



Licensing of Alcohol and Gambling Sub- Committee

MONDAY 27 JULY 2020 AT 11.15 AM

Microsoft Teams

***This meeting of the Licensing of Alcohol and Gambling Sub-Committee will be held remotely via the Microsoft Teams application.**

Should any members of the public wish to join this meeting, please contact the Assistant Director (Corporate & Contracted Services) at member.support@dacorum.gov.uk by 5pm on Friday 24th July.

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 Bhinder
Councillor Rogers

Councillor R Sutton

If you are having problems connecting to the virtual meeting, please phone the clerk on 01442 228490.

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

AGENDA

1. MINUTES

To confirm the minutes of the meeting held on 16 June 2020.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. 11:15AM - PREMISES LICENCE APPLICATIONS UNDER THE LICENSING ACT 2003 (Pages 3 - 56)

5. **2PM - PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING ACT 2003** (Pages 57 - 106)
6. **PROCEDURE OF THE HEARING** (Pages 107 - 108)



AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	27 July 2020
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence applications under the Licensing Act 2003
Contact:	Sally McDonald – Lead Officer, Licensing, Legal Governance
Purpose of report:	This report sets out details of applications in respect of premises licences, which require 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 reports, and representations made in respect of the applications, and determine the applications in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable 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>Ensuring efficient, effective and modern service delivery</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 have been made to the licensing authority and require consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:

- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
 - 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
 - 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
 - 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are 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.
- 4.2. While considering an application for the variation of an existing licence, only the proposed variation may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.
- 4.3. When determining an application for the variation of a premises licence (under section 34), 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) modify the conditions of the licence (by way of alteration, omission or addition);
 - (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

5. Details of applications

- 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	Drive In Cinema, Pendley Activity Meadow, Cow Lane, Tring, HP23 5QY	Application for grant of premises licence (s.17 Licensing Act 2003)

APPENDIX A

Applicants name	Universal Event Productions Limited
Name and address of premises	Drive In Cinema Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5QY
Ward	Tring East

1. Current Licence

1.1 This is an application for a new grant.

2. Application

2.1 The premises is a field adjacent to Pendley Manor which has been used previously for larger scale outdoor events.

Authorisation was initially sought for the following licensable activities between the period 10th July 2020 to 20th September 2020:

Provision of films - outdoors

Friday to Sunday 12:00 – 22:30

Provision of recorded music – outdoors

Friday to Sunday 12:00 – 22:30

Supply of alcohol – for consumption on the premises

Friday to Sunday – 12:00 – 22:30

Hours premises open to the public

Friday to Sunday – 12:00 – 23:00

A copy of the application is set out at Annex A.

A premises plan and map of the area are shown at Annexes B1 and B2 respectively.

3. Details of Representations

- 3.1 14 representations have been received during the consultation period, from residents living in the area. The representations received refer to concerns in respect of public nuisance and public safety. These are set out at Annexes C1 to C14.

A further representation was received from Environment and Community Protection at Dacorum Borough Council, in respect of public nuisance concerns around the potential for noise nuisance arising from events. This is set out in Annex D.

- 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 – See paragraph 3.1.

Local Safeguarding Children Board – no response

Licensing Authority – no response

4. Observations

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

Annex A Application for grant of premises licence

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

Revised April 2017



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Universal Event Production Ltd
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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.

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Pendley Meadow Cow Lane Tring			
Post town	Tring, Hertfordshire	Post code	HP23 5QY 5NS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick ✓ as appropriate

- | | | |
|------|--|---|
| a) | an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) | a person other than an individual * | |
| i. | as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii. | as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. | as an unincorporated association or | <input type="checkbox"/> please complete section (B) |

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) 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 please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
Date of birth	/ /	I am 18 years old or over	<input type="checkbox"/> Please tick ✓ yes
Nationality			
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
Date of birth		/ /	I am 18 years old or over <input type="checkbox"/> <small>Please tick ✓ yes</small>
Nationality			
Current residential address if different from premises address			
Post town			Post code
Daytime contact telephone number			
Email address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

(B) OTHER APPLICANTS

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

Name	Universal Event Production Ltd
Address	Unit 2 Beacon Court Pitstone Green Business park
Registered number (where applicable)	3683062
Description of applicant (for example, partnership, company, unincorporated association, etc.)	Ltd Company
Telephone number (if any)	01296 660006
Email address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start?

D D M M Y Y Y Y
 4 0 / 0 7 / 2 0 2 0

If you wish the licence to be valid only for a limited period when do you want it to end?

D D M M Y Y Y Y
 2 0 / 0 9 / 2 0 2 0

Please give a general description of the premises (please read guidance note 1)

The Premises is a field adjacent to Pendley Manor that has previously been used for outdoor concerts. This application is for the purpose of Outdoor cinema events, either drive up or on foot, dependent on restrictions applied by legislation related to Corona Virus (COVID19)

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

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ✓ all that apply

Provision of regulated entertainment (please read guidance note 2)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes; fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings <i>(please read guidance note 7)</i>			Will the performance of a play take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays <i>(please read guidance note 5)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri	12.00	22.30	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12.00	22.30			
Sun	12.00	22.30			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings <i>(please read guidance note 7)</i>			Will the performance of live music take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>		
Tue					
Wed			State any seasonal variations for the performance of live music <i>(please read guidance note 5)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri	12.00	22.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12.00	22.30			
Sun	12.00	22.30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings <i>(please read guidance note 7)</i>			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here <i>(please read guidance note 4)</i>		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) <i>(please read guidance note 5)</i>		
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
Fri					
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri	12.00	22.30			
Sat	12.00	22.30			
Sun	12.00	22.30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor:
(Please see declaration about the entitlement to work in the checklist at the end of the form)

Name	
Date of birth	/ /
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children *(please read guidance note 9)*

N/A

L

Hours premises are open to the public Standard days and timings <i>(please read guidance note 7)</i>			State any seasonal variations <i>(please read guidance note 5)</i>
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list <i>(please read guidance note 6)</i>
Tue			
Wed			
Thur			
Fri	12.00	23.00	
Sat	12.00	23.00	
Sun	12.00	23.00	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

An Event Safety management plan, agreed by the relevant local authority and emergency services, will be in place for each event and be made available for inspection by the responsible authorities on reasonable request

A COVID 19 secure plan has been produced, with the event operating within the plan. This plan will be reviewed before every event and following any local or national changes.

Adherence to government guidance on COVID-19 and achieving COVID 19 secure levels

b) The prevention of crime and disorder

Liaison with Police Licensing team on event security plan
Ingress and dispersal plans in place for each event agreed by the local authority
Transport plan in place for all events as agreed by the SAG
The bar to have a personal licence holder present for sale of alcohol

c) Public safety

Each event shall have a nominated Event Manager and a nominated infection mitigation Coordinator who will be onsite during the event
Event Safety Management and Risk assessments undertaken for each event
On sale drinks sold in plastic or recyclable vessels when regulations allow
For each event First Aid Cover and facilities appropriate to the event will be provided.

A COVID -19 Secure Plan has been produced, with the event operating within the plan. This plan will be reviewed before every event and following any local or national changes.

d) The prevention of public nuisance

Noise Management plan produced for each event.

The Licence holder shall, by publication online, leaflets, advertisement and/or any other reasonable means, that all persons who it is reasonably foreseeable may be affected by an event have access to the phone number and email address to make a complaint.

a) these shall be monitored at all times during an event

b) The Licence holder will maintain a written log of all complaints. The log shall be made available to any local authority officer or Police officer on request.

There shall be frequent litter collections undertaken to ensure that empty containers do not accumulate in or around the licensed area.

e) The protection of children from harm

Challenge 25 on all Alcohol sales
Nominated Child protection officer for the event
Film Classification to be known pre event and adhered to onsite admissions.
Child and Vulnerable adult Policy in place as per ESMP
No entertainment of an adult nature shall take place at the premises

Please tick ✓ to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- *[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]*
I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service
(please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

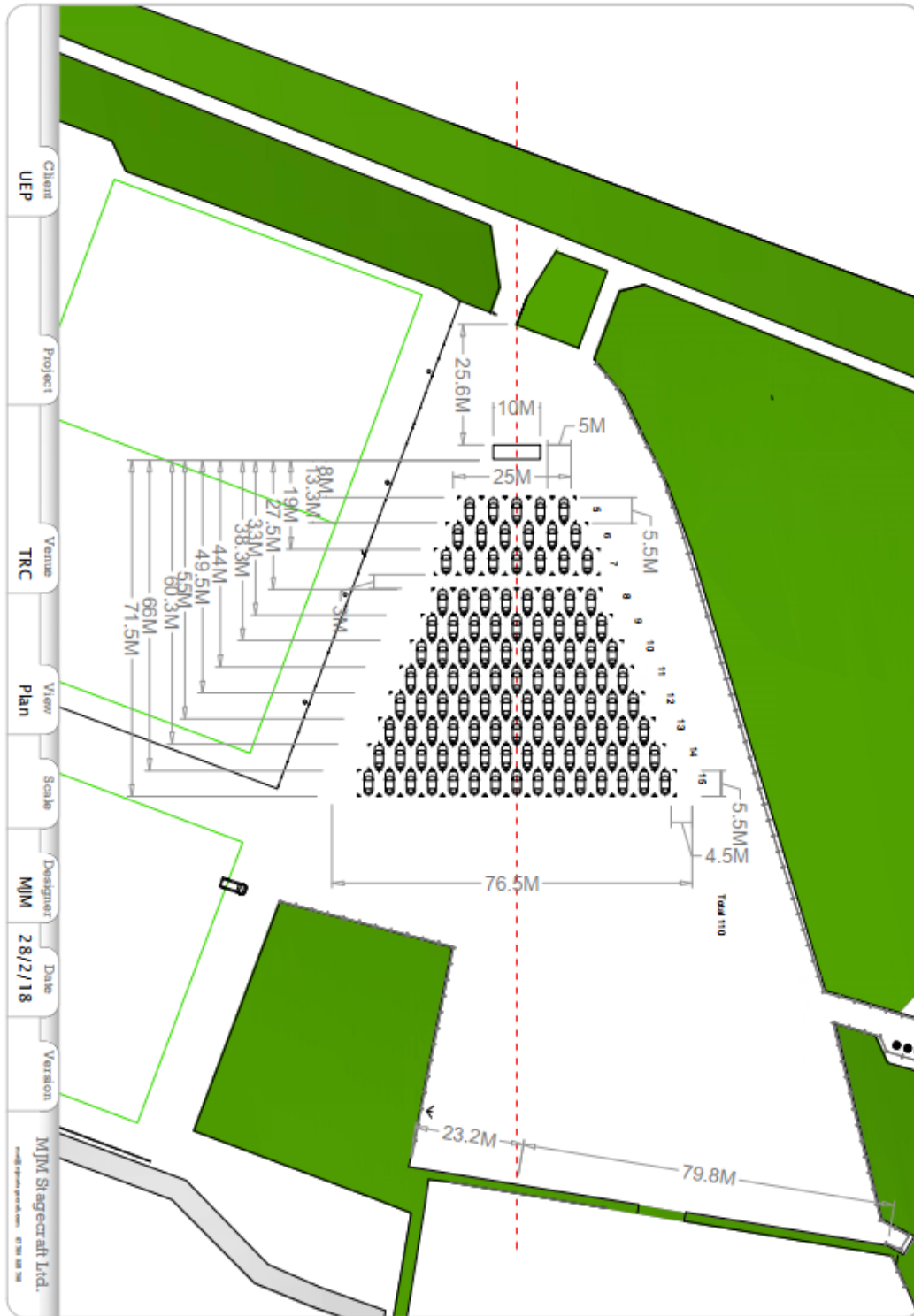
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).
Signature	<i>S.G. Butcher</i>
Date	04/06/2020
Capacity	Under 600

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

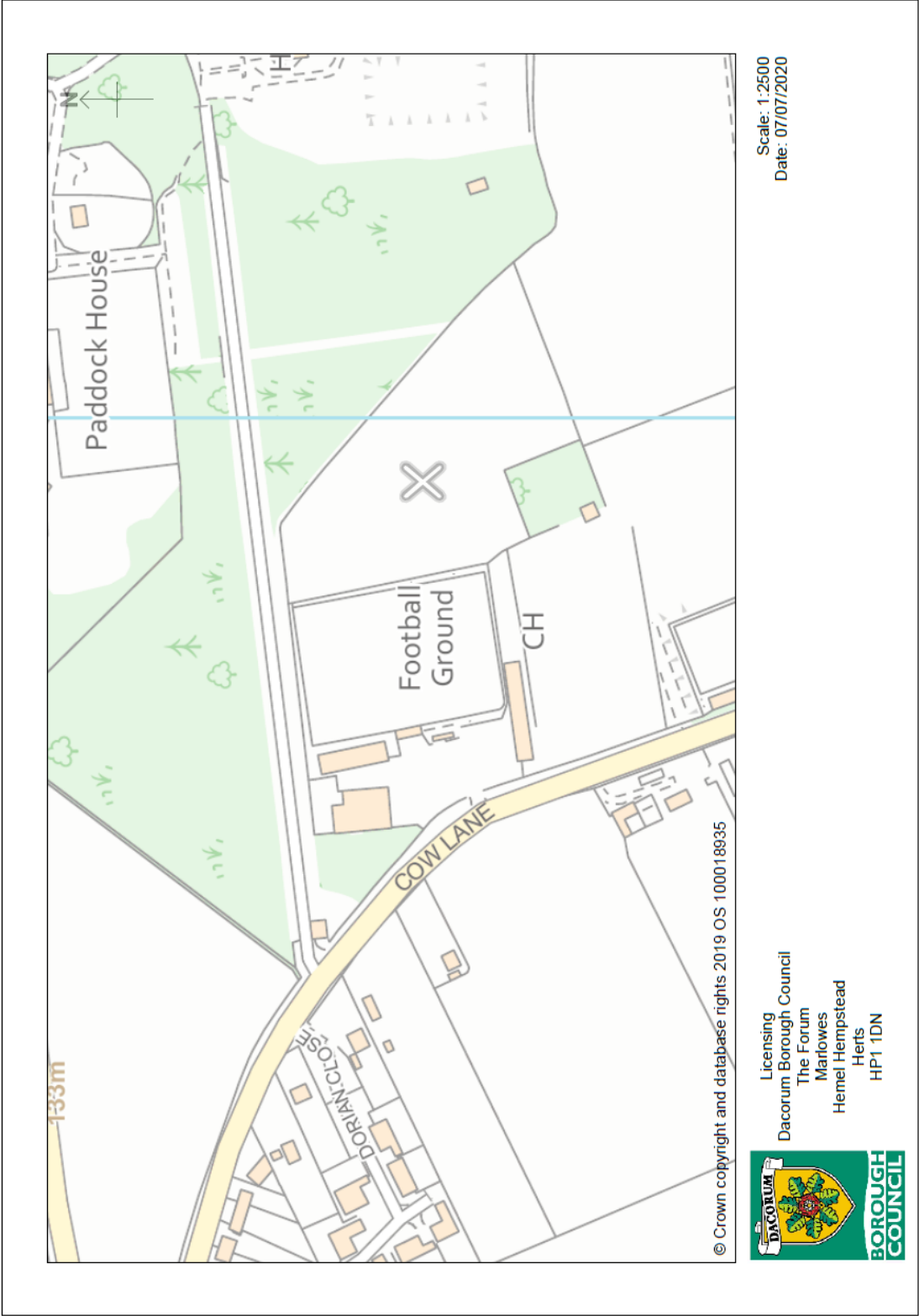
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email your email address (optional)			

Annex B1
Premises plan



**Annex B2
Map of area**



**Annex C – Representations received
Annex C1**

From:

Sent: 01 July 2020 17:36

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

Subject: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

With reference to the above licence application for a drive up cinema at Pendley Manor Tring to be run by the Chilfest organisers. As a resident at Dorian Close off Cow lane, Tring I am extremely concerned about the application and the fact that as a resident located so close to where this event is due to take place neither I, nor any neighbours have been consulted on this, apparently as it 'would have no impact on residents'!!!! I am informed that they intend to commence this event after 4th July - I heard about it on 1st July. Surely this is unacceptable.

