



# Licensing of Alcohol and Gambling Sub- Committee

TUESDAY 23 MARCH 2021 AT 10.00 AM

## MS Teams

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

### Membership

Councillor Bhinder  
Councillor P Hearn

Councillor Link

**Substitute Members:**  
Councillors

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

## AGENDA

1. **MINUTES**  
To confirm the minutes of the previous meeting
2. **APOLOGIES FOR ABSENCE**  
To receive any apologies for absence
3. **DECLARATIONS OF INTEREST**  
To receive any declarations of interest
4. **PROCEDURE OF THE HEARING** (Pages 2 - 3)
5. **THE OLD MILL PUB** (Pages 4 - 64)

# Agenda Item 4

## 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.

# Agenda Item 5



## AGENDA ITEM: 10

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	23 March 2021
PART:	I
If Part II, reason:	-

Title of report:	<b>Premises Licence application under the Licensing Act 2003</b>
Contact:	Nathan March – Licensing Team Leader, Sally McDonald – Lead Licensing Officer Corporate and Contracted Services
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable environment</p> <ul style="list-style-type: none"> <li>• Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.</li> </ul> <p>Ensuring efficient, effective and modern service delivery</p> <ul style="list-style-type: none"> <li>• Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.

Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.
Background papers:	Licensing Act 2003, and associated regulations <a href="#">DBC Statement of Licensing Policy 2021-2026</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (Home Office, March 2015)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

## 2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

## 3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are 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. 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.
- 4.2. 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 application

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

Appendix	Premises name / address	Type of application
A	The Old Mill, London Road, Berkhamsted, Hertfordshire HP4 2NB	Application to vary premises licence (s.34 Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	Spirit Pub Company (Leased) Limited
<b>Name and address of premises</b>	The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB
<b>Ward</b>	Berkhamsted East

### 1. Current Licence

- 1.1 Spirit Pub Company (Leased) Limited has held the licence since 11 July 2011, though the premises itself has held a premises licence under the Licensing Act 2003 since 24 November 2005.
- 1.2 Since grant the premises licence has been subject to a minor variation in September 2013, to reconfigure the layout and disabled facilities. No other changes have been made.
- 1.2 The current licence authorises the following licensable activities and timings:

#### Performance of live music

#### Entertainment similar to live and recorded music

Indoors

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

#### Playing of recorded music

Indoors

Monday-Thursday	10:00 until 23:30
Friday-Saturday	10:00 until 00:00
Sunday	10:00 until 23:30

#### The provision of late night refreshment

Indoors

Monday-Thursday	23:00 until 23:30
Friday-Saturday	23:00 until 00:00
Sunday	23:00 until 23:30

#### Sale by retail of alcohol

Both on and off the premises

Monday-Thursday	10:00 until 23:30
Friday-Saturday	10:00 until 00:00
Sundays	10:00 until 23:30



The opening hours of the premises

Monday- Thursday 09:00 until 00:00  
Friday-Saturday 09:00 until 00:30  
Sundays 09:00 until 00:00

An additional 30 minutes on bank holidays and other occasions.

The current licence is attached at Annex A.

**2. Application**

2.1 The application seeks the following:

Authorisation to vary the layout of the premises to include the licensing of two car parks at the premises to permit the sale of alcohol in that area until 22:00.

The removal of certain conditions on the licence, and the addition of others.

No changes to the hours or licensable activities are applied for.

The application is set out at Annex B.

A plan of the local area is set out at Annex C.

**3. Details of Representations**

3.1 8 representations have been received from residents living in the vicinity of the premises relating to the potential for noise disturbance, anti-social behaviour

Representations are set out at Annexes D1 to D8.

3.2 The following responses have been received from the responsible authorities in their capacity as consultees under the Licensing Act:

Police: No representations

Fire Officer: No representations

Public Health: No representations

Environmental and Community Protection: No representations

Planning: No representations

Trading Standards: No representations

Hertfordshire Children's Board: No representations

Licensing authority: No representations

**4. Observations**

4.1 The application seeks to increase the area of the premises covered by the licence, and will allow alcohol to be sold from the car park area. Whilst it is possible to allow the consumption of alcohol in these areas with the licence in its current form, the variation would ensure that any sale of alcohol takes place legally. The sale of alcohol is defined as being where the alcohol is 'appropriated to the contract' and therefore takes place at the point where the specific alcohol is selected for the customer, which could be at their table,

when the delivery of the drinks takes place.

4.2 As stated earlier in the report, the application confirms that alcohol sales will cease in the outside areas at 22:00. However, members should be aware that if these areas are licensed, cessation of sale at 22:00 would not prevent consumption of alcohol in those areas whilst the premises is open.

4.3 The Sub-Committee should note that under the provisions of the Live Music Act 2012 no licence is required for:

– a performance of unamplified or amplified live or recorded music between 08.00 and 23.00 on any day, on any premises authorised to sell alcohol for consumption on the premises, and for audiences not exceeding 500 people – this includes both indoor and outdoor entertainment.

This means that any conditions that relate to the provision of regulated entertainment meeting the above are effectively suspended. Suspension can only be lifted should the premises licence be reviewed following issues caused by entertainment.

4.4 References to the use of a marquee, whilst not being considered as part of this application, may provide some definition going forwards. For example, entertainment being held inside a marquee structure in the car park would be regarded as 'indoors' despite any such structure being located in the 'external area' of the premises, and would therefore need to comply with conditions currently in place on the licence for entertainment taking place indoors.

4.5 The siting of the premises on the canal and associated concerns around safety near water when consuming alcohol is mentioned in several of the representations. Whilst this is considered to be a valid concern, and waterways present a distinctive potential hazard for customers, it is not uncommon for licensed premises to be situated next to some sort of transportation infrastructure, more usually highways, which could be equally hazardous to customers, albeit in a different way. Whilst the Licensee has a responsibility for promoting public safety, this should be effectively balanced with individual responsibility of any customers frequenting the premises.

4.6 Parking concerns are raised in a number of representations, as objectors are concerned that the use of the car park for licensable activities will reduce parking on the site leading to customers parking in such a way that is unsafe or a nuisance elsewhere. However, this is not relevant to the application as the licensee cannot be held responsible for the parking of potential customers, who would have personal responsibility for doing so in suitable places.

4.7 As part of the variation, the applicant has applied to remove and add a number of conditions. The applicant is seeking to remove a condition that states:

*Additional patrols shall take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.*

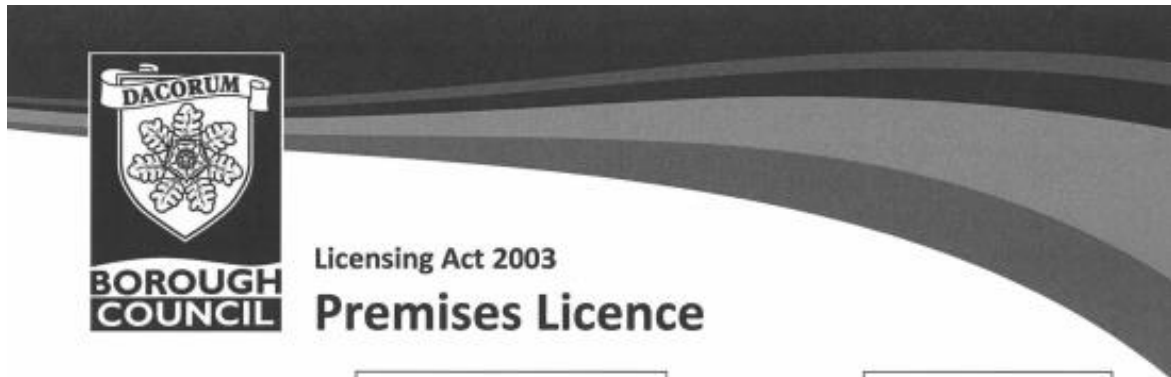
Replacing it with a two new conditions:

1. *Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.*
2. *When regulated entertainment is provided at the premises, noise checks will be carried out at the nearest noise sensitive property. A noise check log ('the log') of these checks will be kept and maintained at the premises. As a maximum, the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.*

Whilst these conditions may be considered to require a similar approach to promoting the prevention of public nuisance, it is noted that the existing condition currently requires action by the licensee during any 'entertainment', whereas the second new proposed condition would only take effect if it is 'regulated entertainment' that is taking place, meaning a much narrower requirement on the licensee, given the deregulation of much of the entertainment that is likely to take place in such a venue. The applicant has advised that the mention of 'maximum' in this condition is an error, and in fact this should say 'minimum'.

