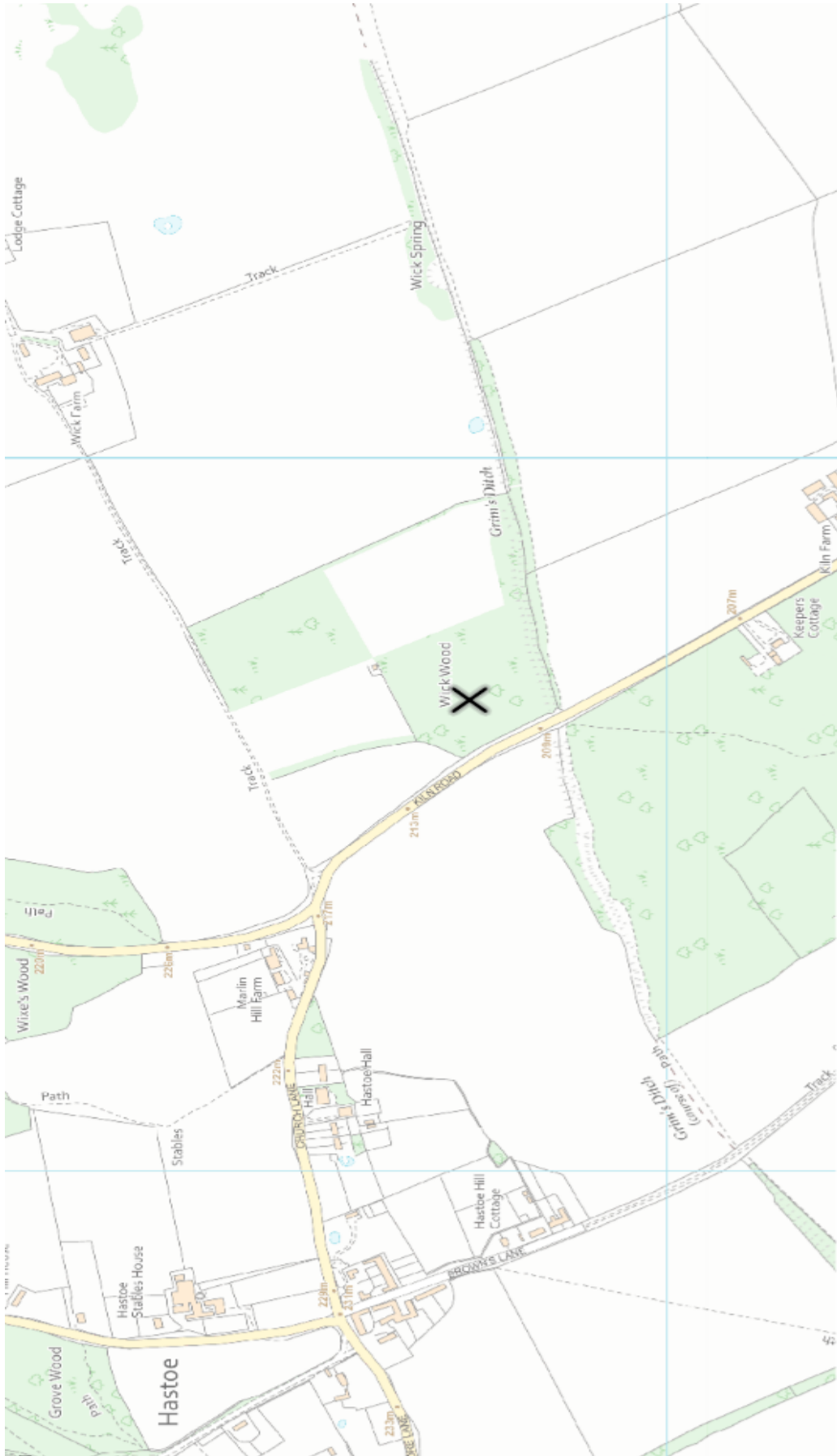
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

**Annex B
Maps of Local Area**





**Annex C
Representations**

Annex C1

Sent: 20 April 2020 10:15

To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>

Cc: *****; *****; Clerk Tring External <Clerk@tring.gov.uk>; Penny Hearn <penny.hearn@dacorum.gov.uk>; Wigginton External <wiggintonpcclerk@gmail.com>

Subject: Woodland weddings planning/licensing application

I want to lodge an objection to this on the grounds of public nuisance.

I live in Wigginton and stumbled on this hornet's nest of a case by accident. I see it goes back a few years, with an email trail stretching to Mars and back; and, I guess it it were costed, involving a considerable amount of public time and money.

Dacorum Licencing (very efficient and prompt replies) originally pointed out to me that I could object on the grounds of public nuisance. When I did this they pointed out this wasn't enough and I would need to specify more clearly what kind of public nuisance. They ask you to jump through one hoop and later reveal there's another one.

I think this goes to the heart of the matter, doesn't it? A local authority running round in circles and having circles run round it. It has all the stuff of a Michael Frayn farce.

What more detail do I need to give re public nuisance than music and drinking events running through the year in the middle of a wood in an AONB? The plain fact is Tring and Wigginton parishes and Dacorum should be proud of this outstanding area of natural beauty and shouting it from the roof tops that they will not have it spoiled.