I understand there is a potential for some 400 visitors to the cinema so this will certainly have an impact on the small community around Pendley and the entrance on Cow Lane.

I have the following very strong objections to this event.

1. The current **Covid** crisis is not over - we have seen a number of spikes in areas around the country with Leicester being locked down for a period. Are we to accept 3 days a week for the next 3 months 400 people attending an event in the small town of Tring - people from I assume a wide spread area, particularly as the event becomes well known, coming together in a small area where social distancing will be difficult to control? I am extremely concerned about this and am happy to garner as much publicity as possible about the potential for virus spread. Are the local authority prepared to accept this?
2. **Public Safety.** The residents in Cow lane and Dorian Close already have to put up with traffic issues most weekends due to the sports fields, rugby and football clubs. We regularly see cars parked on pavements, grass verges etc. Despite previous complaints this continues. If this event goes ahead this will merely add to this problem and mean that the problem and subsequent danger last for a much longer period. In effect the risk of a traffic accident will increase three fold. We were prepared to put up with a few days of the chilliest were traffic was at least marshalled - I understand this won't be the case for the cinema. With cars parked as they are pedestrians are left to walk on the road (is this safe and acceptable?) and when leaving Dorian Close the view to see oncoming traffic is extremely limited. Should a serious accident occur who will take responsibility for this - the local authority? The organisers? We have elderly residents in Dorian Close who drive vehicles so why should we put them in danger every time they go to drive out of Dorian Close over every weekend of the summer? As a Safety professional for some 30 years, someone who has dealt with serious and fatal accidents in the workplace and has advised various organisations, working with the HSE in a number of instances I believe this risk is unacceptable.
3. **Protection of children from harm.** As with the above, children will be forced to walk on the road of Cow Lane should traffic be parked along here, as is the experience during most weekends when events occur on the sports fields. Why should the residents have to put up with this not only for part of the day over weekends, but if this goes ahead every afternoon and evening.
4. **Prevention of Public Nuisance.** As yet we do not know if we will be able to hear the sound of the cinema, however if past events are anything to go by we will. Again whilst accepting (and indeed supporting very strongly) one weekend a year of chillfest, and a number of evening/night events at the rugby club which we can clearly hear and causes issues- why should the residents have to listen to the sound of films every weekend evening and possibly afternoon for some 3 months in the summer. So every weekend will be interrupted by traffic and noise - this is clearly totally unacceptable and something (if the sound can be heard) I

would take legal action over. Has anyone asked about the environmental noise impact? I would like to have details before any event takes place.

5. **Prevention of crime and disorder.** I am greatly concerned that we will have 400 people 3 nights a week for every weekend throughout the summer, no doubt some having had some alcohol, coming from outside Tring and surrounding area, potentially causing issues, and indeed being able to 'get to know' the surrounding environment. This is cause for real genuine concern. How will the police deal with this?

We greatly support our community, and local businesses, shopping locally wherever we can and accepting and supporting some events such as chillfest, the rugby and soccer clubs etc. However this is a step far too far with no thought of the impact on the local community - not even discussing with the residents close to Pendley Manor (was this an attempt to completely ignore them?). I also believe that the event taking place on a regular basis will have an impact on policing in the area, something they could do without.

I hope and trust you will consider my concerns. I look forward to your reply

Kind Regards

From:

Sent: 03 July 2020 09:30

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

Subject: Re: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

Dear Ms McDonald. I would like to add an element to my objection to this license being granted. Mr Butcher has informed me that doors to the event would be open only 18.00 - 22.30. That is not what is in the license application which clearly states for films, recorded music and alcohol provision from Friday to Sunday 12 until 22.30 and doors closing at 23.00.

I am very concerned that we and as a result the council are being misled. I am concerned that this event if given the go ahead will creep to longer hours. I am concerned that the applicant has in effect admitted in his response below that there will be some noise disturbance (he states that they are confident this will be minimal, but there will be some, and being confident is definitely no guarantee - of course he is confident as he is applying for the license).

I am confident, no I am sure that from past experience, including an open air cinema event last year at the same venue that we will hear sound/noise. For us to have to put up with that for 3 days & evenings every week for 3 months is frankly outrageous. Doors closing at 23.00 will mean that people many likely to be drunk will be leaving after 23.00 causing disturbance to a peaceful country setting. I am sure the neighbours of the applicant would find this unacceptable in the vicinity of their homes.

I trust that you will take the above into consideration and ensure you give the matter serious consideration.

Kind Regards

From:
Sent: 02 July 2020 12:04
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Planning application

Application ref. M050926
LA2003s.17: premises

I would like to register my objection to the above premises licence on the basis of public nuisance and safety.

The open air cinema will attract many people from a wide area and the increase in traffic, traffic noise and noise from the cinema will impact the local residents. There appears to be no restriction in the application regarding the number of people who will be able to attend. For safety reasons surely there should be a restriction. The noise from the cinema/recorded music will affect us. In the past the music and address system from Chilfest was always heard by residents. This will definitely be public nuisance. 12.00-22.30, Friday, Saturday and Sunday during summer months is a long period of time for residents to endure additional people, traffic and noise in this semi-rural area. The cinema will not be able to show films during daylight so why has this long period been applied for? People going in at 12.00 noon will be able to consume alcohol from this time until 22.30 which is bound to result in unruly behaviour. Will toilets be provided? I foresee the woods in Pendley, the entrance to Dorian Close and Cow Lane will be used as toilets by those returning home on foot as happened at Chilfest. Does this constitute public nuisance or safety?

With regard to parking, already the local residents put up with parking on pavements and bends during weekends over the rugby and football season. It is extremely difficult to exit Dorian Close during these times and it would not be fair to endure similar during summer months as well. Definitely a safety issue. One has to walk in the road because cars are parked practically the length of Cow Lane. The increase in litter is noticeable during the rugby and football season and I frequently walk up Cow Lane collecting plastic bottles. Should we put up with this during the summer months too? Does this constitute public nuisance or safety? Definitely unpleasant for the residents.

I would hope that good toilet facilities would be provided otherwise I can imagine the woods at Pendley and Cow Lane will be used especially by those returning home on foot. A nuisance and a health safety issue.

During the autumn and winter weekends Cow Lane is often clogged with cars belonging to those attending rugby and football events. It is difficult and often unsafe to drive out of Dorian Close during these periods and impossible to walk on the pavement due to parked cars. It would be a nuisance and also a safety issue if cars were to park in Cow Lane, 12.00-23.00 Friday-Sunday during the summer.

All in all the application appears to be too broad and open to abuse.

From:
Sent: 02 July 2020 13:15
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Subject: RE: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

Dear Sir/ Madam

I am writing to object to the application to have an open air cinema at Pendley Activity Meadow.

Firstly I am concerned at the parking arrangements which have not been made known. Although the application is for "Drive In" entrance by foot also would suggest that entrants may park elsewhere. Parking along Cow Lane is a hazard for all who use it by foot, bike or car. We tolerate the traffic for sporting events and The Chill Fest for the good of the community as a whole. However I believe the events proposed will have a negative impact on safety as well as leading to the deterioration of grass verges as cars, parked there regularly, destroy them.

The noise is a concern. I'm assuming this is not a silent cinema where headphones are provided to those attending? This is an infringement on the environment of the local community.

It is a great imposition on the local residents to licence an event from 12 noon to 1030pm, 3 nights every weekend. We have endured the Chill fest as a limited event, along with the influx of people who have parked along Cow Lane, dropped litter and used the entrance to our Close as a toilet (including defecation!).

Many of the residents along Cow Lane are on the 70+ age group. This event brings an added anxiety of keeping them prisoner in their homes for a large portion on the weekend during the summer. It has been proven that it is virtually impossible to ensure social distancing at large events.

This is an opportunistic application which is ill thought out and will bring misery to local residents.

If the applicant could ensure that entry/exit to the event was by Station Road only, with cones and notices placed along Cow Lane to prevent hap-hazard parking AND that it would be staged as a 'silent' Cinema with wireless headsets provided then there could be less grounds to object on.

I hope you will give serious consideration to my concerns. We have put up with events in the past but this is a step too far.

Yours Sincerely

From:
Sent: 02 July 2020 13:39
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application ref.no: M050926 Pendley Outdoor cinema

Dear Sir

We are writing to object to this proposal on the grounds of the impact of traffic, parking and noise over a sustained period of time. We had no objections to the Chilfest event as it was a one off event over a weekend which took place once a year, but this is over 3 days at the weekend indefinitely and will coincide with with regular sports events at Pendley sports centre which will greatly increase the traffic and parking problems which is already a major problem on Saturdays and Sundays. Football, Rugby, Squash and Bowls matches. Traffic comes down Cow Lane very fast and it narrows just past the sports club, that, combined with possible parked cars makes it a very dangerous situation for pedestrians and other traffic. We also object to the noise from the cinema and the public over a 3 day weekend over a sustained period with alcohol licensing up until 22.30 each night.
Kind regards

From:

Sent: 02 July 2020 13:55

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

Subject: RE: M050926 LA2003 s.17: Premises licence - New licence application 5 June 2020

Dear Sirs

We are residents at Dorian Close, Tring. We live about 300 to 400 metres from Pendley Meadow where the Drive In Film Cinema is being held.

The observations that we make are meant to be constructive. We accept that this is a well meant and charitable activity that we are keen to support. We are not convinced that it has been very well thought out and feel that it has the potential to do more harm than good!

With regard to Public Safety. The meadow backs directly on to playing fields that are used by Tring RUFC and by Tring Town FC. Both clubs enjoy considerable local support and both run sessions for young people at weekends. As a result of this parking in Cow Lane at weekends in normal times can be chaotic. We are not exaggerating when we claim that vehicles are parked in almost every spare slot. The rule for not parking on pavements is ignored as is the guidance not to park on bends. Driving out of Dorian Close at these times can be hazardous. This has gone on for years but the vast majority of local residents turn a blind eye to it as we recognise that the activities taking place are desirable and should be encouraged.

We understand that the organisers are claiming that traffic for the cinema will only access the activity via the Station Road entrance and that parking will take place in the grounds of Pendley Hotel. The Cow Lane entrance is significantly closer to the meadow than the hotel parking. When activities recommence after the lockdown and Pendley Manor Hotel gets back to normal operations at weekends their car park often gets full as it is a venue for weddings and conferences.

With regard to Prevention of Public Nuisance. The activity is described as a Drive In Cinema. Open with live music from 12:00 noon to 10.30pm Friday, Saturday and Sunday. Thirty one and a half hours per week. With a license to serve alcohol.

Are the organisers seriously suggesting that people are going to sit outside watching movies for this length of time? Does this have the potential to become a location for 'raves'?

Surely it cannot be right to allow loud music to be played for this long for three days every weekend?

Finally we apologise for being so late make these comments to you. We were not aware that this activity was planned until our neighbour brought it to our attention yesterday.

From:

Sent: 02 July 2020 16:22

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

Subject: Objection to Licence application M050926 Drive In Cinema, Pendley.

Application ref. no: M050926 Application type: LA2003 s.17: Premises licence - New licence application Date received: 5 June 2020 Premises name: Drive In Cinema Premises address: Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5NS

We object to the granting of this licence because of noise, traffic and the opportunity for alcohol related anti-social behaviour that we have seen recently (Aldbury) and over time in the area. We are concerned about the number of performances and the extended period of time over which they are planned to take place.

The following details some of our concerns and how they might be mitigated through conditions attached to the licence:

There should be no vehicular access from Cow Lane but just from Station Road as promised by Mr. Butcher of Chilfest. This will limit noise and traffic nuisance to residents.

Parking should not be on Cow Lane but must be on site - as promised by Mr Butcher. This will limit noise and traffic nuisance to residents.

Recorded music should be at a background level and not be at a performance level like the existing Chilfest festival or disco/club. This will limit the noise nuisance.

Loudspeakers and auditorium should be arranged to minimise sound nuisance and high power sound effects should not be used (as they are used in the cinema).

Entrance should only be allowed at an appropriate time before film showing to limit the period of noise and so as not to create an opportunity for excessive alcohol consumption. When the film performance is over there should be no further music played or alcohol served so that the entertainment terminates promptly so as to limit the period of noise and does not facilitate rowdy behaviour and the damage that we see on occasion on Cow Lane and Station Road.

There should be a limit on the number of tickets sold for each performance and the number of performances. The initial expectation of Mr Butcher is for about 400 attendees at each performance or 2,400 attendees *per week* at 2 performances per day for three days each week. This means that the venue is intended to attract audiences from well beyond Tring and, if successful, numbers could be very much larger attracted as intended through social media and the events could therefore be much more intrusive and difficult to control.