4.8 Local policy and national guidance can be found at Annex E.

## ANNEX A – CURRENT PREMISES LICENCE



Premises Licence Number:

**DAC 007104**

Version reference:

**049766**

Date issued:

**20 November 2019**

### Part 1 – Premises Details

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

The Old Mill  
London Road  
Berkhamsted  
Hertfordshire  
HP4 2NB

**Telephone number**

01442 879590

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

**The times the licence authorises the carrying out of licensable activities**

**Performance of live music**

Indoors only

Limited to a maximum of two performers and to entertainment at bona fide private events.

Monday-Thursday	10:00 until 23:00
Friday-Saturday	10:00 until 23:30
Sunday	10:00 until 23:00

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

**The times the licence authorises the carrying out of licensable activities**

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

**Playing of recorded music**

Indoors only

Monday-Thursday	10:00 until 23:30
Friday-Saturday	10:00 until 00:00
Sunday	10:00 until 23:30

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

**Entertainment of a similar description to live music, recorded music and the performance of dance**

Indoors only

Live entertainment and karaoke.

Monday-Thursday	10:00 until 23:00
Friday-Saturday	10:00 until 23:30
Sunday	10:00 until 23:00

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

**The provision of late night refreshment**

Indoors only

Monday-Thursday	23:00 until 23:30
Friday-Saturday	23:00 until 00:00
Sunday	23:00 until 23:30

**The times the licence authorises the carrying out of licensable activities**

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

**Sale by retail of alcohol**

Both on and off the premises

Monday-Thursday	10:00 until 23:30
Friday-Saturday	10:00 until 00:00
Sundays	10:00 until 23:30

On St Davids 'Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

**The opening hours of the premises**

Monday- Thursday	09:00 until 00:00
Friday-Saturday	09:00 until 00:30
Sundays	09:00 until 00:00

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by 30 minutes beyond these times.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by 30 minutes, with 21 days notice and agreement with the Police.

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

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

Alcohol may be supplied for consumption both ON and OFF the premises

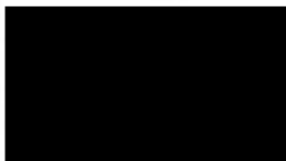
**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Spirit Pub Company (Leased) Ltd  
Westgate Brewery  
Bury St Edmunds  
Suffolk  
IP33 1QT

Telephone number: 01284 763222

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

5699544

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

Issuing authority: [REDACTED]

Signed:

A handwritten signature in black ink, appearing to read 'Nathan March'.

Nathan March – Licensing Team Leader

Date issued:

20 November 2019

On behalf of: **Mark Brookes**  
Assistant Director, Corporate and Contracted  
Services

**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.

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**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: ½ 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.

*In the above conditions, ‘responsible person’ means the holder of the Premises Licence, the Designated Premises Supervisor, or any other person over the age of 18 years who has been authorised to sell alcohol at the licensed premises.*

**Condition S1.**

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

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

---

## Annex 2: Conditions consistent with the Operating Schedule

### GENERAL - ALL LICENSING OBJECTIVES

The Licence holder shall respect the Approach to Responsible Drinking and shall ensure the licensing objectives are adhered to at all times.

### THE PREVENTION OF CRIME AND DISORDER

The Licence holder shall ensure that when door supervisors are engaged they shall be SIA approved.

The Licence holder shall ensure a zero tolerance policy towards illegal drugs is enforced at all times.

The CCTV system if installed shall continue to operate during the additional hours of trading and notices shall be displayed.

The Licence holder shall ensure all instances of crime and disorder shall be reported to the Police and shall be kept in an incident log book.

### PUBLIC SAFETY

The Licence holder shall ensure that the premises Health & Safety policy shall be reviewed on a regular basis.

The Health and Safety Policy shall be fully briefed and trained to all management and staff. The Licence Holder shall continue to train staff to the standards required by relevant legislation.

### THE PREVENTION OF PUBLIC NUISANCE

Additional patrols shall take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

The Licence holder shall ensure appropriate notices are displayed asking customers to respect neighbours when leaving the premises.

Where already used text/radio pagers shall continue to be used for the additional hours of trading and shall be monitored by a responsible member of staff.

The Beer Garden shall not be used after 23:30 hours.

### THE PROTECTION OF CHILDREN FROM HARM

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

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

A no smoking area shall be provided.

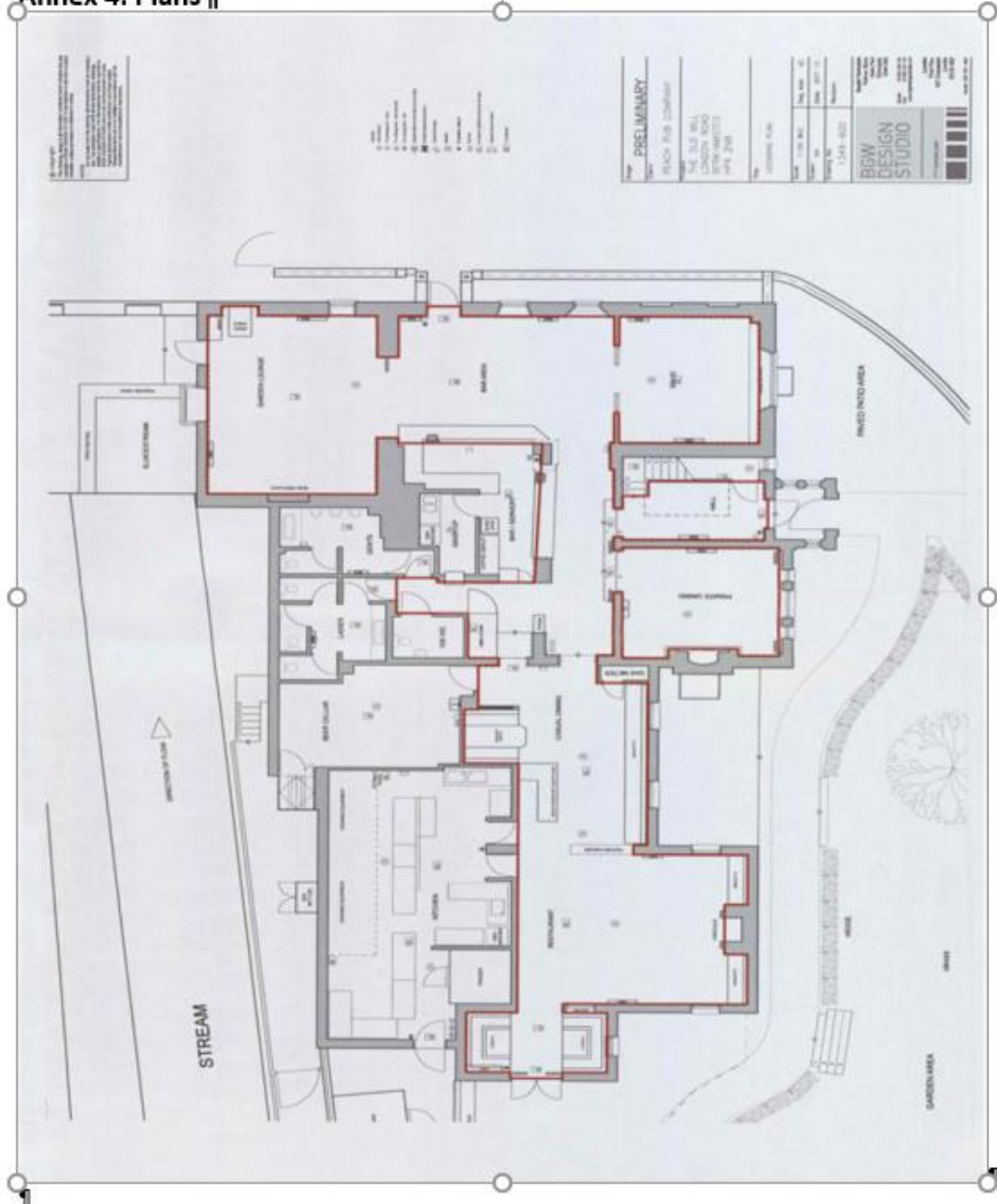
The Licence holder shall adhere to the Challenge 21 protocol, seeking identification from everyone who appears to be under 21, to prove they are 18 years of age, prior to the sale of alcohol. Convincing evidence is:

- A passport with photograph
- A photo driving licence
- A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.

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

N/A

### Annex 4: Plans



**ANNEX B**  
**APPLICATION TO VARY PREMISES LICENCE**

**Application to vary a premises licence 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 Spirit Pub Company (Leased) Limited  
*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> DAC7104
---

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Old Mill London Road			
Post town	Berkhamsted	Postcode	HP4 2NB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£120,000.00

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	licensingpp@greeneking.co.uk
Current postal address if different from premises address	Westgate Brewery
Post town	Bury St Edmunds
Postcode	IP33 1QT

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This is an application to vary the layout and design of the premises in accordance with the submitted plans. The changes include the licensing of the two car parks to permit the sale of alcohol.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

To remove the following conditions from the premises licence:

- A no smoking area shall be provided (no longer relevant).
- Where already in use text/radio pagers shall continue to be used for the additional hours of trading and shall be monitored by a responsible member of staff.
- The licence holder shall ensure all instances of crime and disorder shall be reported to the police and shall be kept in an incident log book. (updated condition provided)
- The licence holder shall ensure that when door supervisors are engaged they shall be SIA approved. (covered by mandatory conditions)
- Additional patrols shall take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises. (updated condition provided)

To add the following conditions to the premises licence:

- All staff shall be trained in relation to the conditions on the premises licence as required for the proper undertaking of their roles. Such training shall be recorded as having been given and kept as part of the employees records
- An incident and refusals log ('the log') will be kept and maintained at the premises and all incidents and refusals of sales of alcohol shall be recorded in it. As a minimum, the log will record the date and time of the incident/ refusal, the name of the person making the entry, the nature of the incident/ refusal and any actions taken.
- Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.
- When regulated entertainment is provided at the premises, noise checks will be carried out at the nearest noise sensitive property. A noise check log ('the log') of these checks will be kept and maintained at the premises. As a maximum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.
- The sale of alcohol in the external area will cease at 22:00 hours.

All other conditions to remain unchanged.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

**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 (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
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 (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Thur					
Fri			<u>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 7)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>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 (please read guidance note 7)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						<b><u>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</u></b> (please read guidance note 7)		
Fri								
Sat								
Sun								

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 10).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b><u>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</u></b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- A no smoking area shall be provided (no longer relevant).
- Where already in use text/radio pagers shall continue to be used for the additional hours of trading and shall be monitored by a responsible member of staff.
- The licence holder shall ensure all instances of crime and disorder shall be reported to the police and shall be kept in an incident log book. (updated condition provided)
- The licence holder shall ensure that when door supervisors are engaged they shall be SIA approved. (covered by mandatory conditions)
- Additional patrols shall take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises. (updated condition provided)

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

- All staff shall be trained in relation to the conditions on the premises licence as required for the proper undertaking of their roles. Such training shall be recorded as having been given and kept as part of the employees records

**b) The prevention of crime and disorder**

- An incident and refusals log ('the log') will be kept and maintained at the premises and all incidents and refusals of sales of alcohol shall be recorded in it. As a minimum, the log will record the date and time of the incident/ refusal, the name of the person making the entry, the nature of the incident/ refusal and any actions taken.

**c) Public safety**

**d) The prevention of public nuisance**

- Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.  
- When regulated entertainment is provided at the premises, noise checks will be carried out at the nearest noise sensitive property. A noise check log ('the log') of these checks will be kept and maintained at the premises. As a maximum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.

**e) The protection of children from harm**

Checklist:

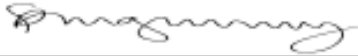
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or **paid online**
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Submitted online.**
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	21/01/2021
Capacity	Solicitor to applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
Amy King TLT Solicitors One Redcliff Street			
<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
<b>Telephone number (if any)</b>	0333 006 0472		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
amy.king@tillsolicitors.com

#### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance



**NOTES**

1. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
2. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
3. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
4. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
5. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
6. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
7. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
8. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
9. ALL WORK IS TO BE COMPLETED BY 15/09/2018.
10. ALL WORK IS TO BE COMPLETED BY 15/09/2018.