Weddings are fine by me, and so is private enterprise. But prancing about in a wood until late at night having arrived in fleets of cars? No. How on earth did it get this far? I looked at the email trail and had to reach for the aspirin.

Dancing a stately gavotte on fine points of law about how Dacorum encouraged this particular application in order to have better control over it; and then I learn Dacorum doesn't have the resources to monitor these events independently, what sort of nonsense is this?

So come off the fence Dacorum and get your act together! You did us proud all those years ago when you protected Tring Park against a hotel and golf application. Surely you can do it again.

Annex C1 continued

From: Sally Mcdonald
Sent: 20 April 2020 11:35
To:
Subject: RE: Woodland weddings planning/licensing application

Dear

Thank you for this representation – I apologise for coming back to you once again, but to ensure its validity please can you just confirm who is going to be affected by the nuisance, and, specifically, in what way – you do not specify this within the content of your e-mail. Once I have that your full representation can go forward for consideration at the hearing.

The matter will be determined by the Licensing of Alcohol and Gambling Sub-Committee on a date to be convened, and I will write to you with that once I have it.

Kind regards

Sally Mcdonald

S A Mcdonald
Lead Officer – Licensing
Corporate and Contracted Services
Dacorum Borough Council
Tel: 01442 228470

From:
Sent: 20 April 2020 11:54
To: *****, *****, Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>; Clerk Tring External <Clerk@tring.gov.uk>; Penny Hearn <penny.hearn@dacorum.gov.uk>; Phil McDowell <Phil.McDowell@dacorum.gov.uk>; Wigginton External <wiggintonpcclerk@gmail.com>
Subject: Re: Woodland weddings planning/licensing application

Dear Ms McDonald,

Thank you for your email. I fear we're going round in circles on this Everyone who enjoys this part of the countryside, the general public as well as the local residents, in Hastoe, Tring and Wigginton, are affected. Cars, music etc -what more specifics could you possibly need?

From:
Sent: 17 April 2020 17:48
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc:
Subject: Woodland Weddings Application M050743

Dear Sir/Madam,

[Ref: Woodland Weddings Application type LA2003 s.17 Application Ref: MO50743](#)

I wish to object, on the following grounds, to the granting of the Premises Licence referenced above.

Public nuisance:

1/ The application states “No high frequency acoustic instruments are permitted such as steel drums, trumpets, saxophones and horns”.

This is not the case: On 5th August 2019 I made an emailed complaint to Neil Polden at Environmental Health about the excessive noise, from the P.A. system and Steel Band, the previous Saturday. Please also see my verification email to Neil of 16/08/2019.

2/ The application states, last paragraph page 5, That there is a comprehensive system for noise monitoring.

This is not the case: During the summers of 2018 /2019 E.H. have visited Hastoe Cross Cottage on a number of occasions:

1/ After E.H's visit on 13th July 2019 when the noise level was unacceptable, E.H. contacted Woodland Weddings and were told “it was a one off”.

2/ After E.H.'s visit in 1st September 2018 they informed me that the noise level where “the words of the songs were clearly audible, both inside and outside the house”, and that a noise enforcement notice was to be issued to the Messengers for 2019.

3/ Further evidence of excessive noise can be traced from my Noise Complaint Diaries for 2018/2019. I understand DBC has mislaid my 2017 Diary.

Yours faithfully,

From:

Sent: 18 April 2020 14:50

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: M050743 Application type: LA2003 s.17: Premises licence - New licence application - Woodland Weddings

Dear Sirs,

I object on the grounds of noise and the adverse effect this is causing to me and my family.

Woodland Weddings have been operating on this site for several years using TENs. During this time I have complained repeatedly to the Council that the use of Lila's Wood as an outdoor party venue (associated with weddings) does considerable harm to the tranquillity of the immediate area through the generation of noise, which spoils quiet enjoyment by us of our property.

We have suffered from disturbance almost every Saturday night during the summer—the noise has varied, but has included increased traffic passing late at night, crowd noise (singing along to the music, whoops and cheers), and in particular the music itself, often loud enough to make out the words to the songs but always a constant background beat. We can no longer enjoy our home, and particularly our garden, as we used to.

As part of their noise management plan Woodland Weddings have submitted a noise assessment which happens to show the noise level at the boundary to our property, clearly demonstrating that for much of the time the noise level caused by the event monitored (not a particularly loud one) was above 50 DB and often at 55 DB, This level is very intrusive in a quiet rural setting, thus the proposed noise limit at 50 DB is far too high. It is inappropriate for a woodland site in an AONB to have outside amplified music most summer weekends.

Due to their past behaviour which has shown no consideration for their neighbours, I have no confidence that the applicant would keep to any noise limits imposed unless amplified music was not permitted at all. They have a very poor compliance history, and a history of complaints going back from the beginning of their operations. The Environmental Health department of the Council has my complaints documented and has agreed that the noise level is excessive. Monitoring by EH resulted in EH objecting to the issuing of a TENs licence on noise grounds in 2019.