LA2003 s.17: Premises licence

New licence application by Universal Event Production Limited for the provision of outdoor cinema events, either drive up, or on foot.

Scope of Licence:

Recorded Music may be played outdoors and alcohol served on Fridays, Saturdays and Sundays from 12:00 until 22:30.

There are no specific dates or even a date range for these events.

Ticket holders may arrive in cars or on foot.

There is no stated limit on the number of people attending these events.

Summary:

This Licence provides for an unspecified number of people to attend events lasting for over 30 hours per week for an indefinite period.

Our objection here is that the scope of the Licence applied for is too wide and will allow the applicant to hold events from lunchtime to late evening on the permitted days. There is no limit set on the number of attendees. There is no limit on the length of this Licence.

The applicant, Steve Butcher, told me (LH) in a phone call that the events would be small, around 400 people, and once each permitted day. If that is the intention then the Licence should be reframed to reflect this. The fact that the application is liberal suggests that leeway has been built in to widen the scope, timing and extent of the events, which makes the objections below even more relevant.

Prevention of crime and disorder:

This section of the Licence application states that:

- Ingress and dispersal plans in place for each event agreed by the local authority.

- Transport plan in place for all events as agreed by the SAG.

1. As local residents we have not been directly informed of any of the above measures so have no idea whether they will mitigate our objections or not.

2. When I (LH) raised the issue of car parking with Steve Butcher (Universal Event Production Limited) he seemed to say that no special measures would be in place to control cars and car parking on Cow Lane.

3. If Cow Lane will be used for entering or exiting the Activity Meadow during these events, an additional several hundred cars would increase traffic noise and pollution and decrease safety for residents in Cow Lane.

4. As the Licence allows for visitors on foot, it is possible that Cow Lane will be used for car parking. The issue of car parking is of special concern to residents on this road, given the chaotic parking when rugby or football matches are held. Although people may walk from Tring town centre, in our experience many drive their cars to the playing fields and park on Cow Lane.

On some of these days the entire length of Cow Lane is full of parked cars, some park on the road, lots park on the footpath, restricting pedestrian access and on occasions causing them to walk in the road. Typically, cars park right up to the entrance to Dorian Close restricting the sight line up and down Cow Lane when exiting Dorian Close. Much of Cow Lane is reduced to a single lane for long stretches which has caused aggressive confrontations between motorists.

Prevention of public nuisance

This section of the Licence application states that:

- Noise Management plan produced for each event.

- There shall be frequent litter collections undertaken to ensure that empty containers do not accumulate in or around the licensed area.

1. Recorded music broadcast to several hundred visitors will, by definition, cause some additional noise to those residents near the location.

2. The broadcasting of music for potentially 30 hours over three days per week all summer and into autumn could easily become a public nuisance to local residents.

3. Can any Noise Management plan mitigate this aural pollution whilst simultaneously playing music loud enough for people watching the cinema outdoors? Indoor cinemas often play soundtracks at high volume to add atmosphere and most people will expect this to continue outdoors, necessitating an increase in volume to achieve the same effect.

4. The litter plan seems only to focus on the activity field itself. If visitors are to be allowed to walk home via Cow Lane, past experience tells us that there will be litter left there too.

If this Licence was for a single event, even over a couple of days, we would not feel so strongly. We have to cope with Chilfest but that is just one event per year and well managed although noisy.

In summary, we object to the scope of the Licence which will permit the organiser considerable leeway to increase the number and extent of these events; to the disruption caused by the extra car drivers and pedestrians using Cow Lane for access or parking and to (potentially) being forced to hear loud broadcast music over many weekends during the summer.

From:
Sent: 02 July 2020 19:14
To: licensing@dacorum.gov.uk <licensing@dacorum.gov.uk>
Subject: M050926

Drive In Cinema Premises address: Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5NS

resident in Cow Lane 34 years.

I must strongly object to any more activities in this area. We already have many functions at the football, rugby and squash clubs. Not to mention Chilfest and of course in the Summer the Shakespear festival.

The field in question has no facilities. Toilets and parking will be an issue.

Late night drunkenness of course will be a problem.

No police presence in the area in the day let alone night time.

The road Cow lane is a racetrack 24/7 and already very busy with many accidents at the junctions of London Road and Station Road.

If people need a cinema there are many screens at HH and Aylesbury and the specialist cinema in Berkhamstead.

I object as so does my elderly 90 year old neighbour ***** in ***** next door.

Regards

From
Sent: 02 July 2020 20:28
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: M050926

Studying the licence further.

A drive in cinema with alcohol consumption.

Not a good idea to encourage drinking and driving.

Apart from the noise and disturbances the possibility of even more drivers under the influence.....not good.

Regards

From:
Sent: 02 July 2020 20:49
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: M050926 - Drive In Cinema

Dear Sir/Madam

As residents of Cow Lane, living less than 500m from Pendley activity meadow, we are concerned about the application for a grant of premises for the drive-in / walk-up cinema.

Our concerns centre around the frequency of events, the duration of the event and car parking arrangements:

Frequency: four events every Friday, Saturday and twice on a Sunday on a quiet residential road, with alcohol on sale from midday until 10.30pm.

Duration: we are accustomed to events taking place both at the hotel (wedding fairs, Shakespeare festival) and in the activity meadow (Chilfest), but every weekend for three months is a step change in the proposed use of the meadow and impact it will have on local residents.

Events at Pendley generally cause a significant increase in litter from those walking to the events, noise levels from people walking home, late, and usually drunk, and in parked cars on Cow Lane. For big events like Chilfest, Mr Butcher has always managed the road (partial closures with resident passes) and the car parking. For these events, we are concerned that people will not make use of the car park on site, but instead park on Cow Lane to avoid delay afterwards. Rugby and football events have caused problems with traffic flow, inconsiderate parking and residents having access to their houses, but this is occasional. Mr Butcher's events are every weekend for three months.

We are also surprised that Mr Butcher has not been in touch with residents about the event at all. In the past, he has put letters through residents' doors.

Thank you for considering our concerns.

Yours sincerely

From:

Sent: 02 July 2020 21:21

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

Subject: M050926 LA2003 s.17: Premises licence - New licence application

Dear Sir/Madam

I refer to the above licence application and would like to register my concerns.

I notice that the scope for objections is limited to the issues outlined in the application. I accept that this is the standard arrangement but I would like to register my view that this is too narrow and limited in its allowance; more general and nuanced motives for objections/reservations are perfectly valid, and I feel should be taken into account.

However, given the strictures in place I would like to register my 'objections' as follows.

Public safety.

As a resident of Cow Lane for several years, I have been very open, welcoming and accepting of the various events such as Chilfest which have taken place at Pendley meadow, despite the disruption and inconvenience inherent. And I have no objection to such occasional similar events taking place in the future, but past experience has shown that in order to avoid dangerous and antisocial levels of roadside parking, footfall spilling onto the roadways and associated litter etc, road restrictions and closures have been needed. Whilst this is quite acceptable on one or two weekends per year, this application is so open-ended and non-specific in terms of dates that there are simply not adequate safeguards in place to prevent a dangerous escalation and magnification of such risks. The application asks for either drive-in or foot audience, and whilst under the present uncertainties that makes perfect sense, once this COVID-19 pandemic is over, what would apply then? Allowing both options indefinitely opens up too many unknowns for the future with regard to the above points.

Secondly, the issue of **Public nuisance:** the quality of amplification and sound system at previous events has been exceptionally good - and I have thoroughly enjoyed attending on several occasions, but the noise levels are indeed high. Again, whilst this is perfectly acceptable on one or two weekends per year, the possibility of such noise levels every week is simply unreasonable. Not only would this licence grant no limit on Saturdays/Sundays, but also Fridays, and from **12 noon!** This seems totally unreasonable and unnecessary; if there were the need for sound checks/rehearsals, that timescale would make more sense, but for the paying public to be in place from midday, 3 days per week, with no limits on the duration of the licence, with the sound system at potentially full power, the nuisance level for the residents of the area could be major. Also in this category, the issue of litter and antisocial behaviour is also sadly a factor; I am not convinced that adequate consideration of this is guaranteed in such frequency of such events.

I, and all of my neighbours who I have heard from on this general subject, are extremely positive with regard to Mr Butcher's and similar events, and have no wish to come across as simply objecting per se, but there does need to be a sensible limitation on the number and duration of any such events to keep all parties happy, safe and positive.

I would urge you to devise a much more limited-timescale licence for these events for the reasons outlined above, so that everyone can regard these events as an unalloyed positive for the town and the area.

From:

Sent: 03 July 2020 10:41

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

Subject: Application Reference MO50926

I was horrified to read Application MO50926. I live at *****, Station Road, Tring *****. The house is located the other side of Pendley Manor drive in effect next to the field where it is proposed to hold the drive in cinema events. For a number of years we have suffered from the Chilfest concert when the noise was so loud we could not hear our television or have a proper conversation even with the doors and windows closed at a time we should have been able to sit outside in peace and quiet which is our right. Our dogs were also badly affected. We complained many times which your records should show. On at least one occasion people who may have had too much to drink climbed over fencing into our property.

The application suggests that every weekend Friday to Sunday 12.00 to 22.30 we will be subject to music and other noise which nobody in this world would find acceptable. It would have a serious impact on the health and mental health of those in my household and the wellbeing of our animals. As an example I myself am undergoing a long term recovery from a major cancer related operation with sleep, from usually from 20.30 being very important. In addition to all that not being able to sit outside in our garden without intrusive noise apart from the impact on us will trigger a large drop in the value of our property.

I strongly object to this proposal/ application and if it gets approval I will contest the decision by every means at my disposal

From:
Sent: 03 July 2020 11:36
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Drive in cinema, Pendley Manor

Dear Sirs

As a current resident of Cow Lane I have been made aware of the above licence application. Whilst I understand the need to create economic and social activities at the current time - I would like to raise concerns regarding the application.

This could be a significant public event, It is proposed to be operating for 11 hours, every day on each of three days, over the whole weekend period, which as applied for, appears indefinite. Whilst there will be different activities throughout this time, the cumulative impact is not insignificant. It could involve hundreds of people or cars attending for films, music and alcohol consumption for the majority of every day and evening over every weekend period for an unlimited timescale, perhaps the whole year although winter conditions may be less conducive to hold events. It is also likely to require additional floodlighting to cover the evenings. One or two events could potentially create some undesirable disturbance, noise, litter, congestion, etc. to local residents, but this is not unreasonable. Events such as The Shakespeare Festival are wholly benign. Chilfest creates far more of a local imposition but its benefits are acknowledged. Sports use of Cow Lane frequently turns Cow Lane into a car park which often almost prevents me from driving out of the property I live in, let alone safely. These are tolerated for the most part. However to host and promote what is effectively a permanent event over three days every weekend indefinitely is an activity which could in itself generate a major imposition into the tranquility of the area, already disturbed at weekends by car parking for the sports clubs (when active). This could severely degrade the amenity of those living in what is still (currently) a rural fringe environment, within the Chilterns AONB.

Whilst I acknowledge various management plans and strategies are proposed, no details are given as to what access arrangement, noise levels, etc. are considered acceptable or what monitoring is proposed to ensure issues are adequately recognised. How can a licence be approved without such details?

Consequently, given the lack of detail, potential for disturbance and open-ended nature of this application as submitted, in my view, this application is unacceptable.

Furthermore, whilst I acknowledge the activity use of the site, this is generally used for sports and occasional parking. The nature and extent of the proposed activity raises the intensity, nature and impact of its use substantially in the locality. Would not such a proposal require planning permission?

Regards,

From:
Sent: 03 July 2020 14:31
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Licensing application

Application ref. no: **M050926**
Application type: **LA2003 s.17: Premises licence - New licence application**

Premises name: **Drive In Cinema**
Premises address: **Pendley Activity Meadow**
Cow Lane
Tring
Hertfordshire
HP23 5NS

Dear sir

We are writing in relation to the licensing application above. We are residents located at ** Dorian Close, Tring near to the site in question. The representation we are making relates principally to the issue of **preventing public nuisance**

1. On Saturday and Sunday each week there is a particularly big problem with excessive car parking along Cow Lane related to Tring Rugby Clun and Tring Athletic FC. This is never properly controlled by the clubs, police or local authority and causes considerable difficulty for Residents and other vehicles and pedestrians using Cow Lane. An additional event or events as proposed in the afternoon up to 6 p.m. would considerably worsen this problem.
2. The requested time span on each day is very long from 12.00 until 22.30 each day. It is understood from conversations with the organiser that the events will not start until 6 p.m. The time allowed in the licence should be limited to 18.00. to 22.30 each day in order to minimise effect of noise in the surrounding area.
3. The proposal does not have an end date and if granted as proposed could run permanently. It is therefore requested that an end date should be set for the licence if granted. It is suggested that this should be September 1st 2020.

4 The purpose of this representation is therefore to request that the licence be limited to the hours of 18.00 to 22.30 on Friday to Sunday and for a limited period until September 1st 2020.

From:
Sent: 03 July 2020 14:42
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: MO50926 - Drive in Cinema

I have only recently become aware of the above application.

I understand from the paperwork that it has been submitted by Universal Event Production Limited who, I believe, organise and run Chilfest.

We have always enjoyed good relations with the Chilfest people and I hope that can continue for they provide a service to the community, but in a very organised, closely controlled, limited timeframe manner. It is the finality to Chilfest which makes it acceptable to my wife and I and allows us to live with the noise over the weekend in question.

I am no expert in licensing applications but I do want to raise our concerns about:-

1. The ongoing nature of the proposal with the potential to cover three days on a weekly basis
2. The proposal that a drinks license be granted from **Noon** to 22.30 to support a film event starting at 18.00!
3. Real concerns about anti-social car parking on Cow Lane. It is a bad enough problem when the sports fields are in use without adding to the issue.

There are, therefore, two major concerns:-

1. Public safety if cars are allowed to park on Cow Lane. How can they be stopped; there are no yellow lines?
2. Public nuisance, if drinking is allowed for the period proposed

As we say, Chilfest is well run but even that event has seen examples of anti-social behaviour as people leave the event, begin to walk back to Tring and realise there are no toilets for quite a way!

There is very considerable Steward presence during Chilfest but will that will be the same for these events and will it embrace Cow Lane. Will there be police presence or involvement?

Licensing laws are not my area of expertise. I can fully understand that the Applicant wants as broad an agreement as feasible. I am sure you will understand that we would prefer a blanket refusal for such a concept but, even where it to go ahead, I believe it would need a much more tightly applied approval process with much shorter licensing hours and a reduction in the number of days the event can be run per week.