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- 20.000

**PRELIMINARY**

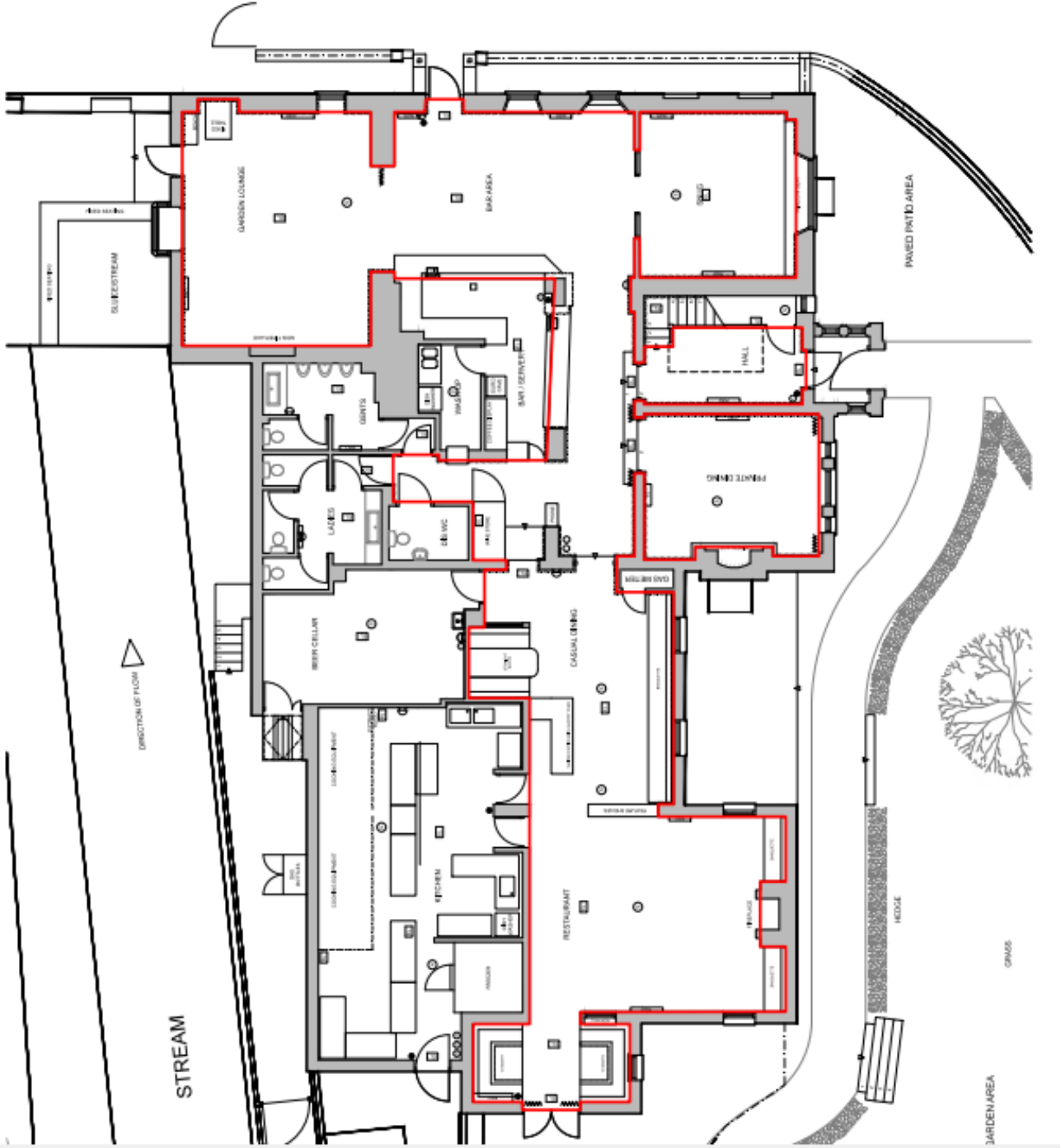
PEACH PUB COMPANY  
 THE OLD MILL  
 LONDON ROAD  
 BERRHAMSTED  
 HP4 2NB

LOBBY PLAN

Scale	1:1000 A3	Drawn by	AD
Project No.	1349-600	Date	08/07/18
Client	PEACH PUB COMPANY	Author	AD

**B&W DESIGN STUDIO**

South West  
 100 High Street  
 Exeter EX1 1AA  
 Tel: 01392 262222  
 Email: info@b&wdesignstudio.co.uk  
 www.b&wdesignstudio.co.uk