Yours faithfully

From:
Sent: 18 April 2020 16:41
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Ref: M050743

Dear Sir,

I object to the application reference M050743 on the grounds of:

- noise levels have frequently been breached - see resident's noise diaries and complaints, all of which have been submitted to DBC.
- I am aware of at least one possible breach of H&S
- Woodland Weddings (WW) operates fire pits at the LW site, in breach of its own consultant's advice, which is a significant fire risk. (WW's website even advertises the use of fire pits).
- Relying on WW, or advisers in its pay, to conduct any assessments - especially fire and health and safety - is inappropriate. Any such assessments should be undertaken by competent and independent bodies. For example, the fire brigade should be asked to assess whether using fire pits and having guests sat on bales of hay in close proximity to fires are safe practices.
- in relation to car parking and liaising with taxis and coaches the applicant states that 'the venue has already operated for five years without incidents arising'. Such a statement is untrue. One resident of Hastoe has had to put up with WW customer related taxis arriving down his driveway and has seen fit to have to install gates (at his own expense) to prevent such unwarranted intrusion. There are other incidents of taxis driving around Hastoe, unable to find Lila's Wood.

It is also worth noting that WW operates its site in Lila's Wood in breach of Planning Enforcement Order 4/02210/17/ENA, issued by Dacorum Borough Council (DBC). I cannot see how DBC could issue a licence to an entity which is in persistent breach of one of its own Enforcement Orders.

Furthermore, the operation of an event venue at Lila's Wood by WW has resulted in numerous complaints over the past five years from Hastoe residents about its impact (see the list of submissions to planning applications and the planning appeal enquiry), all of which have been ignored in the application.

Yours faithfully,

From:
Sent: 20 April 2020 15:59
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Ref Woodland Weddings MO50743s.17 premises licence

I have been disturbed numerous times around midnight through past summers on dates when Woodland Weddings have been operating. This has been when taxis stop in our driveway trying to get a phone signal so as to contact Woodland Weddings to find the venue. They always leave the engine running and headlights on which causes great disturbance to myself and my family.

The noise assessment commissioned by Woodland Weddings only took readings in Church Lane and Kiln Road on levels below Lilas Wood. Properties that are most affected by the music are the ones to the east of Browns Lane and on the same level as Lilas Wood.

Woodland Weddings have continued to abuse the 28 day rule and have not complied with the ongoing enforcement notices.

From:

Sent: 21 April 2020 16:12

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Woodland wedding (the wick) - objection to alcohol license

Please find below my objection to the lilas woodland wedding development:

Objection to the licensing application due to the following:

Significant noise, light and visual impact to local area - Lilas Wood does not conserve or enhance the natural beauty of the AONB it falls within. This is not a fair and reasonable impact on the local residents of Hastoe and the surrounding areas - the cost benefit of this venue does not outweigh the overall impact to the local area. This has a significant impact on the residents stress and overall wellbeing which has not been considered in any of the documentation provided on the portal.

Significant increase in traffic in and around the Lilas wood development from guests, contractors and taxis. The wedding venue can only be accessed via 'The Wick' and therefore there is significant through traffic via Church lane before, on and after these events.

Anti social noise disturbance from drunk and disorderly guests walking along Church road late at night - impact on local residents wellbeing/stress/sleep etc

Vehicles, including taxis turning up and using our driveway as a turning point when they get lost trying to find the wedding venue. They leave the engines running, talk loudly on their mobiles which disrupts the sleep and overall wellbeing of the local residents.

The venue does not have its own postcode - guests and contractors are often lost which results in vehicles stopping and asking passing walkers for directions

Visual impact from cars and Tipis left on field during wedding season - significant trampling under foot of plants and wildlife.

Only one vehicular access point to the wedding via the wick - cars are parked blocking access to emergency vehicles and walkers etc

Permitting such a development within AONB will set a precedent to other developments in these areas - impacting on the overall enjoyment for everyone in the longer term.

There is already a wonderful venue for weddings in Hastoe - there does not need to be another one as will have a commercial viability impact for Hastoe Hall/competition.

Kind regards

22 April 2020

Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN

Ref: M050743

Premises: Woodland Weddings, Wick Wood, Hastoe, Tring, Herts

Dear Sir,

As the Trustees of the Hastoe Village Hall Trust we are writing to object to the application for a premises licence for Woodland Weddings in Wick Wood, Hastoe

Hastoe Village Hall, built in the 1890s and located around a quarter of a mile from Lila's Wood, is run under the terms of a charitable trust whose objectives, as set out in the Trust Deed, are described as 'the provision and maintenance of a village hall for the use of the inhabitants of Hastoe and the surrounding district'.

The Hall Trustees therefore seek to manage activities at the Hall primarily for the benefit of the local community and in a way which is consistent with the Hall's position set within a hamlet located at the heart of the green belt. In doing so the Trustees look to ensure that the profile of the hall, in particular in relation to noise and the generation of additional traffic, is consistent with its location in a rural environment and in an area of outstanding natural beauty.

The main objective of the Hall is to provide facilities for a range of local activities, including fitness and dance classes, children's playgroups, art exhibitions and conservation groups, many of which - for example, theatre performances and classical concerts - are particularly susceptible to disturbance produced by Woodland Weddings,

In order to limit the impact of the Hall on the local community and the environment, the Hall Trust imposes a strict quota of five wedding parties and similar events, which are restricted to those resident in the near vicinity. In recent years this approach has been undermined by the activities of Woodland Weddings, in particular by noise generated by Woodland Weddings events, as well as by significant additional traffic flows on narrow country lanes.