Also, as it is an outside event, I would ask that it have an end date after which film shows for 2020 would cease.

Thank you

Annex D Representation from Environmental & Community Protection

Date: 2 July 2020
Your reference: M050926
Our reference:
Contact: Neil Polden
Email: neil.polden@dacorum.gov.uk
Direct line: 01442 228331

Licensing authority
Dacorum Borough Council

By email to: licensing@dacorum.gov.uk



The Forum
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1DN

Telephone 01442 228000
www.dacorum.gov.uk
D/deaf callers, Text Relay:
18001 + 01442 228000

Licensing Act 2003, part 3
Representation from responsible authority officer

Application type: LA2003 s.17: Premises licence - New licence application
Applicant: Universal Event Production Limited
Premises: Drive In Cinema
Pendley Activity Meadow
Cow Lane
Tring
HP23 5QY

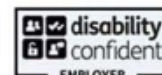
On behalf of Dacorum Borough Council's Environmental & Community Protection group (as the local authority responsible for exercising statutory functions in respect of pollution to the environment or harm to human health; and/or as the enforcing authority under the Health & Safety at Work Act 1974 in the applicable area), I hereby make representations in respect of the above-mentioned application.

My representation concerns the following licensing objective(s):

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The reasons for this representation are as follows:

Continues over...



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Grounds for representation

Noise information submitted in respect of this application proposes criteria based on guidance contained in the code of practice for noise from pop concerts. This suggests that for venues with up to 12 events per year the guidance is for noise levels which do not exceed background by up to 15 decibels.

In effect this would allow a sound which is up to 3 times as loud as background and noting the application intends that events take place over consecutive weekends, covering Fri, Sat & Sun (in total 11 weekends), there are concerns that this would lead to a noticeable intrusion at neighbouring residences over a prolonged and sustained period. This would fail to promote the objective for the prevention of public nuisance.

Any notices served, prosecutions undertaken, cautions administered, or any similar actions taken by the responsible authority that are relevant to this representation

N/A

Suggested actions I believe the Licensing Sub-Committee should consider

We have invited the applicant to furnish further information regarding noise control measures. The aim is that these measures will satisfy us that the objective for public nuisance can be satisfied and conditioned either prior to hearing, or where objection is not withdrawn within the appropriate timescale inserted by the sub-committee as a condition of the licence subject to granting of approval.

However should the applicant and Council be unable to reach an agreement over noise controls it is recommended that committee reject the application.

I attach any relevant supporting material, for consideration in the determination of this application.

Yours sincerely

Neil Polden
Environmental Health Officer
Environmental & Community Protection

Cc: (Applicant)
Universal Event Production Limited
Unit 2 Beacon Court
Pitstone Green Business Park
Quarry Road
Pitstone
LU7 9GY

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.

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.

Film Classifications

20.1. Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.

20.2. For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.

20.3. The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.

20.4. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.

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

26.7. 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:

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

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	27th July 2020
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence review application under the Licensing Act 2003
Contact:	Nathan March, Licensing Team Leader, Licensing, Corporate and Contracted Services
Purpose of report:	This report sets out details of an application in respect of a review 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 the representation made in respect of the review application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable 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>Ensuring efficient, effective and modern service delivery</p> <ul style="list-style-type: none"> Consideration of review applications for premises licences is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Application 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 in the appendix to this report.

Background papers:	<p>Licensing Act 2003, and associated regulations</p> <p>Live Music Act 2012</p> <p><u>DBC Statement of Licensing Policy 2016-2021</u></p> <p><u>Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</u> (Home Office, April 2018)</p>
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.
- 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. Application Procedure

- 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’. The Council was required to give public notice of the application, by displaying a statutory notice at or near the premises, and at the Council’s offices. Unfortunately, the notice displayed the previous address of the Council’s offices (The Civic Centre), however, representations were all received by email, and it is understood that mail addressed to the Council’s previous address do get successfully delivered to the Council’s new building.
- 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 review applications

- 3.1. The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems

associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

- 3.2. Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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.
- 3.6. 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.
- 3.7. The provisions of chapter 10 of the Statutory Guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations received , and

should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.

- 3.8. 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.
- 3.9. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 3.10. 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.
- 3.11. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

4. Options available to the Sub-Committee

- 4.1. The Licensing Authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a Licensing Authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 4.2. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 4.3. Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - a. modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- b. exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- c. remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d. suspend the licence for a period not exceeding three months;
- e. revoke the licence.

5. Details of application

5.1. The following application requires consideration and determination by the Sub-Committee.

Premises name / address	Type of application
Boxmoor Lodge, London Road Hemel Hempstead	Review of premises licence (s.51 Licensing Act 2003)

- 5.2. This review was applied for by Hertfordshire Constabulary, in their role as a responsible authority under the Licensing Act 2003.
- 5.3. The grounds for the review relate to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder, in particular noise nuisance from the playing of live and recorded music the sound of which is escaping due to the use of a marquee which forms part of the premises, which has been regularly used for events.
- 5.4. A copy of the review application together with the supporting documentation submitted by Hertfordshire Constabulary is attached at Appendix 1
- 5.5. The police had been working with the licensee in order to encourage some amendments to the licence by way of a minor variation, but the licensee chose not to submit one following the discussions that took place. The review states that ‘from the police’s view this premises has been operating beyond its licence for many years’ and that ‘the conditions on the licence concerning the use of the marquee needed to be clearer’. Whilst that may be considered to be the case, the Licensing Authority can only make changes to the licence where sufficient evidence is presented that supports these changes.
- 5.6. Further representations were received from ‘other persons’ both in support of the premises, and others in support of the review, these form Appendix 2.
- 5.7. A response to the consultation was received from the Planning Authority, As the response did not contain information which would make it a valid representation, however, the information may be considered relevant to the review consideration in so far as the Licensing Authority may wish to include such relevant information in the licence, to avoid any confusion in regards to the links between the Licensing and Planning regimes. Whilst Licensing and Planning are separate regimes, with connected, but different responsibilities, it is important that licensees understand

that holding a permission from either authority, does not circumvent the requirements of the other.

- 5.8. A copy of the current premises licence is attached at Appendix 4. This licence permits the following activities:

Activity	
Live and recorded music	Monday to Saturday – 11.00 to 23:30 Sunday – 12.00 to 23:30
Sale by retail of alcohol	Monday to Saturday – 11.00 to 23:30 Sunday – 12.00 to 23:30 New Year's Eve - 11:00 to 23:00 on New Year's Day Hotel Room Service 24 hours a day
Late night refreshment	24 hour room service for guests

- 5.9. The premises licence holder and designated premises supervisor is Mr Andrew Rickett.

- 5.10. Maps showing the location of the premises, and the proximity of the premises to those who have made representations is attached at Appendices 5A and 5B.

6. Legislation, Local policy considerations and National Guidance of particular relevance to this application for review

- 6.1. The Licensing Act 2003 has been amended by The Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 removing the effect of any condition on a premises licence or club premises certificate which relates to live or recorded music, where the premises is authorised and open for the supply of alcohol at that time, and the audience is no more than 500 people, when taking place between 8am and 11pm. However this ceases to be the case if the conditions are amended by way of review, or if conditions are added at a review. This would only be appropriate where the evidence used in the application for review justifies such a change to the licence.

Annex 1

Local policy considerations and National Guidance

Local Policy considerations

Representations:

7.9. When considering whether a representation or ground is frivolous or vexatious, the authority will consider the ordinary dictionary definitions of these terms. It is not possible to give an exhaustive list of what may cause the authority to exclude a representation or ground under these provisions, but examples may include relying on a matter with no relevance to the licensing objectives (for example, the effect of an application on nearby house prices) or a matter which is unrelated to the operation of the premises concerned (for example, litter repeatedly left on a pavement near a premises which is unconnected to that premises).

8.5. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

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.

11.3. When we set conditions, we will follow the SMART methodology, and aim to ensure that the conditions are:

- Specific – directly related to the premises and the licensable activities carried on; the condition clearly and unambiguously states what is required of the licence-holder;
- Measurable – that it is possible to confirm whether the condition is being satisfied; if compliance cannot be readily verified, it is likely that a court will rule a condition is unenforceable;
- Achievable – that the licence-holder is able to satisfy the measures required to comply with the requirement: it is not something which is outside his control;
- Reasonable – that the condition does not place unachievable, disproportionate or unrealistic requirements on the licence-holder;
- Time-bound – where appropriate (for example, if substantial new equipment will have to be purchased and installed) a time period will be stated for the licence-holder to achieve compliance with the requirement.

National Guidance

Each application on its own merits

1.17. Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy....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.

The review process

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

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

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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

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

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

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

Appendix 1



Reviewing a Premises Licence Licensing Act 2003

There may be occasions when concerns exist over the operation of a licensed premises which cannot be resolved either through mediation or enforcement action. In those situations, a responsible authority or another affected person may request that the applicable licence is reviewed.

An application for the review of a premises licence must be given in writing, and the grounds upon which a review is requested must relate to one or more of the licensing objectives (preventing crime & disorder; public safety; preventing public nuisance; or protecting children from harm). Anybody requesting a review will be expected to demonstrate the extent of the problem that forms the grounds for review. It is also worth noting that the review process is intended to be used as a last resort, and that attempts to resolve the problem should have been made through other avenues (e.g. informal approaches and intervention by other council services such as the council's noise enforcement service) before a request for a review is submitted.

The licensing authority may reject any ground for a review it considers to be frivolous, vexatious or repetitious, or if the grounds cannot be attributed to the operation of the premises concerned. Additionally, an application may not be made anonymously, as we must be able to verify that the applicant is legally entitled to make such an application.

Making an application for review

Please refer to the enclosed guidance notes before completing the application form.

Send the completed form, with any supporting evidence, to:

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

You must also send a copy of your application form, and any supporting evidence, to:

- the holder of the licence you are requesting a review of,
and
- each of the Responsible Authorities
(addresses are given on the next page).

The licensing authority will advertise the review of the certificate and invite representations from responsible authorities and other persons.

What happens next?

Once your application has been received, representations may be made in the next 28 days by the Responsible Authorities and other local residents, businesses and bodies in respect of the licensed premises in question. The licensing authority will advertise the application at our offices, at or near the premises and on our website, www.dacorum.gov.uk/licensing

After this period has finished, the licence will be reviewed by the Licensing of Alcohol & Gambling Sub-Committee at a hearing. The person who made the initial application, the licence-holder, and any other person or body who has made representation will be invited to the hearing to put their case forward.

After considering the representations from all parties, the Sub-Committee can leave the licence as it is, reduce the times/activities, impose conditions, or even suspend or revoke it.

Contact us

For further information or assistance in making an application, please contact us:

Email: licensing@dacorum.gov.uk

Phone: 01442 228000 (ask for Licensing)

Contact details for Responsible Authorities

Licensing Act 2003



1.	Hertfordshire Constabulary Licensing, Dacorum Division, Combe Street, Hemel Hempstead, Hertfordshire, HP1 1HL Tel: 01442 271601 Email: Dacorumlicensing@herts.pnn.police.uk
2.	Hertfordshire Fire & Rescue Service Fire Protection Manager, MU103, Mundells, Welwyn Garden City, Hertfordshire, AL7 1FT Tel: 01707 292310 Email: administration.cfs@hertfordshire.gov.uk
3.	Home Office Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY Email: alcohol@homeoffice.gsi.gov.uk
4.	Public Health Hertfordshire County Council, SFAR232, Farnham House, Six Hills Way, Stevenage, SG1 2ST Email: publichealth@hertfordshire.gov.uk
5.	Environmental & Community Protection Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: ecp@dacorum.gov.uk
6.	Planning Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: planning@dacorum.gov.uk
7.	Trading Standards Hertfordshire County Council, Mundells, Welwyn Garden City, Hertfordshire, AL7 1FT Tel: 01707 292429 Email: tradingstandards@hertfordshire.gov.uk
8.	Hertfordshire Safeguarding Children Board Room 127, County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DF Tel: 01992 588757 Email: admin.tscb@hertfordshire.gov.uk
Additional authority for Council premises only	Health & Safety Executive Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7PA Tel: 0151 951 4000 (HSE switchboard)
Additional authorities for vessels only	Canal & River Trust (South East Waterways) 1 st floor North, Station House, 500 Elder Gate, Milton Keynes, MK9 1BB Environment Agency National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY The Home Secretary Home Office, 2 Marsham Street, London, SW1P 4DF
Licensing authority details	Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: licensing@dacorum.gov.uk Web: www.dacorum.gov.uk/licensing



Revised April 2017

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Hertfordshire Constabulary

(insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Boxmoor Lodge Hotel London Road			
Post town	Hemel Hempstead	Post code <i>(if known)</i>	HP1 2RA

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>
Mr Andrew Charles Rickett
Number of premises licence or club premises certificate <i>(if known)</i>
DAC 007733

Part 2 – Applicant Details

I am

Please tick ✓ yes

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

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

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

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	Hertfordshire Constabulary
Address	CSU - Licensing Dacorum Division Combe Street Hemel Hempstead Hertfordshire HP1 1HL
Telephone number (if any)	01442 - 271601
Email address (optional)	dacorumlicensing @herts.pnn.police.uk

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

Please tick one or more boxes ✓

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

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

See attached document, Boxmoor Lodge Hotel - grounds for review.

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

Please use additional pages if needed

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

--


Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 168 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

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

Signature	 PS 795
Date	26/2/2020
Capacity	Community Safety Unit Sergeant

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Boxmoor Lodge Hotel Review:

Supporting Evidence:

- 1) the prevention of crime and disorder;
- 3) the prevention of public nuisance.

The police were called to the premises on 27th July 2019, there was a report that a male was being aggressive and was smashing glasses. On police attendance the male was arrested for causing criminal damage, he was released with no further action.

The officer involved in this enquiry were sympathetic towards the frustrations of the offender and brought this to our attention to ensure that Boxmoor Lodge Hotel were operating responsibly.

Prior to meeting with the local residents (one of whom was the male above) the Premise Licence was studied and it was noticed that there was some ambiguity with the wording of two of the conditions in:

*Annex 3: Conditions attached after a hearing by the licensing authority
Licensing Act 2003 Sub-Committee 21st September 2005*

Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

The management will endeavour to hold all other events involving live and recorded music inside the main building.