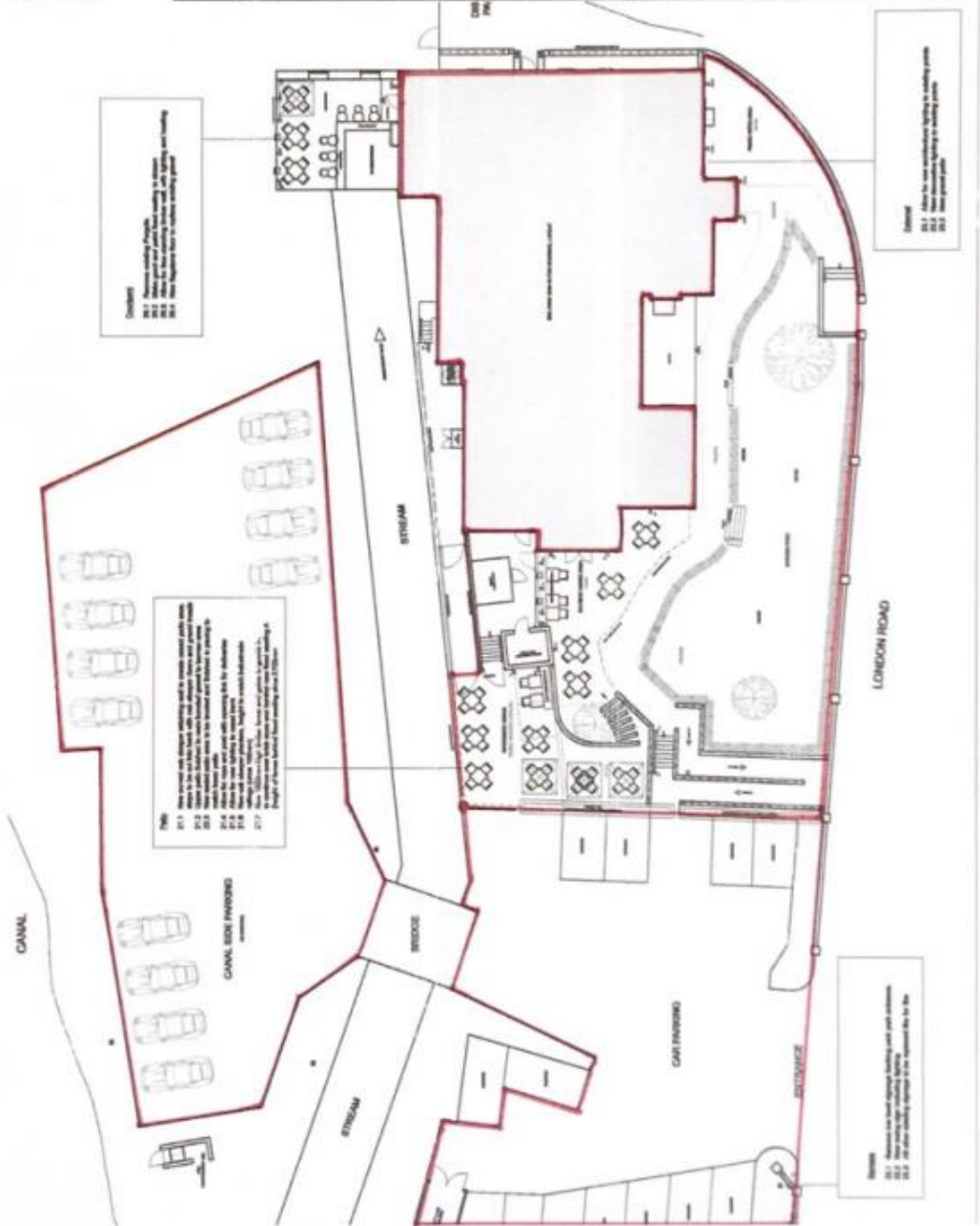


1. All lighting shall be provided in accordance with the following:
 

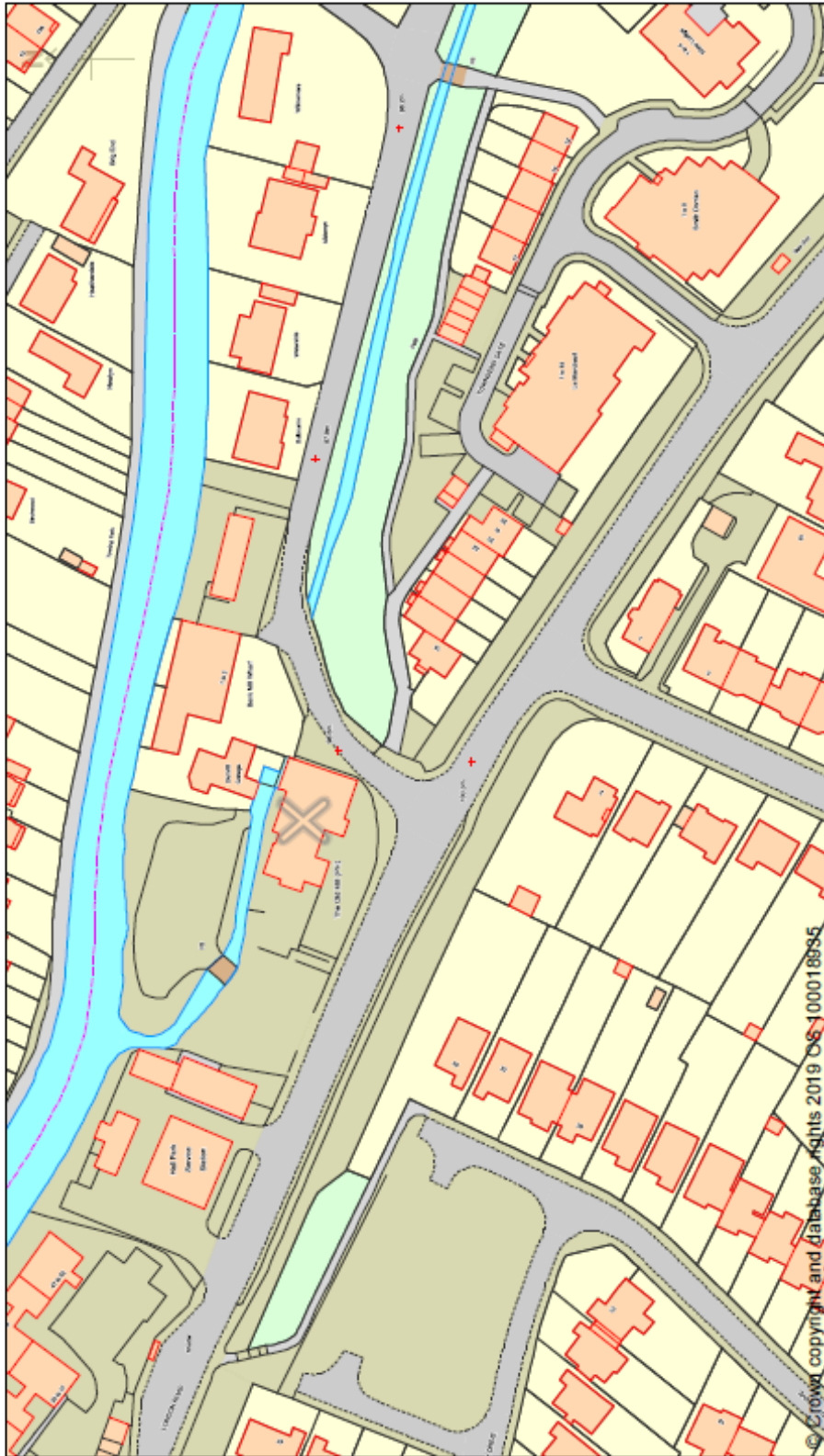
- a. All lighting shall be provided in accordance with the following:
- b. All lighting shall be provided in accordance with the following:
- c. All lighting shall be provided in accordance with the following:

PRELIMINARY	
Project No.	100-100-100-100-100
Project Name	THE OLD MILL REDEVELOPMENT
Client	PEACH PUB COMPANY
Site No.	100-100-100-100-100
Sheet No.	100-100-100-100-100
Scale	1:100
Date	10/10/2010
Author	100-100-100-100-100
Checker	100-100-100-100-100
Appr.	100-100-100-100-100

PROVIDED BY PLAN...  
 PROJECT NO. 100-100-100-100-100  
 SHEET NO. 100-100-100-100-100  
 SCALE 1:100  
 DATE 10/10/2010  
 AUTHOR 100-100-100-100-100  
 CHECKER 100-100-100-100-100  
 APPROVED 100-100-100-100-100  
 BIGW DESIGN STUDIO



ANNEX C – MAP OF LOCAL AREA



Scale: 1:1250  
Date: 22/02/2021

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



## ANNEX D – REPRESENTATIONS

### ANNEX D1

Ref: M051961

LA2003 s.34: Premises licence - Full Variation application 28 January 2021

The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB

**We would like to object to a permanent licence to serve alcohol in the car parks of the Old Mill. Once Covid restrictions have been lifted, why does the Old Mill need to serve alcohol in the car park?**

#### **Prevention of Public Nuisance**

##### **Noise Nuisance**

The car park area to which this licence application refers is large and has capacity for a large crowd.

If the Old Mill is granted a licence to serve alcohol, it will also give the green light to have live music and events.

If a new neighbour moved in next door and held loud parties every night and all day, every weekend it is not difficult to understand how this would affect your life and your family.

In the summer of 2020 a very noisy neighbour moved into the car park of the Old Mill and destroyed the peace of at least 10 households, day in and day out. The voices could be heard screeching, shrieking and swearing, over and above the amplified music.

The landlord felt the impact of the noise was “negligible”. We have video evidence that demonstrate that it was far from negligible, in fact, Environmental Health expressed shock when they heard the volume of the noise. Account needs to be taken of the topography of the site; the water and the natural bowl of the valley amplifies any sound.

The application states that '**A noise check log ('the log') of these checks will be kept and maintained at the premises'**. The applicant purported to check the sound to ensure it was 'acceptable/negligible' last summer. As the neighbouring properties have testified in the recent planning application, in fact the high level of noise caused enormous amounts of stress, anxiety, disruption and frankly, depression for many families in the local community.

The 'action taken' by the applicant last year when neighbours politely pointed out that the noise was too loud was to express that 'he knew his rights' in a hostile manner and threaten more events to come.

The application also states that the '**beer garden' will not be used after 23.30'**. The biggest noise nuisance is during the day for those who have the right and need to enjoy the peace of their gardens and in the early evening for young children trying to sleep.

Amongst the neighbours live elderly, chronically ill and very young children who have been adversely affected by the changes at the Old Mill.

Intoxicated customers are not going to read a polite notice to 'respect the neighbours'.

### **Parking nuisance**

If this application is granted, the Old Mill will lose the majority of its parking. The effect of the temporary change of use in 2020 meant a significant increase in vehicles being parked in Bank Mill Lane. On busy evenings at the Old Mill parked vehicles were bumper to bumper in Bank Mill Lane. This is a narrow lane with no footpath and minimal lighting; large number of parked cars are a danger to pedestrians and other road users. Several inhabitants of Bank Mill Lane have witnessed near misses with vehicles and reported feeling unsafe walking on the lane with so many parked cars.

### **Public Safety**

#### **Proximity to the canal**

The car park area is adjacent to the river on one side and open to the canal on the other. There are other pubs on the canal, however, this area is particularly dangerous because

1. It is a very big area with capacity for a large crowd
2. The atmosphere has been more 'party' than quiet beer garden. **As there is already a large, existing beer garden it begs the question, why is this area needed? ( for events and large groups?)**
3. It is far from the pub building and therefore less likely to be adequately supervised

Neighbours have witnessed an intoxicated woman being pulled back from the edge of the canal as she vomited into it. Several customers have been witnessed urinating in the canal.

### **Summary**

The change in use of the car park to an events venue caused an immense amount of stress in 2020 but was tolerated by the neighbours due to the difficult circumstances. However, any initial goodwill was eroded by the hostile attitude of The Old Mill manager.

If the Car Park is turned into a drinking/events area, this would mean that, along with the pub and the existing beer garden, there could potentially be hundreds of people on site. The subsequent impact in terms of noise, public safety, toilet requirements and car parking would be a serious concern. It would also have a serious impact on the health and wellbeing of the neighbours.

Once restrictions are lifted, with the right management, there is no reason why the Old Mill can't return to being a thriving 'Gastro pub', much loved by the local and wider community.

Yours sincerely

**From:**

**Sent:** 09 February 2021 22:22

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

**Cc:** ECP Mailbox <ecp@dacorum.gov.uk>; vincent.lampey@herts.pnn.police.uk;  
mike.saunders@herts.pnn.police.uk; Stephen Cloughton  
<Stephen.Cloughton@dacorum.gov.uk>

**Subject:** Re: M051961 The Old Mill: Licensing Application

Dear Sir/Madam

Please accept my written, photographic and video objection.