On those occasions where Woodland Weddings activities have overlapped with events at Hastoe Village Hall, up to two hundred and fifty additional people and associated vehicles have been present in the community and surrounding lanes, often resulting in noise and other disruption.

Hastoe Village Hall provides a wide range of opportunities for local residents consistent with its rural location. If Woodland Weddings continues to operate in the neighbourhood it will adversely affect the role of the Hall as a community facility as well as having a detrimental impact on Hastoe and its immediate surroundings.

Yours faithfully – Trustees of Hastoe Village Hall Trust

From:
Sent: 22 April 2020 17:55
To: Licensing Mailbox <Licensing@dacorum.gov.uk>; Nigel Gibbs
<Nigel.Gibbs@dacorum.gov.uk>; Clerk Tring External <Clerk@tring.gov.uk>
Subject: Application M050743 Woodland Weddings

Dear Ms McDonald

I object to the application on the grounds of Public Nuisance and Public Safety.

Public Nuisance:

I have read the details of this Licensing Application and note that whereas Live Music must stop at 23.00, the applicant asks for provision of late night refreshment and supply of alcohol until midnight. This is not acceptable when residents live so close to the site.

I attended a meeting of Tring Town Council towards the end of last year when the current Planning Application was first discussed, and a number of Hastoe residents were very upset by the noise of cars, very merry wedding guests, and also headlights shining in their windows in the early hours.

I am amazed that Temporary Event Notices have been granted to Woodland Weddings in previous years, when DBC Environment and Community Protection Department made objection to each of the 15 Notices submitted for 15 Weddings per year. I believe Enforcement have been involved on several occasions very late at night.

Public Safety is a major concern:

A) both for local people, children and dogs walking along Wick Road which is a Public Right of Way -

B) and for the Wedding guests if fire pits are in operation, and fires could easily occur in the woodland. It would be very difficult for a fire engine to access the site quickly.

Yours sincerely

Chiltern Society

Licence Application Woodland Weddings Lila's Wood, Tring

Tring Town Council is opposed to the planning application related to this licence application and has grave concerns that granting a licence would cause public nuisance. Town Council is sympathetic to objections submitted on behalf of a group of Hastoe residents by Mr ***. The Council is also conscious of the points you raised in response to *****.

The proposed location of the events is a quiet, rural location which, at night-time, has little ambient lighting – no street lights, etc.

The application includes various measures to stop light pollution during the event; this does not address, however, the impact of traffic resulting from 100+ guests leaving the site late at night in a relatively concentrated time period. Reference is made to people all arriving by coach – this is not a realistic assumption with guests arriving throughout the day, some for the ceremony and some for the evening only.

The residents have challenged the veracity of the noise research through their experience of events held under temporary licences. The Town Council supports them. Sound can and does travel a long way in what it an essential quiet location, especially late at night.

That live music is possible under permitted rights until 11:00pm was noted. The Town Council considers that, if a licence were to be granted, drink should only be served until 11:00pm too, not 00.00. Aligning the two aspects, would mean the event can be closed and cleared by midnight – the usual criteria for village halls. Serving drink until midnight would mean the event continuing well into the early morning.

Michael Curry

Clerk to the Council

Tring Town Council

22nd April 2020

Annex D
Mediation between the applicant and objectors

Annex D1

On Wed, 29 Apr 2020 at 16:25, Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk> wrote:

Dear Sir/Madam

Yesterday I sent your representations to the applicant, Ms Messenger.

I have received a response from her indicating that she would be happy to open up discussions with objectors, if they wish to do so. Therefore, if you want to submit any specific questions or concerns you have that relate to the application and the representations you have made, I can pass them on to her. If you do not wish to do this, the matter will proceed to hearing as previously advised.

I would also advise Tring Town Council that Ms Messenger has indicated in her e-mail that she plans to contact the Town Council in due course as the business has had no previous engagement with you.

Kind regards

Sally Mcdonald

S A Mcdonald
Lead Officer – Licensing
Corporate and Contracted Services
Dacorum Borough Council
Tel: 01442 228470

From:

Sent: 29 April 2020 21:51

To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>

Subject: Re: Application for premises licence - Woodland Weddings, Lila's Wood, Hastoe, Nr Tring Hertfordshire

Well, I guess this is a positive move. My questions at this stage are how does Ms Messenger propose to open up discussions with objectors; is she planning to shelve the application if needs be; and how does she propose to mitigate the public nuisance if she proceeds with the application?

**Annex D1 continued
Response from applicant**

From: Faye Messenger
Sent: 30 April 2020 15:34
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: RE: Application for premises licence - Woodland Weddings, Lila's Wood, Hastoe, Nr Tring Hertfordshire

Hi ***** and Sally

Thank you for the opportunity to speak to you with regards to your concerns. I note that you also wrote on the 'Everything Tring' public forum last week but you took the post down. I started to address your points through this medium but I'm not sure if you saw them?