In conversation with DBC it appeared that the Premises were interpreting these Conditions in such way that further events could be held in the marquee without the need for further permission due to the endeavour clause.

In the evening of 4th September 2019, in the company of Richard Mabbit, DBC and Vincent Lampey – Police Licensing Officer went to meet some local residents in of Laurel Bank in the home of *redacted*.

Prior to this meeting Vince had made contact with both Paul O'Day, Environmental Health (EH) and Olivia Stapleford, Planning Department of DBC. The EH Department were of the view that there is no on-going issues and asked that the local residents be reminded that the residents need to report future issues through the appropriate channels. Paul O'Day (EH) declined to attend.

With regard to Planning the premises has appealed against the notice to remove the marquee. The appeal process is not in the control of DBC. The timescale and outcome is not known. Olivia Stapleford (Planning) also declined to attend.

At the beginning of the meeting Richard and Vince explained licensing conditions and what would constitute a breach.

From their perspective the issues were noise, from people and music being played beyond the licence, as well as the marquee being used way beyond the eight times a year a specified on the licence and these issues had been on-going for 15 years, one of the residents of Laurel Bank who was most affected, *redacted* had moved house.

Vince reminded them that they needed to make calls to EH, fill in diary sheets, return them in good time to enable them to act. Vince also reminded them that EH are intelligence led and the nature of the events at Boxmoor Lodge the premises would not be advertising publicly. Vince asked that any further call to EH were also made to 101 so the police had a record. They were also told that they had the right to call the licence into review and/or to go directly to a Magistrates Court concerning the noise nuisance.

Vince concluded that the premises needed a visit and the conditions on the licence concerning the use of the marquee needed to be clearer.

On the 20th September 2019 Vince, in the company of Richard Mabbitt visited the premises Mr Rickett, the DPS was not present. Vince made an appointment to see him on Tuesday 24th September 2019 at 11:30.

On 24th September 2019 Vince met with *Redacted* and Andrew Rickett with Richard Mabbitt at the Hotel.

The issue of disturbances to the local neighbours was raised. Vince made it clear that the present situation could not continue as it had resulted in an incident on 27th July where a neighbour had caused Criminal Damage because he was at the end of his tether.

The premises held the view that the music was in the main building and so the restriction on the licence does not apply. I expressed a different view that due to the marquee not being sound proofed the noise nuisance came from the marquee, especially as there are no doors to close off the marquee. They raised the possibility of exploring sound proofing the marquee.

I said that I was of the view that there was a need to put in an application to vary their Premise Licence so that the conditions were clear and they kept to them. The existing condition states that they are restricted to eight events a year with live or recorded music. However, in 2019 by their own admission they will have held forty events.

They tried to argue that the condition should be for live music only but I pointed out that it said both live and recorded music, if they had an issue with the wording they should have raised it with the licencing committee at the time. My opinion is they will be in breach of their licence if they continue as is!

They wanted to know what number of events the police would allow them to have. I declined to give an exact number but said I doubted that it would be as high as the existing number of forty as they were restricted to eight.

I requested a list of events already booked for 2020 (this was received).

On the 11th October 2019 Vince sent an e-mail outlining what was discussed:

At our meeting with Mark Hicks and Richard Mabbitt on the 24th September at the Hotel, the issue of disturbances to the local neighbours was raised. I made it clear that the present situation could not

continue as it had resulted in an incident on 27th July where a neighbour had caused Criminal Damage because he was at the end of his tether.

I look forward to hearing from you with regard to possible solution to the noise nuisance issues that we discussed sound proofing the marquee.

I also look forward to receiving an application to vary the Premise Licence to re-write the first two conditions on Annex 3 that were attached by a Sub-Committee on 21st September 2005, they are:

- Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

- The management will endeavour to hold all other events involving live and recorded music inside the main building.

The third condition, is appropriate and should be kept.

As I said, I am of the view that the conditions need to be clear, unambiguous and adhered to. It is clear, with the on-going issues, that the conditions are required.

I have the Resident's Meeting for the evening of 28th October in my calendar.

On the 28th October 2019 Vince attended an evening Residents' Meeting at the premises.

Mr Rickett expressed the view that he had undertaken control measure on the sound equipment to reduce the nuisance to the neighbouring properties this gave Vince the impression that no further action was required.

Vince expressed the view that the Premise Licence as is, is not fit for purpose. He requested that a variation to the licence is applied for and should reflect what is actually happening. Having had the opportunity to read the minutes of the Licensing Hearing in 2005, the number of events in the marquee was suggested by Andrew Rickett as 8-10.

Vince said any change would need to be accompanied with a rationale. He also said that the rather open 'endeavour' clause does not mention the marquee. He also noted that soundproofing the marquee was raised as a possibility by Andrew Rickett but not actioned.

He made it clear that if the premises continues to operate beyond its licence in 2020, they will be taken to review and he awaited an application to vary the Premise Licence.

On the 16th January 2020 a Written Warning was sent because despite having telephone conversations and an e-mail exchange with Mr Rickett there was no application to vary the Premise Licence so it is fit for purpose.

On the 12th February 2020 Vince received an e-mail from Mr Rickett, attached was a letter dated 20th January 2020. He suggests that we arrange a hearing with a Licensing Committee and in the mean time he will continue to run his business as he has since 2005. With this view the police feel that

they are left with no option other than to bring the Premise Licence into review to bring the present situation to a solution.

From our records there were no applications for a Temporary Event Notice for any year from 2005 – 2018. With regard to 2019 there were 5 TENs granted, the first on 30th November and the last on 31st December. From the police's view this premises has been operating beyond its licence for many years.

Appendix 2

Representation 1

From:

Redacted

Redacted

Redacted

Redacted

Redacted

We wish to make a representation in support of the following licence review application:

Application ref. no: M050632

Application type: LA2003 s.51: Premises licence - Review application

Date received: February 2020

Premises name: Boxmoor Lodge Hotel

Premises address: Boxmoor Lodge, London Road Hemel Hempstead Hertfordshire, HP1 2RA

We make this representation in relation to the following grounds:

Noise levels

The rear of the marquee and lawn behind it is adjacent to our back garden. On occasion where events have been held at the Hotel, the noise level coming from the marquee (music and people) has been in our opinion unreasonable, this can be heard from inside our house late at night and has disturbed our children sleeping. The noise insulation in the marquee is not sufficient and restrictions need to be put in place to limit or stop people gathering behind the marquee late at night. We moved here 7 months ago and are really concerned that this will be even louder and disturb our children more in the summer months when we need to leave the windows open at night.

Car parking

We have noticed on several occasions an increase in the amount of cars parked opposite our house and the surrounding area during event nights at the Hotel. Not only is this a private road that allows for a small amount of resident only parking, but the people returning to their cars are often extremely loud causing a nuisance outside our bedroom window which wakes us.

Representation 2

Dear Mr Byiers

As I stated in my e mail I have never seen any crime or disorder at Boxmoor Lodge or anything that could be said to be a public nuisance.

My address is *Redacted*

I trust this will allow my comments to be considered when making your decision.

Yours sincerley

Redacted

On Wed, Mar 25, 2020 at 7:39 AM Licensing Mailbox <Licensing@dacorum.gov.uk> wrote:

Dear *Redacted*,

Thank you for your e-mail, in order for your comments to be considered as a representation against the review, they need to be related to at least one of the four licensing objectives stated below;

The Prevention of Crime & Disorder

The Protection of Children From Harm

The Prevention of Public Nuisance

Public Safety

If you have any further comments, please feel free to contact us again.

If you can provide a **postal address** for yourself, and comments related to the above objectives, they will be counted as a formal representation against the review.

Best Regards,

James Byiers

Licensing Technical Officer

Corporate & Contracted Services

From: Redacted
Sent: 20 March 2020 21:51
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Ref Number M050632

I am writing in support of Boxmoor Lodge Hotel. My wife and I have used this hotel for 25 to 30 years for birthdays, Christmas & New Year events.

Last year we held two events there for our 50th wedding anniversary. I also held my retirement party there in 2003

I am the chairman of the Herts area of the Jaguar Drivers Club and we hold our monthly meetings at the Hotel and our Christmas dinner.

It also a popular venue for weddings, wakes and birthday parties.

In all the years I have used the hotel I have never had any problems with the staff or other clients of the hotel and the food has always been excellent

be it a table for four or a function for fifty.

I do not know any other venue in the area that can provide what Boxmoor Lodge Hotel provides.

Redacted

Representation 3

Dear Team

*I attach my letter of support for Andrew Rickett and continuance of his licence.
May I politely point out that the letter inviting comments asks mail to be returned to The Civic Centre, postcode HP1 1HH.*

*We all know that is no more but get that wrong, what else may be wrong?
Also, I believe the licence covers Boxmoor Lodge, Hotel and restaurant (including the marquee).*

I intend to attend any hearing to support the applicant. I ask that you let me know as soon as possible when that might be to enable me to make the necessary arrangements.

Yours sincerely

Redacted

Redacted

Redacted

Redacted
Redacted
Redacted
Tel *Redacted* mob: *Redacted*
E-mail: *Redacted*

25 March 2020

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

Submitted by email as an attachment

Dear Sirs

Re: Boxmoor Lodge London Road Hemel Hempstead HP1 2RA Premises Licence Review

Having become aware of the forthcoming licence review I wish to submit this letter in support of continuance and as a defence against the challenges being made by those opposing continuance.

Boxmoor Lodge (which includes Boxmoor Lodge Hotel, restaurant and marquee) has had a tremendous reputation for over 30 years. The property has always been well managed by Andrew, and his late mother Patricia Rickett (members of the same family owning the premises for the past 70+ years), who has continued to add to that reputation, not only for its visitors but also in taking cognisance of the neighbours occupying the comparatively recent construction of new builds now surrounding the perimeter of the premises.

Those new builds were granted by Dacorum Borough Council. The partners have always been aware of their responsibility to existing and new neighbours. Andrew Rickett in particular is equally aware of the responsibility to those new neighbours. When buying those desirable residences, new neighbours were well aware of the existence of the Hotel and its environs.

My understanding is that in the recent past one particular resident has continually made depositions to Andrew Rickett and/or the staff about what he considers to be inappropriate interference to his "right to peace and quiet". Andrew Rickett has, to my personal knowledge and belief, always endeavoured to show reasonable response to such challenges – even offering to convert the marquee to a solid walled extension. I am also fully aware that the original grant of a marquee was agreed by Dacorum Borough Council's Building Regulations officer at the time.

I am ready, willing and able to attend the hearing, supporting Andrew Rickett in his request for continuation of the licence and expand on these comments in greater detail.

Yours faithfully

Redacted

Representation 4

To whom it may concern

I am writing to strongly support the renewal of Boxmoor Lodge Hotel's licence on its current terms. This is for several reasons:

Firstly, Boxmoor Lodge Hotel provides an excellent service to the local community. It provides very convenient accommodation to visitors to Boxmoor. On a personal level, it has been extremely helpful to accommodate friends and family who we have not been able to have stay in our house in an establishment which is walking distance from Boxmoor village. The alternative is to stay at less charming chain hotels which are further afield in the town centre, Bourne End or Apsley. It was particularly helpful to have local accommodation when my late father-in-law, who was wheelchair-bound, came to visit. As well as being a popular venue for regular meetings of local club lunches, the Hotel is a very popular venue for weddings and funerals. The Hotel, therefore, provides a valuable service to the Boxmoor Community.

Secondly, as a thriving business, Boxmoor Lodge provides employment for a substantial number of people, many of whom are local. More than this, the Hotel brings business into the area in two ways. The florists and the jewellers on St John's Road benefit from having a local venue which signposts customers holding events to these shops. The jewellers, Swan antiques and the local pubs benefit from the inflow of tourists from all over the country and overseas visiting Harry Potter World. Without the Boxmoor Lodge the area would lose a valuable source of trade supporting local employment and shops. Without the marquee the viability of this successful, independent business is called into question.

Thirdly, the Boxmoor Lodge has an excellent reputation as a high quality and responsible venue. The only incident involving the police at the venue is the one caused by the principal complainant, where he wilfully disrupted a wedding and caused criminal damage requiring the police to be called. It would be perverse if this person's complaint should be upheld when he was the very cause of the only reported disturbance in the first place! As well as no pattern of police involvement, there is no pattern of noise complaints. In fact the Hotel takes many precautions to ensure it stays on good terms with its neighbours. Their music is successfully buffered by sound insulation in one of their buildings and their protocol for guests being outside of the marquee is managed to avoid disruption to neighbours. The Hotel does not take bookings for children's parties, 18th birthday parties or 21st birthday parties to avoid noisy events. It is hard to see what more the Hotel can do, especially when it is borne in mind that the nearby residents chose to buy a house near a local wedding venue (and longer-standing residents near a pub, when the Swan next door was open), so moved to the area knowing what to expect. That neighbours rarely complain shows that either these expectations are not exceeded or that they are not disturbed. The handful of complaints (a very small number for a business that has operated there for over two decades) there have been about events at Boxmoor Lodge is all the more baffling when neighbours routinely cope with the noise of the nearby mainline railway station and the A41, which can be extremely noisy. Often you cannot hear any music from the marquee when stood immediately outside it because of the constant noise from these sources!

In view of the fact that Environmental Health Officers find no evidence of noise pollution, there is no history of complaints and the Hotel takes a responsible approach to managing events, there are no grounds to change the licence the Boxmoor Lodge Hotel currently enjoys. The only contentious element seems to be the use of 'endeavour' in the terms of the licence. I would suggest that through a discerning approach to which events they hold, the installation of excellent sound-proofing and measures put in place to manage guests when outside the marquee, the Boxmoor Lodge actually exceeds the standard of 'endeavouring'.

As such, for the sake of the Hotel's viability, any correction of ambiguity the use of the word 'endeavour' causes should be corrected in favour of the Hotel being able to hold frequent events in the marquee with the only limit being around how many events may involve music.

Yours faithfully,

Cllr William Allen
Boxmoor Ward

Representation 5

> To whom it may concern

>

> Today I received through the door a letter regarding Boxmoor Lodge Hotel. The letter stated that they were responsible for an increase in crime and unsavoury behaviour and encourages us to write to you to advise you against renewing their premises licence.

>

> I would like to notify you of my situation. I am 47 years old, I live 5 doors up the road from the Hotel in Felcote. I have lived here since I was 5 years old, before the hotel even became a hotel. I have never known any crime or disturbances to be caused by the hotel. On the contrary, when my car has broken down at the bottom of the road, they have helped get me off the road and made sure I was ok. When my friends have stopped by and I have not been in, they have given them free tea and coffee until I returned. They do not hold parties for 18s and they don't do functions on a Sunday out of consideration to their neighbours. By 11pm their functions are at an end.