**Ref: M051961**

**LA2003 s.34: Premises licence - Full Variation application**

**28 January 2021**

**The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB**

I object to granting a permanent licence to serve alcohol in the car parks of the Old Mill for the following reasons:

I am a regular customer at the Old Mill and have been for over 20 years.

Last summer, as always when eating outdoors, I ordered food and drinks from the bar staff or used a telephone app, filling in details for track and trace. Food and beverages are delivered to the table; payment is by a card reader.

It is unnecessary to licence the car park to sell alcohol when you can already buy alcohol in the beer garden, outdoors.

**Protection of children: 16-18**

The events at the Old Mill, attracting so much comment on social media, all occur in the car park, often after dark, during the live music and other events.

If the full variation is allowed, it will be detrimental to older children: 16-18-year-olds, compromising our Prevent Duty.

16-18 year-olds could 'slip in' and buy alcohol from a 'pop up bar' rather than sitting down at a table to order.

I have attached a video taken, indoors from my bedroom window, apologies for the reflections of the window, 12 December, about 9:30 pm, after the music had ended, the noise continued. The shouting was so loud; I could not read my book and looked outside to see what was going on.

I was shocked by the lack of social distancing. (Tier 2, substantial meal with a drink, masks except when eating) I had been forced to listen to the 'sing along' for hours and was hoping for some peace.

Photographs of youths congregating at the Esso garage then crossing the bridge into the car park to listen to the music and join the 'after-party'. Mixing with the people, against coVid restrictions. Some of these 'children' also joined the group congregating around the 'smokers bonfire' without masks.

I was very concerned, young people making unsafe decisions on several levels. I reported the incident to the Police. Reference: GON-61480-20-15041-C.

I have since been vilified on Social media by the manager who has accused me of 'spying' on him.

The cover of darkness, live music, a "DJ" on a microphone to 'whip up the crowd' and alcohol.

Please protect the youth of Dacorum by not allowing this variation of the licence to make it easier to buy alcohol in the car park.

### **Public safety: Parking**

The application to the Licencing Officer shows the car park without a tent. This is not correct; the car park is now an events area with a large tent, tables and chairs. If the licence variation is granted, the Old Mill will lose the majority of its parking, permanently.

The licence application does not mention a retrospective planning application, in process, for a permanent change of use to the car park to a large events area.

The request to licence the rear car park is not to support existing business under the pandemic, but to grant new rights to a new tented events venue.

<https://planning.dacorum.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QLHDACFOM2K00>

The Old Mill's submission to Dacorum Planning:

*'We feel a permanent permission should be granted for the tent to remain in position, given the significant benefits it offers – employment, a venue for outdoor socialising (alternatives to which are extremely limited in the Town), and the opportunity to keep the public house and restaurant in business. Should officers be minded to issue only a temporary permission, conditions could be attached requiring renewal of the tent in, say, 12 months.'*

The residents of Bank Mill, George Street, Canal Court, Bedford Street, do not agree. If the car park is licensed, it will be used as a beer garden: There will be less customer parking. Last year the pub customers had to park in the roads around the pub. Bank Mill area does not have pavements. Local single track roads are not well lit, or safe to walk down, for push chairs, wheel chairs or dog walkers, with cars parked either side.

### **Prevention of Public Nuisance**

The application to the Licencing Officer says 'no change' to existing provision for live music; this is not true; live music before CoVid was indoors, in the main bar. The amplified noise created by dozens of people in the car park, with or without music, less than 10 meters away from a quiet neighbourhood is causing dozens of local people great distress.

In the circumstances of 'change of use' for the car park, I hope the Licensing Enforcement Officers can consider public nuisance, please?

The Full Variation, granting the Old Mill the right to sell alcohol in the car park, would allow 'change of use' for the car park, by the back door.

How to cleverly achieve, a licensed events venue, with live music rights. All without the need for public or other consultations, or the Council's approval on related planning applications.

The variation would make it more challenging to implement government safety measures and increase the local Police and the Environmental and Community Protection officers' burden and workload.

Please do not grant the variation; the impact of your decision to the local community in terms of noise, public safety and car parking, far outweigh any possible benefit to the wider community.





**From:**

**Sent:** 14 February 2021 15:12

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

**Subject:** The Old Mill Licensing application M051961

**Ref:** M051961

**LA2003 s.34: Premises licence - Full Variation application**

**28 January 2021**

**The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB**

Dear Sir/Madam

I wish to register my objection to the licensing application to license the Old Mill car park to serve alcohol in the car park on the grounds of **Prevention of public nuisance** and **Prevention of crime and disorder** (primarily disorder). The additional alcohol consumption that this is likely to give rise to also increases **public safety** risks (including children) given the large frontage of the area on the canal.

It is completely unnecessary to serve alcohol in the car park as the licensing area is already more than sufficient. Licensing the significantly larger area will increase the public nuisance already being caused by making it easier for people to consume even greater quantities of alcohol and causing further risks to public safety both for adults and children given the proximity of the canal.

There are relatively large outdoor areas much closer to the actual pub which could be used much more effectively than use of the car park.

In addition it serves further to turn the car park into the pub/party area which I feel is completely inappropriate and additionally causes parking difficulties and obstruction on local roads and so further public nuisance for residents.

I have already registered my objection to the application for the very large tent in the car park (20/03940/FUL). If the area were licensed as well it would further add to the disturbance that is already being caused. I also raised a complaint in the autumn (18/10) to the Environment and Community protection department with regard to the situation at the Old Mill.

The car park is separate from the main pub and so more difficult to supervise and monitor the behaviour of customers. The existence of the bar in the car-park would exacerbate the current problems being experienced by local residents with regard to excessive noise from shouting and raucous behaviour from people as well as other antisocial behaviour.

The management of the pub have already shown that they are unable (or unwilling) to control and moderate the behaviour of their customers and giving additional responsibility that the larger licensed area would provide would be irresponsible. Complaints have been made both from myself and other residents regarding nuisance and anti-social behaviour - they are disputed and ignored by the landlord and he has shown no desire to acknowledge any of the issues being caused and so reach a suitable compromise.

If there is to be an extension of the licence it should be accompanied by strict conditions and particularly with respect to late night noise (for eg a curfew at 10.30 like another local pubs just up the road) which has been a regular issue.

We have lived opposite the Old Mill for nearly 5 years and we have not experienced the regular noise nuisance (not just music) and disturbance that has been occurring since the use of the car-park. Adding the serving of alcohol in the car park would just add to the current issues and so I ask you to reject this application.

Ref: M051961

LA2003 s.34: Premises licence - Full Variation application 28 January 2021

The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB

**We are writing to object to a permanent licence to serve alcohol in the car parks of the Old Mill. Once Covid restrictions have been lifted and the Old Mill can function again as normal - why would it need to serve alcohol in the car park?**

**Prevention of Public Nuisance**

**Noise Nuisance**

The Old Mill Car park behind the pub is vast – and has the capacity for a huge crowd. The car park area to which this licence application refers is large and has capacity for a large crowd. If the Old Mill is granted a licence to serve alcohol, it will also give the green light to have live music and events. Just walking along the canal – across the canal from the Old Mill – the noise was deafening. I cannot imagine how difficult it must be for the residents who have to live in the vicinity.

I was told the landlord felt the impact of the noise was “negligible” yet Environmental Health expressed shock when they heard the volume of the noise. Account needs to be taken of the topography of the site; the water and the natural bowl of the valley amplifies any sound.