You seem to be proposing that our business *could* be a 'public nuisance' but you haven't provided any details of how the business is affecting you personally? I gather it's the type of service we provide that you disagree with as oppose to how we run it? If I have misunderstood, and you are being adversely affected I am happy to visit your property during an event for instance, or engage in further discussions as to what impact the business is having on you .

We only run 14 weddings per year. For each wedding for the past 5 years we have obtained a 'Temporary Event Notice'. This notice details the licensable activities we propose to carry out. Over this period we have self-invigilated. Some of the measures we have introduced are as follows:

- Buying our own PA system over which we have ultimate control, and limiting it
- Setting noise restrictions and perimeters
- Restricting bands to 2 x 1 hour set. Or 3 x 40 minute sets
- Setting restrictions on the type of acoustic instruments we allow (during 2019 onwards)
- Restricting guests numbers
- Visiting local properties to listen out for noise and take records of levels and ambient conditions. On average 3 times per property, per evening set. This normally takes up my entire evening on an event night, and takes me away from my young family. However I worry so much about it that I make sure I do it personally. I have never missed an event.
- Spacing events out throughout a 6 month period so that there are no more than 3 events per month
- Obtaining advice from professional consultees
- Talks with environmental health at DBC regarding monitoring, and how to set out our speakers/set limitations.
- Giving our contact details to local properties in case they have any concerns.

We are applying for a premises licence in order to alleviate the need to apply 14 times per year for TENS licences. We also wish the council to agree boundaries with us. We want to have clear, and workable guidelines. If we were to 'shelve the application' and revert to TENS applications then we will be reverting to setting our own boundaries when we make applications. I feel that this serves no parties well. I made this application at the beginning of the lockdown period, although it had been on my agenda for some time. The reason I felt it imperative to do so is that we may be forced to change event schedule in order to avoid devastating brides and grooms this Summer. Some of the weddings that were due to take

place in May and June have been postponed to September and October. This is a one off, unavoidable scenario and it means I will need to be very sympathetic to those properties that reside about 2/3 mile from the site.

Essentially our business has been successful because the number of people who enjoy the service we offer vastly outweighs those that object. This was evident to you when you posted negatively about the business on Everything Tring. I note you were met by comments from a large number of supporters. My husband and I are Tring and Wigginton born and raised. We honestly do care greatly about the local area and its people. That said, the weddings take place in an area less than two acres of the overall farm and woodlands, and is segregated from the remainder of the woodland to avoid intrusion. It is also on private land and away from public vantage points. Furthermore, it is also the area of the farm furthest removed from properties and possible protected wildlife. I am happy to provide you with ecological reports on the area we use which address the ecological value of the site.

To address your point of opening up discussions with objectors I am happy to address objectors in an upfront and honest way. Unfortunately we have endured a vast amount of criminal, and anti-social behaviour from a small group of objectors and this has coloured our impression of them. The criminal activities reported to the police have included a huge scale fire as a result of arson, cutting off our water supply, cutting our electric supply, property damage, vehicle damage, mistreatment of animals on the farm, theft, and verbal abuse. My husband and I are however happy to start afresh and try to find workable solutions, wherever individuals have concerns coming from a place of genuine anguish.

I know that you do not form part of this criminal group, but as we have not spoken before I felt I needed to make you aware of the two sided nature of this argument. I feel the continued argument has a lot more to do with class and social standing than of ecology or nuisance.

In conclusion I fear we may be divided on the 'ethics' of the business but as you are polite and open to free conversation then maybe you may become a spokesperson and educator rather than an adversary. I very much hope that we can talk again.

Yours Sincerely
Faye Messenger

**Annex D1 continued
Reply from objector**

From:

Sent: 30 April 2020 18:26

To: Sally McDonald <Sally.Mcdonald@dacorum.gov.uk>

Subject: Re: Application for premises licence - Woodland Weddings, Lila's Wood, Hastoe, Nr Tring Hertfordshire

For forwarding to Ms Messenger

Many thanks for doing the courtesy of a reply. I feel I should return the courtesy but beyond this email I think we should leave it to a decision from Dacorum and not add to the email trail. (As an aside I should say I have no idea what happened with the Everything Tring post. I think someone else made a posting.)

Right at the beginning of my involvement in this I explained that I was a complete novice over this issue; that I knew next to nothing about the planning process; and that looking at the email trail and history made me want to reach for a bottle of aspirin. I pointed out that my wife and I like many residents in the area felt privileged to live in such a beautiful AONB where we can walk and enjoy the countryside; and share it with and welcome the wider public to do the same. Dacorum many years ago fought off developers for a hotel and golf facility in the adjacent Tring Park and can feel proud of their record on this.

I appreciate what you say in mitigation and I am so very sorry to learn about the problems you have had over arson and the like. As parents of a son and daughter, we have welcomed, supported and enjoyed their weddings. One was in a ski resort in Vermont, the other in a beautiful abbey in Dorset. Both were in locations where parking and disruption posed no issues. I applaud your entrepreneurial spirit but when all is said and done, an AONB is not a suitable location. Finally, self monitoring is not the answer. However carefully you say you will accomplish it, marking your own homework will not convince people.

I fear we are going to have to agree to disagree.