>

> The houses on Laurel Bank were built long after the hotel was set up. The residents there purchased them knowing they were buying adjacent to a hotel that holds functions.

>

> Furthermore Felden is a rural Hamlet, we no longer have a pub, or a village shop, our only place is the hotel where you will find we all convene, including those who have long moved away, for funerals and special occasions.

>

> I found the tone of the letter (anonymous, but stating it was from our neighbours in laurel bank), to be bullying and factually incorrect and so I urge you to be careful in considering the responses you may receive from people as the information they have been given is far from accurate.

>

> I think Boxmoor Lodge Hotel is a part of our community and has been for many years. If these 'neighbours' put him out of business then there will be many jobs lost and the land will inevitably be sold to the builders for more housing which will upset them even more.

>

> I would be happy to meet or speak with anyone about this matter, I have no reason to be anonymous as I have nothing to hide.

>

> Kind Regards

>

> Redacted

Representation 6

Dear Sirs,

I am advised there is a review of licensing for Boxmoor Lodge Hotel?

I have used the facilities at the hotel for many years including current regular monthly club meetings.

It is ideal for significant social events given its location and being nearby the station it is ideal for access by public transport discouraging drink driving.

It would be a significant loss to the area.

Hopefully this will be taken into consideration.

Regards,

Redacted

Representation 7

> I would like to submit comments regarding the licensing application M050632 for the Boxmoor Lodge Hotel.

> My family have been residents living on Laurel Bank for 19 years. In all of this time we have found the owner, management and staff to be friendly, courteous, respectful, polite and professional. All our interactions have been positive and they take their role in the local neighbourhood seriously. We have never suffered any disturbance from the hotel in all of this time. They also provide important local employment in the community.

> I am unaware of the specific circumstances leading to this application but wanted to highlight our perspective as a neighbouring property to the hotel.

> Many thanks

> *Redacted*

Redacted

Representation 8

Dear Sir/Madam

With reference to the above application, we live on Felden Lane near to Boxmoor Lodge and have not been aware of any undue noise or other nuisance behaviour.

We note the application refers to a single offence of criminal damage. We would request the council to consider whether withdrawal of the licence and closure of the premises is a proportionate response to a single offence.

We would also be concerned as to what would replace the hotel. If the licence is withdrawn the premises will presumably lie empty for some time and potentially attract vandalism and other public nuisance.

Yours faithfully

Redacted

Representation 9

Licensing,
Dacorum Borough Council,
Hemel Hempstead.

Application ref. no: **M050632**
Application type: **LA2003 s.51: Premises licence - Review application**
Date received: **28 February 2020**

Premises name: **Boxmoor Lodge Hotel**
Premises address: **Boxmoor Lodge,
London Road
Hemel Hempstead
Hertfordshire
HP1 2RA**

I am writing in connection with the above licencing review. I have been a resident of Boxmoor for over 40 years and I wish to register my support of Boxmoor Lodge Hotel.

In my experience Boxmoor Lodge Hotel is run and operated to very high standards. There being no other premises operating to these standards in the vicinity it provides a valuable service to the community. I am not aware of any problems arising from the operation of this hotel such as those mentioned in the Applicant's description of the application. I understand that the hotel makes every effort to avoid disturbing its neighbours.

The application is being made by Hertfordshire Constabulary in reaction to an offence of criminal damage following a complaint and disturbance which is itself vexatious in that, as I understand it, the criminal damage and disturbance was caused by the complainant himself.

Yours sincerely,
Redacted

Representation 10

I am responding as Secretary of the Probus Club of Boxmoor & District, this application having been drawn to my attention by several of our members. Boxmoor Probus is a club for retired professional and businessmen formed with object of promoting wellbeing and fellowship amongst its members. We have an active membership of around 110, with an average age profile in the late 70's.

The Club strongly supports the Boxmoor Lodge position in this licence review, which seems to be a disproportionate response by Hertfordshire Constabulary to what we believe to have been an isolated incident at the hotel.

As we understand it, the incident occurred when a local resident burst in to complain about the noise from a wedding reception. Apparently he got quite abusive and broke some glasses, and would not leave. This resulted in the police being called. We understand that

the person involved is the principal complainant and it seems perverse that the person who caused the "criminal damage" is the one the police are listening to!

Given that the hotel is largely used by family groups, senior citizens etc. we believe that the potential incidence of crime and disorder is extremely low risk and that all reasonable endeavours are already taken to mitigate the effect of noise on local residents and the environment; for example, we understand that it is the hotel's policy to avoid noisy events such as 18th or 21st birthday parties.

Boxmoor Lodge is used regularly by Boxmoor Probus and its members for lunches and family events, and in the wider community is a very popular local venue for family events such as weddings, anniversaries and, sadly on occasion, funerals. It is in walking distance of Boxmoor village and is readily accessible for local residents. All this activity provides a valuable source of employment for local people, and through its hotel function, brings trade to local shops and businesses. It provides quality food and accommodation at reasonable prices, and is a resource which would be hard to replace.

In the circumstances, we strongly feel that there is no need to review the current licensing of the Boxmoor Lodge premises, and that hotel should be allowed to continue with its valuable services to the community.

I trust that our views will be fully taken into consideration.

David Norris
Secretary
Probus Club of Boxmoor & District
Redacted

Representation 11

23rd March 2020 Application reference: M050632 To whom it may concern We have three major objections to The Boxmoor Lodge being granted a premises license. These are as follows:

- We have lived in Laurel Bank since 2013. We understand that the issue of noise nuisance has been ongoing since before we moved in and has largely gone unanswered by other departments within the council. However, since the police intervened, there has been a properly documented account of all subsequent nuisances which we would recommend reviewing and understanding that this profile is not a new occurrence. Many of the residents (ourselves included) have young children. Noise nuisance from events including loud music and drunken chanting (at times with foul language) have proven distressing to children. Requests to turn down music have been acknowledged, but as with all such requests of this nature are a) at the discretion of the owner, and b) temporary as the volume starts to escalate again a short while later. We have held a number of meetings with the owner where he has made various disingenuous promises, but later backtracked. This has been a continuous pattern of irresponsible behaviour which has resulted in mistrust from the other residents and a feeling that their time has been wasted. The residents are all educated professionals who have made reasonable points and attempted to find a compromise. This has not been reciprocated. The owner had gone on to make some incredulous claims about neighbouring trees which border No. 17 Laurel Bank (which they do not in fact own) were the cause of higher levels of noise. His approach and entirely without the consultation or support of the neighbours was to get these trees cut down. There is no scientific evidence to support his claims, so we can only conclude that this was a malicious act designed entirely to vex the owners of No. 17. This tactic did work as the owners sold the house at a lower value in order to leave rapidly. We are still in contact with the previous owners and they would be willing to testify to this. The new owners however are similarly unimpressed with the current situation.
- As a hotel, the premises are within their rights to serve alcohol. We and our neighbours

have witnessed partygoers with full drinks well after the permitted hours. We are also not unaware of the techniques used to subvert the licenses, but would suggest that this is further evidence of the owner's lack of responsibility and care in relation to the surrounding neighbourhood. Again, drunken shouting and chanting is not pleasant for us or more importantly our children. We have not been directly affected by any of the incidents requiring police attention but understand that such occasions are not infrequent. • The Boxmoor Lodge has limited on site parking. Partygoers tend to park on double yellow lines down Felden Lane which constrains the flow of traffic and makes the turn in and from London Road more hazardous as a result of having to move in to the opposite lane so close to a corner. We also see a number of additional cars being parked within Laurel Bank which is both a private road and a narrow one. This leads to pavement parking and compromises the safety of road users and residents alike. From neighbours who have challenged people parking in Laurel Bank, we understand that the owner has actually encouraged this behaviour. Overall, we would have no objection to a responsible and properly managed venue operating events that do not negatively impact the surrounding areas, but despite a long history of promises, it is clear that The Boxmoor Lodge does not value or respect the relationship with their neighbours. We have been told on a number of occasions that their justification for the belief that they can do as they please stems from the fact that "they were here first". Is this really the sort of business Dacorum Borough Council wishes to promote in the area ?

Redacted

Representation 12

Application Type - LA2003 s.51: Premises licence - Review application

I belong to Boxmoor Probus Group which is a social club for retired men. The club has over 100 members and is a valuable source of support and companionship for its members. For many years we and our wives/partners have enjoyed using Boxmoor Lodge for social events. This is because the marquee at Boxmoor Lodge is one of the few locations within easy reach (walking distance for many) that can provide good food and is large enough to cater for a group of our size. I would be extremely disappointed if this valuable local resource were to be taken away from us without some very good reason.

It seems to me that any nuisance from this venue could easily be mitigated or controlled by co-operation between the local residents and the management of the premises.

Please may I ask that you ensure everything is done to secure that a license is renewed and the future of the lodge, together with it's marquee is secured.

Redacted

Redacted

Redacted

Tel: Redacted

Representation 13

Dear Sirs

Application Number: M050632

Premises name: Boxmoor Lodge Hotel

Applicant:Hertfordshire Constabulary

We understand that the licence for the Boxmoor Lodge Hotel is the subject of review as a consequence of criminal damage caused last Summer during a wedding reception in the Marquee building.

We also understand that the incident took place in the middle of the afternoon and the criminal damage was committed by a resident from Laurel Bank, not an attendee at the wedding reception.

We have lived in Laurel Bank for over 21 years and have never had cause for complaint in respect of noise from people or music during events in the Marquee or elsewhere within the Boxmoor Lodge. As far as we are aware the owners of the Hotel have always been careful to ensure that noise and music from events in the Marquee building is contained within the sound proofed area and ceases at midnight.

We have dined in the hotel and attended a number of events in the Marquee over a period of 20 years.

We have never had any cause for concern that the premises are a source of nuisance for noise, crime or general disorder

We therefore have no objection to renewal of the premises licence for the Boxmoor Lodge Hotel.

Redacted
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Appendix 3

Dear Licensing,

The following information is in connection with the recent Premises Licence review application for Boxmoor Lodge Hotel, London Road, Hemel Hempstead, HP1 2RA.

The Planning and Planning Enforcement team have been involved at this site for a number of years and have recently issued an enforcement notice requiring the removal of the marquee. This is because the marquee does not benefit from planning permission. It previously had a number of temporary permissions which historically, were renewed at the end of the temporary period. The last permission for the marquee expired in June 2015.

Due to this lack of permission, the marquee has no planning conditions attached to it, which could prevent its use beyond certain hours and could not control whether entertainment was provided within it or not.

The planning enforcement team received a number of complaints/correspondence with local residents in the lead up to the service of the enforcement notice in June 2019. The complaints focused on noise and lack of planning enforcement action over the years with regards the marquee.

The enforcement notice was appealed to the Planning Inspectorate (appointed by the Secretary of State) and a decision is due before 31 March 2020 on this matter. If the notice is upheld, the marquee will need to be removed within 12 months of the date of the decision. If the notice is quashed, planning permission may be granted for the marquee (with or without conditions).

Many thanks,

Olivia Stapleford

Assistant Team Leader – Planning Enforcement

Dacorum Borough Council

Redacted

Redacted

A: The Forum | Marlowes| Hemel Hempstead | HP1 1DN |

Appendix 4



Licensing Act 2003 Premises Licence

Premises Licence Number:

DAC 007733

Version Reference:

041262

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description

Boxmoor Lodge Hotel
London Road
Hemel Hempstead
Herts
HP1 2RA

Telephone number 01442 230770

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol
The provision of late night refreshment
Performance of live music
Playing of recorded music

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

For consumption both on and off the premises

Mondays	11.00 hours until 00.00 hours
Tuesdays	11.00 hours until 00.00 hours
Wednesdays	11.00 hours until 00.00 hours
Thursdays	11.00 hours until 00.00 hours
Fridays	11.00 hours until 00.00 hours
Saturdays	11.00 hours until 00.00 hours
Sundays	12.00 hours until 23.30 hours

New Year's Eve 11:00 hours until 23:00 hours New Year's Day

Hotel room service, 24 hours a day

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment

24 hour room service for guests

Performance of live music

Indoors and in Marquee only

Mondays	11.00 hours until 23.30 hours
Tuesdays	11.00 hours until 23.30 hours
Wednesdays	11.00 hours until 23.30 hours
Thursdays	11.00 hours until 23.30 hours
Fridays	11.00 hours until 23.30 hours
Saturdays	11.00 hours until 23.30 hours
Sundays	12.00 hours until 23.30 hours

Events in marquee limited to eight per year

Playing of recorded music

Indoors and in Marquee only

Mondays	11.00 hours until 23.30 hours
Tuesdays	11.00 hours until 23.30 hours
Wednesdays	11.00 hours until 23.30 hours
Thursdays	11.00 hours until 23.30 hours
Fridays	11.00 hours until 23.30 hours
Saturdays	11.00 hours until 23.30 hours
Sundays	12.00 hours until 23.30 hours

Events in marquee limited to eight per year

The opening hours of the premises

Mondays	07.00 hours until 00.30 hours
Tuesdays	07.00 hours until 00.30 hours
Wednesdays	07.00 hours until 00.30 hours
Thursdays	07.00 hours until 00.30 hours
Fridays	07.00 hours until 00.30 hours
Saturdays	07.00 hours until 00.30 hours
Sundays	07.00 hours until 00.00 hours

New Year's Eve 11:00 hours until 23:00 hours New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Andrew Rickett
Moor End Farmhouse
London Road
Hemel Hempstead
Herts
HP1 2RE

Telephone number: 01442 230770
Email address: andrewrickett@aol.com

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

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

Name: Mr Andrew Charles Rickett
Address: Oakland Felden Lane Felden Hemel Hempstead HP3 0BA

Telephone number: 01442 214530

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Licence number: DAC 007622
Issuing authority: Dacorum Borough Council

Signed:



On behalf of **Steven Baker**
Assistant Director (Chief Executive's Unit)

Date issued: 1 September 2016

NOTES

This licence is issued subject to the provisions of the Licensing Act 2003 and is subject to compliance with the conditions in the following Annexes.

Possession of this document does not guarantee that the licence remains in force, nor does it imply that the premises are fit for use. Validity and current status of the licence may be confirmed by reference to the Council's Licensing officers.