The application also states that the **‘beer garden’ will not be used after 23.30’**. The biggest noise nuisance is during the day for those who have the right and need to enjoy the peace of their gardens and in the early evening for young children trying to sleep. Amongst the neighbours live elderly, chronically ill and very young children who have been adversely affected by the changes at the Old Mill. My own children are scared to walk to the garage or into town – because of the amount of traffic suddenly in our street.

**Parking nuisance**

If this application is granted, the Old Mill will lose the majority of its parking. The effect of the temporary change of use in 2020 meant a significant increase in vehicles being parked in the street in which I live - Bank Mill Lane. On busy evenings and busy weekends parked vehicles were bumper to bumper in Bank Mill Lane. This is a narrow lane with no footpath and minimal lighting; large number of parked cars are a danger to pedestrians and other road users. I have witnessed near collisions and have almost had many myself – due to trying to drive into my lane – having to drive around parked cars – therefore driving on the wrong side of the road. As you drive into Bank Mill Lane, going around the parked cars is nothing short of terrifying as it is a blind corner – and a car going fast (not unlikely as most people seem to adhere to the maximum speed limit signs not the 20 miles per hour ones) . My children are 10 and 14 and my eldest needs to walk along this road to get to and from school. It is far from ideal.

I have tried to discuss with the bar staff at the Old Mill who admitted that because the owner wouldn’t let them park in the front car park, they were forced to park along Bank Mill Lane. They said they had tried to discuss with the owner. I wrote him a message on facebook and he refused to accept he was nay part of the problem. Instead he blamed local fishermen! If there are 500 people listening to live music – all parked along Bank Mill Lane (a

small single lane for cars) and Bank Mill (with its old bridge) – how many fishermen will be parking there? Or will it just be the Old Mill regulars. Once the lockdown ceases I have no idea why this 500 capacity venue is needed.

### **Public Safety**

### **Proximity to the canal**

The car park area next to the canal. There are other pubs on the canal, however, this area is particularly dangerous if you consider a huge crowd packed into the area – without adequate supervision – what's to say someone won't fall in and drown if intoxicated?

I have also witnessed an intoxicated man urinating in the canal whilst at this pub – which happened in front of my children.

Best wishes

Ref: M051961 The Old Mill Berkhamsted – Licensing Application  
28.02.21

I object to the granting of a licence to serve alcohol in the car parks of the Old Mill for the following reasons:-

#### Protection of Children from Harm

The proximity of the canal and River Bulbourne constitutes a ‘danger to life’ for anyone under the influence of alcohol, especially young people. They have already been seen congregating at the edge of the Canal after dark, and using it for urinating and vomiting. It is only a matter of time before someone falls in and the police, fire brigade et al are called out to rescue someone or sadly to retrieve a body.

#### Prevention of Crime and Disorder

Where young people, fuelled by alcohol, congregate in large groups, in car parks, then drug pushers are not far behind. The car parks of the Old Mill are very open to the main road – anyone can slip in – and also various boats that move within the Berkhamsted area are often seen being visited by people buying drugs. Boats are often moored on the wide wharf backing onto the large car park of the Old Mill (where the tent is currently sited). So potentially a ready source of drugs for young people drinking there.

Will Old Mill staff be able to adequately ‘police’ the bars/restaurants, outdoor beer gardens, large tent being used for events, alcohol being served in car parks, young people congregating by the canal/River Bulbourne, drug use, drug dealers, etc, etc? This could be a nightmare scenario after dark.

#### Public Safety

With the main, large car park of the Old Mill now being covered by a very large circus-style tent, parking that should have been in the Old

Mill car parks will now be in the surrounding lanes, roads and main road through Berkhamsted. Last summer the narrow lanes with blind bends were choked with cars, dangerous for pedestrians, cyclists and road users alike. There was also parking on the main road on the cycle lanes. Alcohol related accidents waiting to happen, especially after dark.

#### Prevention of Public Nuisance

Residents in the surrounding areas of the Old Mill suffered greatly from the events etc in and around the large tent covering most of the car park last summer. We were not able to sit in our garden because of the excessively loud music, people shouting and swearing, anti social drunken behaviour (urinating/vomiting in canal), also this behaviour carrying on in the surrounding lanes by young people going home. We live nearly opposite the Old Mill on the other side of the canal and have already had groups walking down our lane, very noisy and fuelled by alcohol. Obviously we are worried about crime – cars damaged etc.

This is a lovely Conservation area alongside the Grand Union Canal Wildlife Corridor. How can a Licence for serving alcohol in the Old Mill car parks (with already a large events tent) be granted in such an area if 'Protection of Young People from Harm', 'Prevention of Crime and Disorder', 'Public Safety' and 'Prevention of Public Nuisance' are to be upheld?

Dear members of the Licensing of Alcohol and Gambling Sub-Committee Application  
ref no: M051961 Application type: LA2003 S.34: Premises licence – Full Variation  
application.

Throughout these representations I will identify the four licensing objectives in bold italics e.g. ***preventing crime and disorder*** and I will number my paragraphs to aid reference to them.

1) I am writing to object to the application by Spirit Pub Company (Leased) Limited to **permanently** licence the main car park at the Old Mill pub for the sale of alcohol.

2) On first reading this application might appear minor and innocuous - just seeking to facilitate the way alcohol is served in the outside areas and not really suggesting a substantial change to the pub's style of operation. But, in reality, it should be seen as part of a process of transforming the pub's main car park into a permanent, year round "event space" with tented areas and amplified live and recorded music, potentially seven days a week. Please bear in mind that the main car park is set in the middle of a residential area and is surrounded on three sides by water - the threats to all four licensing objectives are clear and substantial.

3) The main car park area is situated alongside the canal in a quiet and predominantly residential area of the town. For many months of the year it is a very popular stretch of our historic Grand Junction Canal for visiting canal boats. During the spring, summer and autumn of 2020 a number of live events took place on this land, often causing substantial nuisance to the neighbourhood.

4) It is important to note that this Variation application is sought on a **permanent** basis, rather than short term during Covid restrictions. If approved it would open the door to totally inappropriate, ongoing and regular events on the canal-side car park with a serious risk of causing repeated ***public nuisance***.

5) When the car park is used for outside seating, many customers park their cars along Bank Mill Lane, which is a narrow street with a blind bend and no footpath. Customers, the general public and local residents have to walk inside the parked cars along the carriageway. While this might be tolerable in the short term during the government's Covid restrictions – in the medium and long term it is completely unacceptable and dangerous – clearly completely at odds with the licensing objective of preserving ***public safety***.

6) The application to vary the licence seeks to incorporate the pub's entire car park within the Licensed Premises - but why? The pub **does not need** this variation to continue serving its customers food and alcohol in any of the outside areas. Provided the sales are by table service this can continue unfettered because of the pub's ON and OFF sales licence.

7) The DBC Licensing officers have confirmed to me that under the existing Premises Licence, amplified recorded music (including DJ's etc) is **NOT** allowed anywhere outside the pub, and it is NOT allowed (other than incidental music) under the workplace provisions of the Live Music Act 2012. **But if this Variation is approved it will become allowed under the Live Music Act 2012.**

8) Perhaps innocently, **the application form includes a misleading and significant error**. In the box "Recorded music:" the applicant's response is "No change to the existing provisions." But as explained at 7) above, that is false. Clearly and indisputably this variation application for the sale of alcohol on the car park **is also an application** to licence amplified recorded music (DJ's etc) in this residential area up to 23:30 Monday to Saturday and 23:00 on Sundays.

9) So, the **ONLY** meaningful change to the law by approving this application and licensing the large car park for the sale of alcohol would be the granting of permission for amplified recorded music on a permanent and regular basis.