Yours, *****

From:

Sent: 05 May 2020 15:23

To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>

Subject: Re: Application for premises licence - Woodland Weddings, Lila's Wood, Hastoe, Nr Tring Hertfordshire

Dear Ms Mcdonald,

Thank you for your email.

This is the first indication we have had during the years she has been operating out of Lila's Wood, that Ms Messenger acknowledges our existence and is prepared to consider any of our concerns and objections. I hope this is not a cynical ploy to make her appear more accommodating than she has been so far to the plight of residents affected by her business.

The main issue I, and other residents have is the disturbance caused by the open air parties (mostly celebrating weddings), which are held on the site. This disturbance (general crowd and party noise, amplified music, tannoy announcements, disco lights and late night traffic) significantly affects our quality of life and interferes with the enjoyment of our properties. Running throughout all her applications, whether for planning permissions or the current licensing one you are dealing with, has been the argument that the noise made on the site is not very loud and so, by implication, should be tolerated. However, Lila's Wood is in an AONB, and one of the special characteristics of an AONB is that it should be protected from undue disturbance of light, noise etc. In the countryside, on quiet summer evenings noise travels. On darker nights the lights are very visible. We are used to the odd car going past on the road and, during the day, the background rumble of the A41 but the sounds of an open air party with disco music or a live band which lasts for a whole evening week in week out during the summer months is not a natural sound of the area but an intrusive nuisance. Because the events are outside and we are so close, keeping the sound down to a level at which we are guaranteed not to hear it, I accept is difficult, but that is what she needs to do. Her current arrangements and those proposed are inadequate; hearing her parties as a constant backdrop to our summer Saturday evenings is not acceptable, and last year this was upheld by Environmental Health who objected to the granting of a TENS.

I ask her how much she would appreciate having an outdoor party next to her home every Saturday night? In addition to managing the party noise she also needs to ensure that the collection of party-goers from the site does not take place late in the evening or alternatively find a solution to the car door slamming, shouts from party goers as they leave, car headlights and the fact that so many taxis fail to find the event site and so disturb residents of the village as they reverse into driveways.

I am sure that Ms Messenger has an excellent business, and would wish to do the right thing, however, the location of Lila's Wood from which she is operating is not suitable for these events and I would urge her to consider moving her business to a more suitable wooded area, well away from residential properties.

Yours sincerely,

**Annex D2 continued:
Response from applicant**

From: Faye Messenger <faye@woodland-weddings.com>
Sent: 11 May 2020 21:04
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: Application for premises licence - Woodland Weddings, Lila's Wood, Hastoe, Nr Tring Hertfordshire

Dear XXXX

I have taken a few days to return your email because I wanted to ensure that I replied in the most sympathetic and productive of ways.

This is in fact the first opportunity I have had to engage with you as your previous contact has been directly with environmental health at Dacorum Borough Council. Data protection denies me the ability to identify the complainant in order to engage with them. It is far more productive to speak directly and I welcome this opportunity.

I'm sorry that you are not *aware* of my ongoing efforts to ensure that you are not disturbed by weddings, perhaps I should detail them here. Contrary to your belief that I disregard your welfare, truly, I spend each Saturday evening on which we hold a wedding taking sound observations, leaving my young family with a babysitter. I do this myself because it is of the utmost importance to me and I wish to have ultimate control over the events. My observations are taken from five points. One of these is directly outside your property. I have four years of records taken from outside your home detailing the readings of sound. For the past year I have also been detailing the ambient conditions and descriptions of what I can hear. I suggest it is my car door that you can hear closing as oppose to car doors at the venue over 0.6 miles away.

I sympathise that you wish to have absolute peace and quiet but I feel that it is important to outline that it is our responsibility to ensure that you are not subjected to excessive noise. We do not have an obligation to guarantee your absolute solitude as you suggest. Our events take place 2-3 times per month on average and are subject to 2 one hour sets of amplified band music, or 3 forty-five minute sets. For the most part background music is at a low level played by an in house a DJ. I am very much open to working with you if you ever have any concerns that this company policy is not being adhered to, and I invite you to contact me directly if ever prevailing conditions are such that sounds levels in your area are excessive. I will take immediate action to quell the source of disruption in this instance.

I feel that we both need to be reasonable and constructive in our approach. Neither of us are going to 'move' and we must therefore come to a workable and tolerable medium. In order to do this we need to establish the true facts from the supposition. You mention light pollution? I find it difficult to understand how our 15 watt bulbs at a source 0.6 miles away are disruptive? Furthermore disco lights are contained within a thick woodland. Standing outside your property I have never been aware of disco lights shining anywhere close to your property.? The second point I wish to question is in regards to traffic. A wedding generally attracts an absolute maximum of 50 guest vehicles. Guests leave over a four hour time frame between 9pm and 1am. The vast majority of the vehicles are heading towards the A41 or the Tring hotels and will therefore use Marlins Hill, entirely avoiding your road. I wish to

suggest that the increase in traffic over a four hour time frame can only be a handful of vehicles. As detailed above I spend a great deal of time outside your property so I am aware that there is frequent generalised traffic, a distant rumble of the A41, and noise from aeroplanes using the flight path.

My second point is in relation to your statement that the objection in 2019 to our TENS was upheld. The objection was in fact set aside. Furthermore environmental health have not objected to this application. I feel this suggests that they feel that they can work with us as a business and have confidence that we wish to be considerate and abide by the detail of the premises licence.