Annex 1: Mandatory Conditions

Condition A1.

No supply of alcohol may be made under this licence:

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

Condition A2.

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

Condition A3.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition A4.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Condition A5.

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

Condition A6.

The responsible person must ensure that-

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

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Condition A7.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2: Conditions consistent with the Operating Schedule

GENERAL - ALL LICENSING OBJECTIVES

The premises shall be cleared and closed to the public 30 minutes after the cessation of the sale of alcohol.

The Licence holder shall provide and maintain regular staff training.

THE PREVENTION OF CRIME AND DISORDER

Staff shall monitor guest behaviour in order to minimise the risk of drunken or anti social behaviour.

Toilets shall be checked on a regular basis.

PUBLIC SAFETY

Toughened glass shall be used for all drinking receptacles.

A Health & Safety audit shall be undertaken by management.

There shall be a Fire Safety plan in place at the premises.

THE PREVENTION OF PUBLIC NUISANCE

The Licence holder shall display signs asking customers to leave the premises quietly.

THE PROTECTION OF CHILDREN FROM HARM

The pond at the premises shall be covered

Children must be supervised by an adult.

Annex 3: Conditions attached after a hearing by the licensing authority

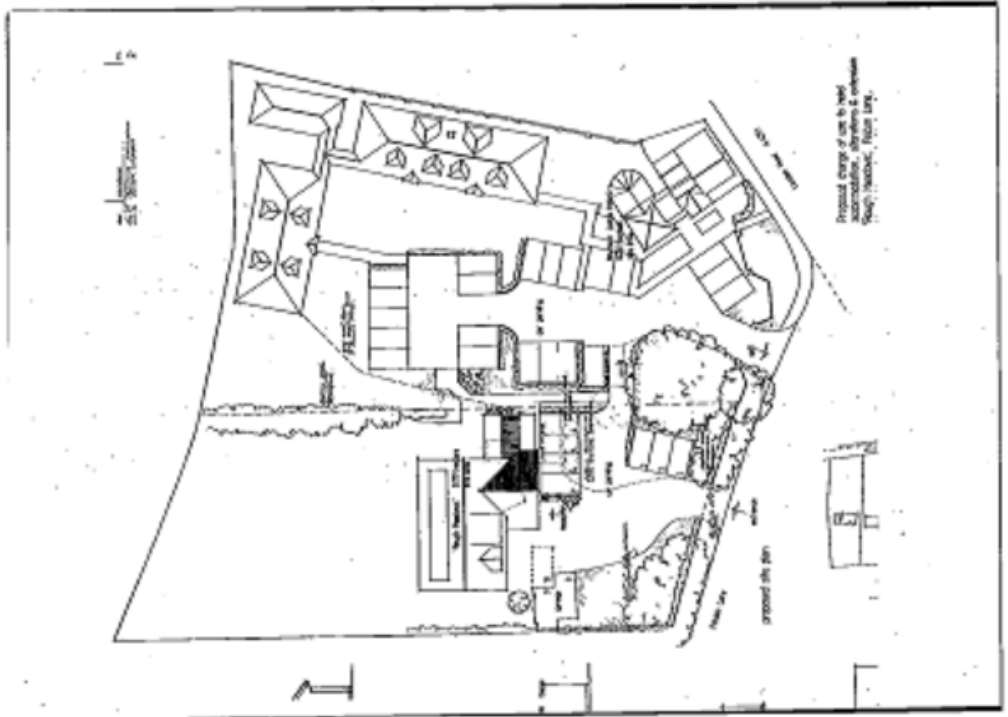
Licensing Act 2003 Sub-Committee 21st September 2005

Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

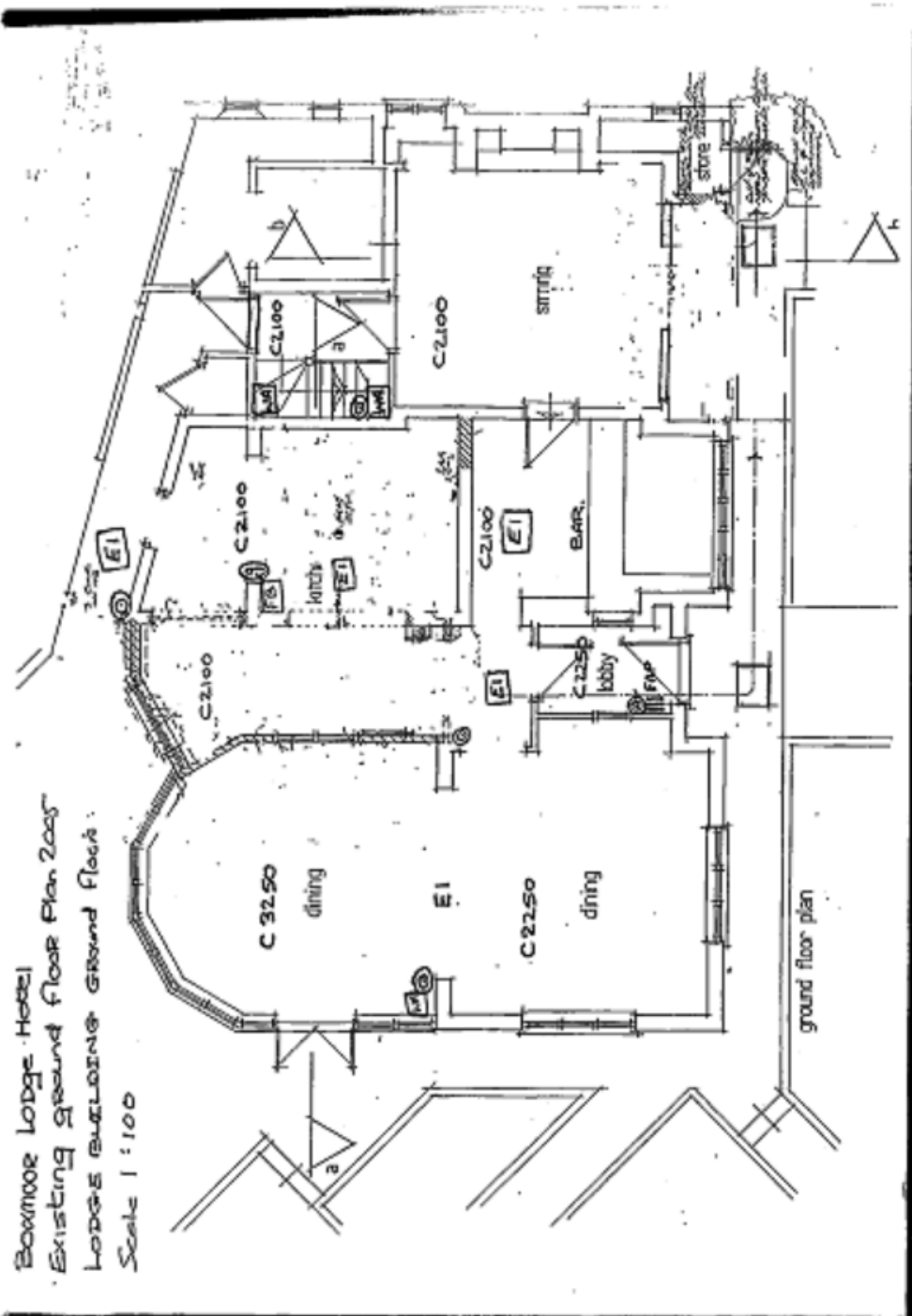
The management will endeavour to hold all other events involving live and recorded music inside the main building.

On evenings where entertainment takes place the management will monitor noise emissions from the premises to ensure no nuisance is caused to local residents.

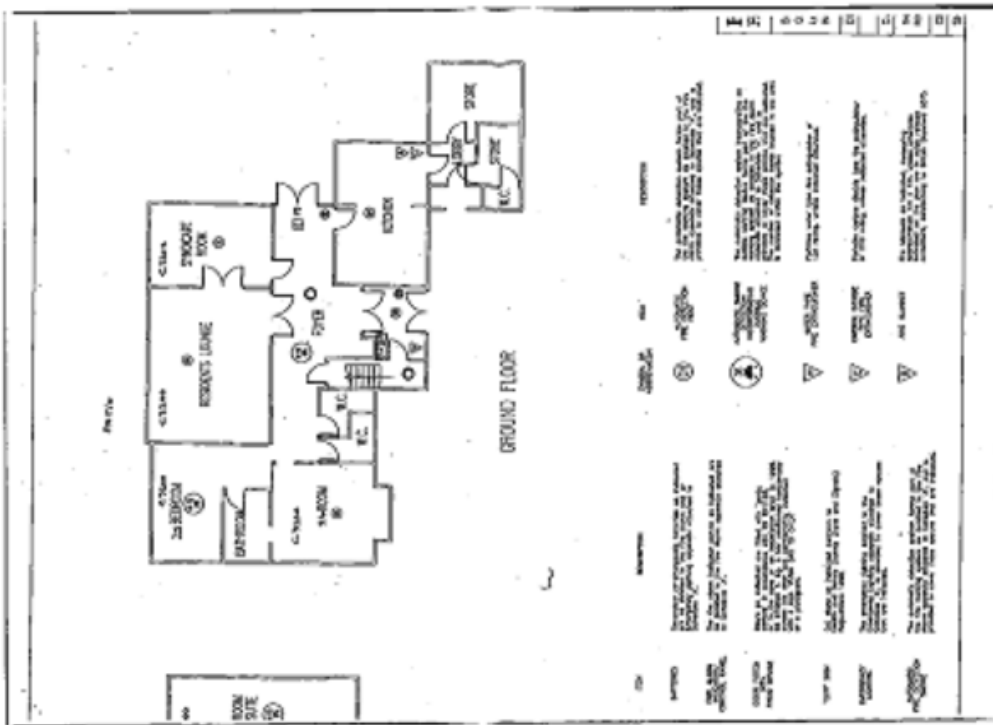
Annex 4: Plans



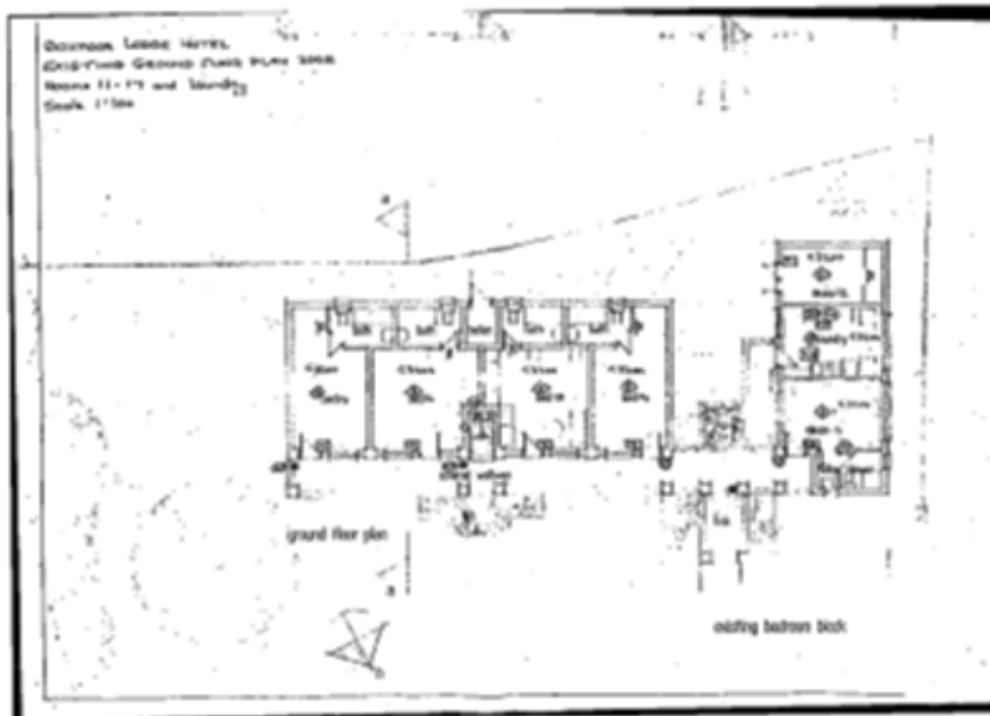
Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH
Tel. 01442 228000 Email: licensing@dacorum.gov.uk www.dacorum.gov.uk/licensing



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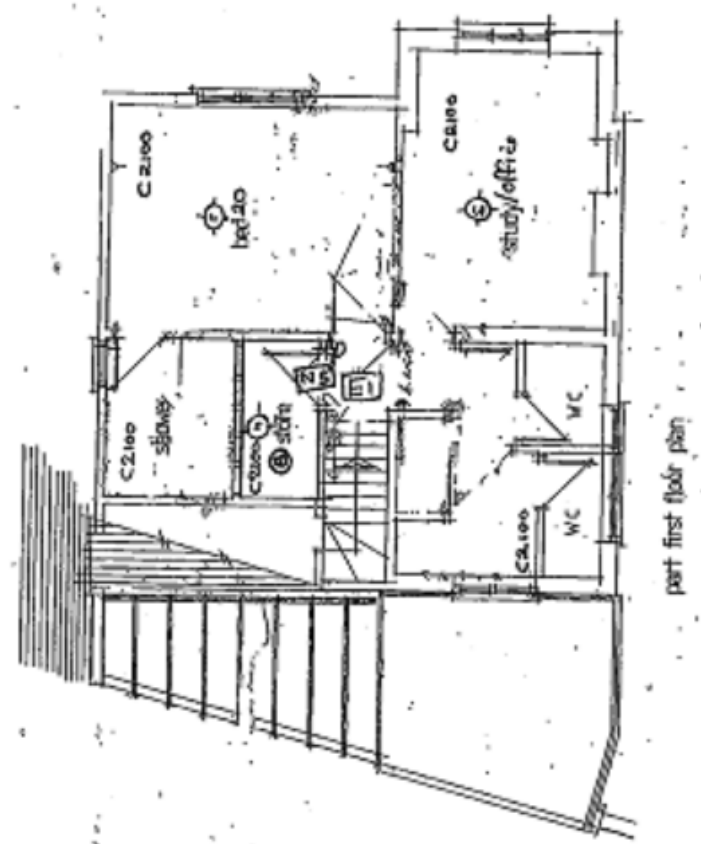