10) (The Licensing Officers and I have "*agreed to disagree*" about the implications on live music in these circumstances. I am advised that the workspace provisions of the LMA 2012 do not override or suspend related conditions on the premises licence. The Old Mill's Premises Licence includes conditions that music should be "**Indoors only**" and accordingly I believe there is a further layer of protection and powers held by the licensing authority, which will be surrendered if the outside areas are brought into that Premises Licence. If nothing else it serves to illustrate that previously the Licensing Authority thought it important and appropriate to protect the quiet amenity of the neighbourhood.)

11) As mentioned in 1) above, under the existing premises licence the pub can already serve food and alcohol during all normal licensing hours in all its outside areas. If the pub needs a more convenient outside serving point or bar, then that might easily be achieved by amending the plan to include just a small area for a physical bar near the existing laid out beer garden and entrance to the restaurant. I urge the committee to refuse this application to licence the entire car park and perhaps suggest to the applicant that an amended application with a discrete area for a bar near the back of the pub might be considered favourably.

12) If in future the Old Mill wants to put on occasional events or host private functions outside with amplified music, it is able to make Temporary Event Notice applications in the usual way.

Other people will have written to you with examples of other aspects of **public nuisance** and the risk to **public safety** which occurred as a result of last year's events - including late night shouting and swearing, vomiting into the canal, urinating into neighbours hedges and the extensive and dangerous car parking along the narrow Bank Mill Lane due to the pub's car park being out of use. We will resist taking up your time repeating the same or similar stories at length.

While we are genuinely very supportive of the pub's considerable efforts to operate successfully during these extremely difficult times, the government's current Covid restrictions should not be allowed to provide a smokescreen for letting through a permanent and very damaging change to the Premises Licence.

Yours faithfully



Dear sir or madam,

I am writing to object to the Full Variation application submitted by the Old Mill pub, reference: M051961.

We are the owners of the xxxxxxxxxxxxxxxx, Bank Mill Lane, Berkhamsted, HP42NT. We live xxxxxxxxxxxxxxxxxxxxxx to the Old Mill pub.

I am objecting to the application on grounds of preventing crime and disorder, public safety, preventing public nuisance, and protecting children from harm.

The proposed extended usage of the beer garden from 22:00 to 23:30 causes us considerable concern. Our property shares 2 party walls with the beer garden – directly neighbouring our ground floor lounge and 3 bedrooms – which are all in use – one of which being occupied by our 4 year old. As we are currently aware, the noise spill from this space can be significant especially during warmer months, and we feel allowing its use to extend to 23:30 throughout the week represents a very real public nuisance to us. We do not want loud drunken behaviour permissible throughout the week, having a certain impact on, and causing disruption to, our sleep.

The existing 22:00 closure of this space is appropriate given the pubs setting, embedded in a residential area.

Further to the concerns raised above for the intended use of the beer garden, we also object to the application for sale of alcohol in the 2 car parks. This raises similar concerns for us to an adjacent planning application from the Old Mill pub relating to the permanent use of the tent, currently located in the carpark.

We believe that reducing car park capacity to make way for more areas to sell and consume alcohol will continue to have a dangerous impact on the immediate area. This will create a significant increase in parking on Bank Mill Lane and endanger public safety. We have already witnessed this impact throughout the summer of 2020, as the current tent structure displaced customer parking onto the lane. Bank Mill Lane is not equipped to handle the overflow and it raises concerns for our family as well as the other families on the lane.

We believe the Old Mill pub should be responsible for supplying adequate parking for its customers and there is currently no surplus capacity within the existing car parks. We know this, because we recall the car parks being regularly at capacity during peak business hours for the pub from previous managements prior to the pandemic.

Furthermore, we feel granting this licence for the outdoor sale of alcohol represents a public nuisance, with a significant impact on our property in terms of noise and antisocial behaviour. We have 2 young children, a 4 year old and an under 1. Their bedrooms and bedroom windows face onto the car parks and we believe licensing this space will result in greater noise levels and an increase in antisocial behaviour, resulting in at best, disrupted sleep patterns and at worst, harm towards our children. It's not how this space has ever been used and nor do we believe it should be given the pubs residential setting. There is more than adequate provision for alcohol to be sold within the pub without the need for additional bars outside.

Prior to the current management's tenure, we have experienced antisocial behaviour from patrons of the pub on a number of occasions. Historically, warmer months would attract customers to picnic benches on the bank of the canal. We have witnessed abusive and aggressive exchanges, countless episodes of customers urinating against our boundary as well glassware being thrown at our house and shattering throughout the garden.

Despite the management's best intentions to run an orderly establishment, we know what people can be like when drunk and we fear granting this application will certainly bring with it an increase in the sort of antisocial behaviour we've already experienced and which we are keen to avoid.

It's for these reasons that we feel the sale of alcohol in the carpark should be prohibited, as well as the beer garden license to remain limited to 22:00. We don't think it's unreasonable that the management of the Old Mill pub should respect the residential setting to which it belongs without forcing an increase in noise, safety concerns and potential antisocial behaviour on it's neighbours.

Yours Sincerely,

**From:**  
**Sent:** 25 February 2021 17:33  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Cc:** ECP Mailbox <ecp@dacorum.gov.uk>  
**Subject:** Re: M051961 The Old Mill: Licensing Application

Dear Sir/Madam

Please accept my written, photographic and video objection.

**Ref: M051961**  
**LA2003 s.34: Premises licence - Full Variation application**  
**28 January 2021**  
**The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB**

I object to granting a permanent licence to serve alcohol in the car parks of the Old Mill for the following reasons:

1. It will lead to larger and more noisy gatherings outside where their noise carries and is a disturbance to my normal living environment. The management of the Old Mill have shown they care very little about the noise levels outside as evidenced by the amplified live music events they held last year in the car park. The application to the Licencing Officer says 'no change' to existing provision for live music which is clearly false. There was no live music outside before Covid.
2. The car park is being changed for use into a events area which is not mentioned in their application for an outside licence giving a false impression
3. reduction in the size of the car park coupled with the events area (if granted) will add parking pressures in the surrounding area.

Regards

## Local Policy

4.2. To be considered licensable, entertainment must be provided in the presence of an audience (which may consist of a single person), and either be open to the public or a section thereof, or provided for a consideration (e.g. admission fee, tickets) and with a view to profit. The definitions of these activities were left deliberately wide so as to account for future developments in the industries carrying on those activities – for example in recent years there has been an increase in the number of ‘silent discos’, which are considered to be regulated entertainment as they consist of recorded music, but which may not have been captured under a narrower definition.

4.3. In recent years, the Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these events, although other regulatory schemes may be utilised to remedy any issues that arise.

4.4. Schedule 1 to the Act details the exemptions that apply to entertainment licensing requirements.

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

6.5. Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. In particular, this authority will not consider whether a premises that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about proposed conditions that would be contrary to pre-existing planning restrictions, should such a situation arise.

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.

## 26. 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.

26.2. The granting by the licensing authority of a licence or a variation thereof, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate. In particular, where licensable activities are proposed to be carried on at listed buildings, no works should be undertaken without first applying to the Local Planning Authority for listed building consent, where required.

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.

16. Regulated entertainment

Types of regulated entertainment

## **National Guidance**

### 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.

### 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.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. Conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. 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.

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 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 anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

#### Overview of circumstances in which entertainment activities are not licensable

16.6 As a result of deregulatory changes that have amended the 2003 Act<sup>23</sup>, no licence is required for the following:

Live music: no licence permission is required for:

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

– a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

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

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as

being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any

location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

### 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 or club premises certificate<sup>65</sup>) 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.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.