You refer to my own tolerance. I suspect we have different levels of tolerance and this is okay; we are all a product of our own life experiences. We do however share the privilege to live and work in an AONB. This fortunate position should be kept in mind and I endeavour to have an attitude of gratitude for this privilege we both share. Let us please continue to work together and use this medium to continue the flow of conversation. I very much care about your enjoyment of your wonderful property and welcome you to engage with me whenever you feel appropriate. I enclose my work telephone number for ease and immediacy.

Yours sincerely
Faye Messenger
Woodland Weddings Ltd
XXXXXXXXXXXX

**Annex D2 continued:
Response from objector**

From:
Sent: 14 May 2020 15:07
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: Reply to Ms Messenger of Woodland Weddings

Dear Ms Messenger,

Thank you for your email. I will address the points you make in turn, and your words, if quoted, will for ease be in italics.

A general point first. Not all the comments I made in my email were directly related to my experience but of a more general nature relating to the experiences of many residents living in the vicinity of Lila's Wood. I felt you should understand, if you were not aware, the range of issues, not just the party noise, which residents have with your events. Some of the most affected are elderly and whilst they have made noise complaints to the Council during the last few years they have not wished to get further involved personally, even though they are suffering just as much if not more than me. We are a small, supportive community who know each other well, most of us having lived here for decades.

"I'm sorry that you are not aware of my ongoing efforts to ensure that you are not disturbed by weddings,"

The term 'weddings' always makes an activity sound gentle and benign. To be clear, I am not disturbed by weddings, I am disturbed by the music and party noise in the evenings which you host after a ceremony has taken place elsewhere. You do not have a licence for marriage ceremonies.

"Contrary to your belief that I disregard your welfare, truly, I spend each Saturday evening on which we hold a wedding taking sound observations"

You may well do this, but your own readings are hardly impartial. The sound readings submitted have been selective and limited. The sound levels you are proposing need to be read with the understanding of the logarithmic scale of decibels. Every 3 Db is a doubling of sound.

“I sympathise that you wish to have absolute peace and quiet but I feel that it is important to outline that it is our responsibility to ensure that you are not subjected to excessive noise. “

Being able to make out the words of the songs in my back garden is excessive noise. Environmental Health has already stated (in objecting to the issuing of a TENS licence in 2019) that in their view the noise emanating from your events is a public nuisance and would continue to be so in the future.

We should not have to put up with the noise and, just as important, the frequency of your events in an AONB. To date, you have been given no planning or licensing permission to operate on this site. All your planning applications to date have been turned down. You are operating by stretching the light touch planning (permitted development, maximum 28 days) and licensing laws (TENS licence, maximum 15 days) to extremes.

“My second point is in relation to your statement that the objection in 2019 to our TENS was upheld. The objection was in fact set aside.”

Indeed, it was set aside upon appeal by you. Residents were not able to be present as members of the public cannot comment or object to a TENS, but the appeal was upheld in the main because you argued that the noise was not coming from your events but from Hastoe Village Hall and other unspecified raves and parties in the area. Since the Environmental Health Officer was unable to offer evidence against this claim the appeal was allowed, but with a warning not cause further complaints. However, as Environmental Health can confirm, there were further complaints during 2019 and EH also took sound readings during events at the Village Hall last year which demonstrated that this could not be the cause of the problem. Due to the fact that the Hall is a building with double glazing it is extremely rare for sound to come out of the building. The Hall has never been the subject of noise complaints by the village.

“Furthermore, environmental health have not objected to this application. “

No they haven't. The reason Environmental Health has not objected to this application is because they can't. You will know this, so this comment is misleading. The reason they can't object or comment is because music is not a licensable activity if it stops by 11.00pm.

“I feel this suggests that they feel that they can work with us as a business and have confidence that we wish to be considerate and abide by the detail of the premises licence.”

No it merely is the legal position.

Finally, it is disappointing that whilst you write to me saying you wish to be reasonable you continue to seek to discredit the complaints from residents by citing the Village Hall. In an Open Letter to Tring Council posted on Facebook you claim that those objecting are running the Village Hall or local organisations. The implications being that there is a connection. This is incorrect. I do not run any organisation in Hastoe, nor do the other principle objectors. As I have stated, most people in the village have been affected to a greater or lesser extent. I have never been on its Management Committee, or a Trustee, although in the past I have occasionally attended meetings in an advisory capacity (marketing). I rent the Hall annually for an art group and have attended events there as do most villagers.

You have also used The Village Hall as a reason why your application should be accepted claiming that the Hall has numerous loud parties with music and alcohol. The Hall is a charitable trust, run on a not for profit basis for the benefit of the local community. The majority of events held there are exercise classes, art groups and classical concerts. The Chairman of the Management Committee advises me that Hastoe Village Hall has been operating a strict quota of evening parties - weddings or other - over the past couple of years, and these are prioritised for residents of Tring and the Hill Top villages. These events help defray the running costs of the Hall. Although there is no set figure, amplified music events work out at around half a dozen spread out over the whole year (as can be deduced from the booking calendar).