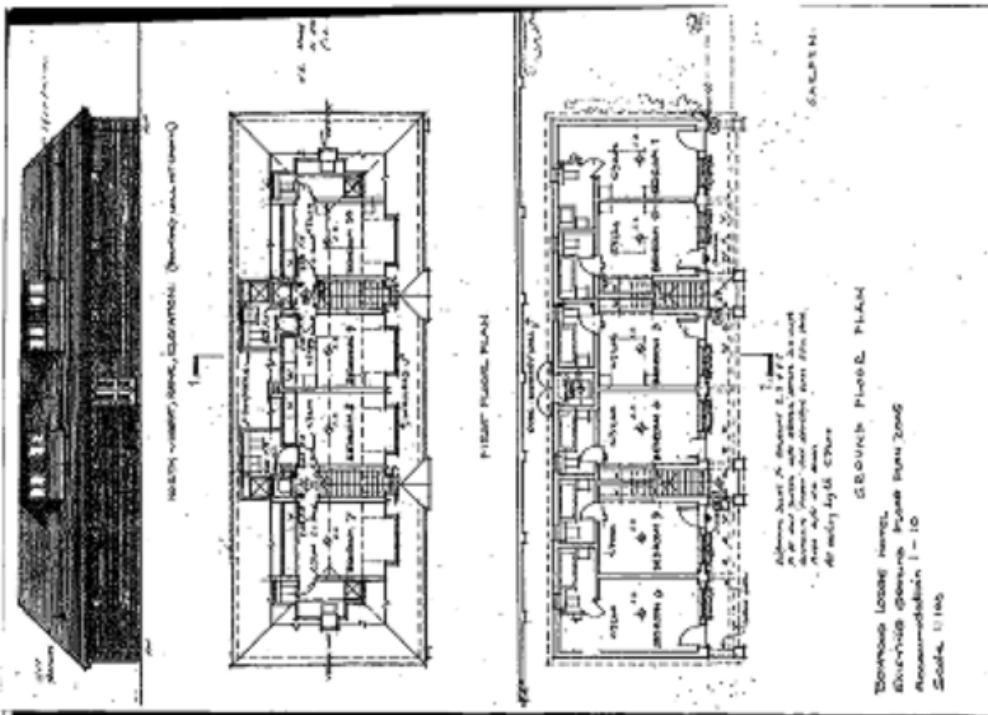
Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH
 Tel. 01442 228000 Email: licensing@dacorum.gov.uk www.dacorum.gov.uk/licensing

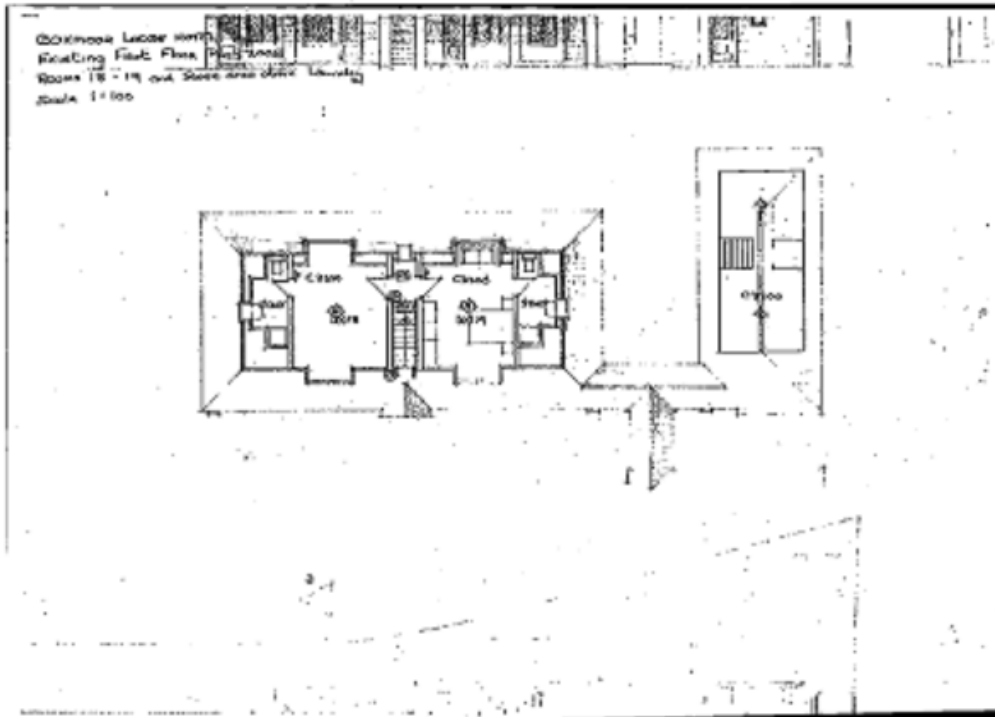


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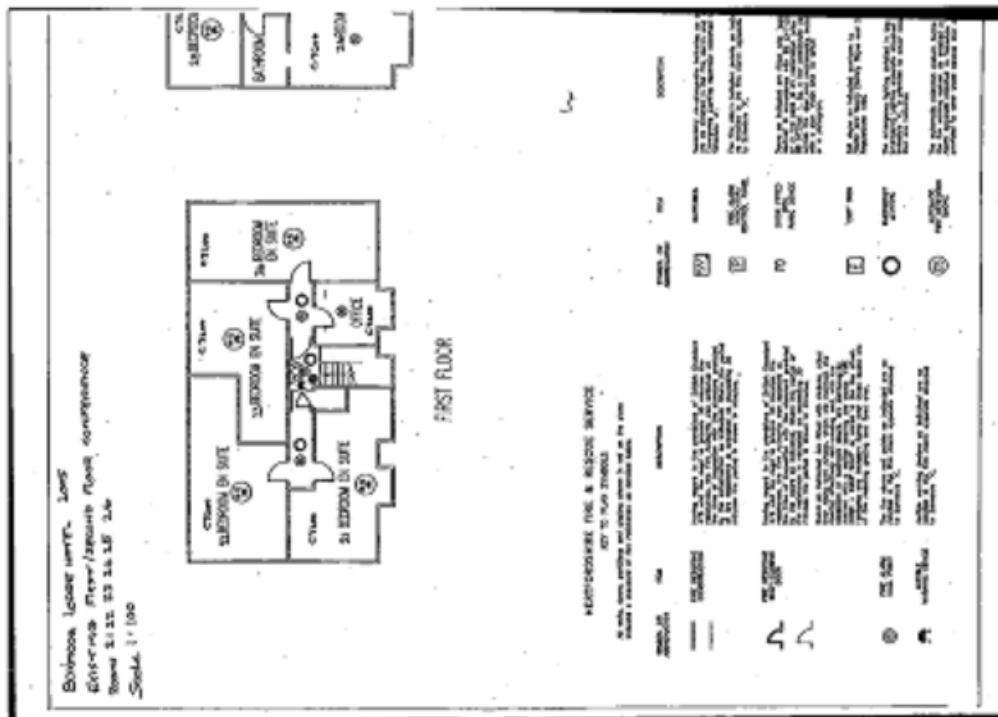
BOXMOOR LODGE HOTEL
EXISTING GROUND FLOOR PLAN 2005
LODGE BUILDING FIRST FLOOR
Scale 1:100



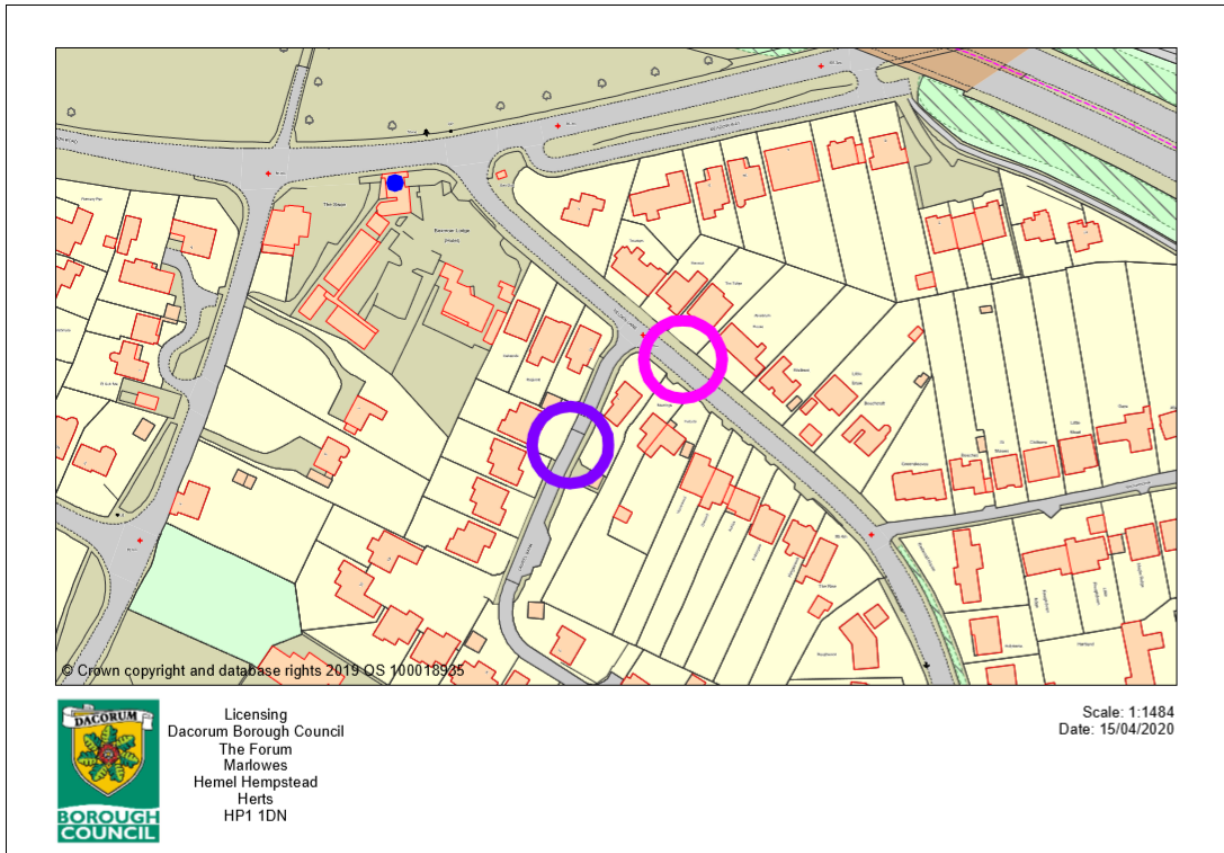




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Appendix 5A - Location of nearest representations



Key:



Boxmoor Lodge

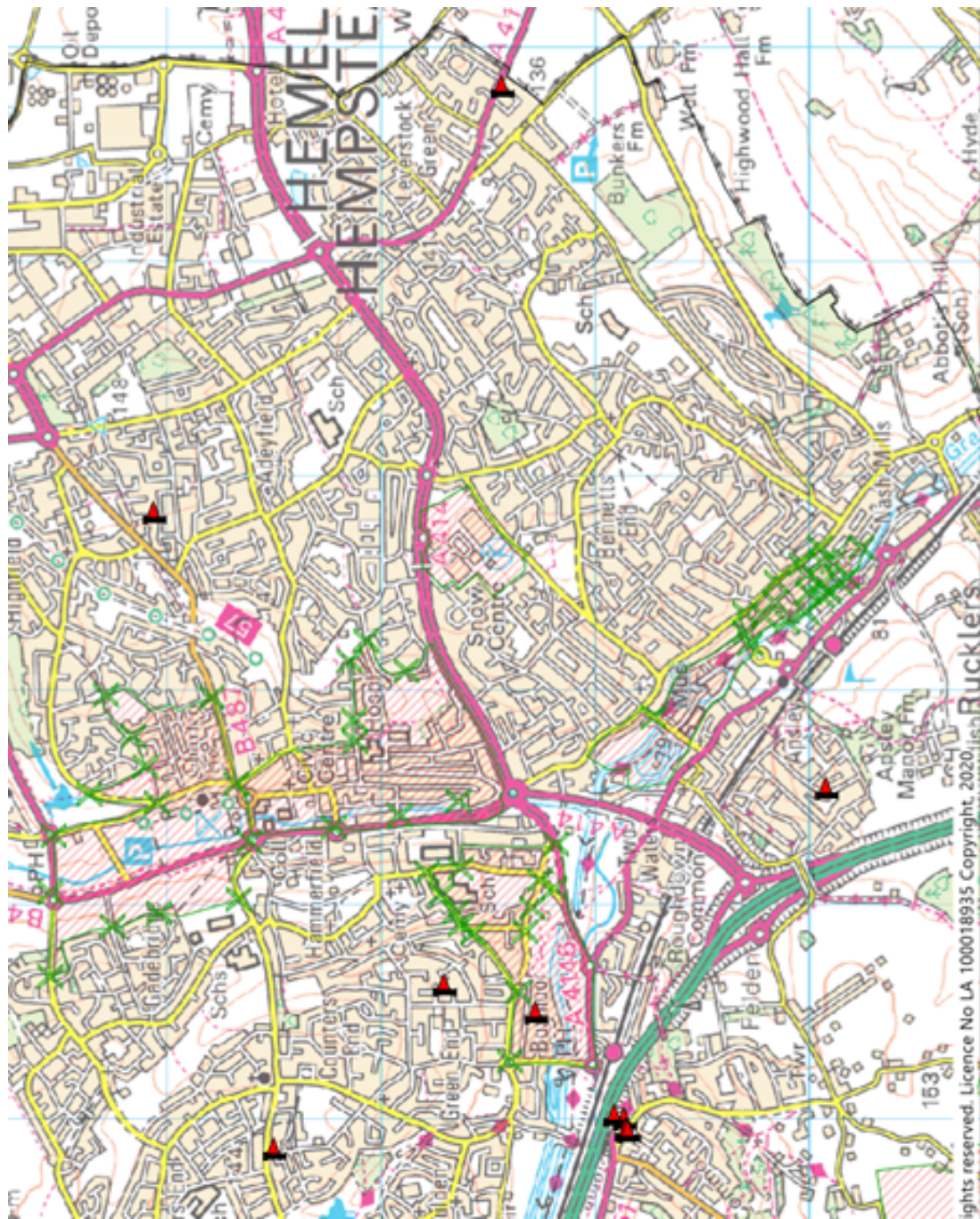


Approximate location of 3 representations in support of the Police review (Representations 1, 11 and 13)



Approximate location of 2 representations in objecting to the Police review (Representations 5 and 8)

Appendix 5B - Location of all representations



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.

EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information.