Yours sincerely,

Annex E

Local policy considerations and National Guidance

LOCAL POLICY

Public safety

5.9. When considering this objective, the licensing authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.

5.10. There are several regulatory regimes concerned with public safety, and the licensing authority will seek to avoid duplication with these insofar as is possible. In particular, we will not duplicate obligations placed upon licence-holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 (which is discussed further later in this Statement).

Public nuisance

5.12. The licensing authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

5.13. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The licensing authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

5.14. The authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance. However, the licensing authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

5.16. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

5.19. The licensing authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

Applications

9.1. Every matter requiring determination by the licensing authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.

9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the licensing authority will apply the considerations set out below.

9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The licensing authority will now consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".

9.5. The licensing authority strongly encourages dialogue between applicants (or licence-holders) and persons affected or concerned about proposals within a licence application. In many cases, such concerns can be resolved informally, without the need for a hearing. Where parties give their consent, the licensing authority may facilitate mediation between parties to a prospective hearing, to explore whether an informal resolution can be achieved.

9.6. When considering applications for a new licence, or a variation of an existing licence, the options available to the authority will generally include: granting the application as applied for, granting the application with amendments to the operating schedule or additional conditions, or refusing the application. The last of these options is clearly the most serious, and the authority will only look to refuse applications where it is satisfied that the proposed activities could not be carried on, even with modifications or additional restrictions, without a detrimental effect to the licensing objectives.

9.7. The options available when considering premises licence or club premises certificate applications will include the restriction of licensed hours or the imposition of additional conditions, which may be considered appropriate for the promotion of the licensing objectives.

Licensing hours

10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.

10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The

licensing authority expects these times to be provided for all premises which may be accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.

10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

Licence conditions

11.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

Outdoor events

21.1. The licensing authority recognises the contribution that well-run outdoor events bring to local communities, and is pleased to support events which are run in a manner that will promote the licensing objectives.

21.2. The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.

21.7. One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The licensing authority will expect to receive a comprehensive operating schedule from licence applicants, containing appropriate proposals to control such issues and promote the public nuisance licensing objective.

Other relevant considerations

22.1. Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.

Live music, dance and theatre

22.6. The licensing authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the Borough, and particularly live music, dancing and plays.

22.7. Many events which consist solely of these activities will now fall outside of licensing requirements, following recent deregulation.

22.8. The licensing authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive

measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restriction on these events.

22.9. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community of these activities.

22.10. When attaching conditions the licensing authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However the licensing authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

Fire safety

25.1. The primary legislation in respect of fire safety in commercial premises is the Regulatory Reform (Fire Safety) Order 2005, which is enforced by fire and rescue authorities.

25.2. The licensing authority will seek to avoid duplication with this regulatory regime when exercising its licensing powers. In particular, we will not seek to attach conditions to licences and certificates which duplicate requirements under the Order, nor will we impose conditions which limit capacity within a licensed premises on fire safety grounds, although we may continue to set capacity limits if this is considered appropriate on another public safety ground.

25.3. The licensing authority expects all premises licence and club premises certificate holders to adhere fully to the requirements of the Order, in particular with regard to ensuring that a suitable fire risk assessment has been undertaken and any applicable measures implemented. We will work closely with Hertfordshire Fire & Rescue Service in this respect, as failure to fully adhere to fire safety legislation may be indicative of a more systemic management failure to promote the licensing objectives.

25.4. The fire and rescue authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and not solely based on a failure to adhere to fire safety legislative requirements.

Planning and building control

26.1. The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee – the licensing authority is not bound by the decisions made by the planning authority, and vice versa.

26.3. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.

26.4. The planning, building control and licensing regimes of the licensing authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously.

26.5. The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements

26.6. The Council as a planning authority has adopted planning policies which relate to planning concerns, including the development and use of buildings and land. They contain criteria related to such matters as the size of premises and the use of premises, rather than to individual licensable activities.

26.7. Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the licensing authority from considering in detail the licensable activities, their management and conditions appropriate to them.

26.8. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and part of the holistic approach to the management of the evening and night time economy.

STATUTORY 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 safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be

outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises
- Considering the use of CCTV in and around the premises

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and;
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Safe capacities

2.12 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their

own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

Public Nuisance

2.15 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.

2.16 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 may 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.

2.17 However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 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.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 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.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.

Conditions attached to Premises Licences

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. [.....] Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. [.....]. Licensing authorities should ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Regulated Entertainment

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

Live music: no licence permission is required for: –

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises; and
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded 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 music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.39 Chapter 9 of statutory guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00. 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

Agenda Item 5

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chair 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 Chair 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 Chair will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chair 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 Chair 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 Chair will establish whether all Members of the Sub-Committee have read the papers before them, and then announce the order of speakers.
5. The Chair 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 Chair 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 (or representative, if applicable), any other party who has made relevant representations (in that order).
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 Chair will invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chair 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. The Chair may request that the applicant or licence holder, other persons, representatives (if any) and any Officer present (with the exception of the Legal Officer and Corporate and Democratic Services Officer) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chair will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted).
15. The Sub-Committee's decision will be confirmed in writing by the Assistant Director (Corporate and Contracted Services).

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.