

E MINUTES

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

6 JULY 2021

Present:

Members:

Councillors: Bassadone
P Hearn (Chairman)
Rogers

Officers: Nathan March Licensing Team Leader
Nargis Sultan Lead Litigation Lawyer

Also Attendance:

Janet Hewitt (Minutes)
D Willmin – Applicant
K Solomans – Neighbour
P Kelly – Parish Councillor

The meeting began at 2.00 pm

5 MINUTES

There were no minutes to be signed at this meeting

6 APOLOGIES FOR ABSENCE

There were no apologies for absence.

7 DECLARATIONS OF INTEREST

There were no declarations of interests.

8 PROCEDURE OF THE HEARING

The procedure for the Sub-Committee was exercised by the Chairman.

**9 PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT
2003**

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

Ashridge House

Ashridge Park
Little Gaddesden
Berkhamsted
Hertfordshire

The Chairman asked if all legal requirements had been complied with and N March confirmed they had.

The Chairman asked N March to introduce the report.

N March – Aware that Members and those who have attended the hearing have read the report. Drawing your attention to the key points in the report and the application, page 16 of the report highlights what has been applied for by the applicant. This includes licensable activities, many of which are 24 hours per day, 7 days per week or having the option to use 24 hours, 7 days per week or with restricted hours outside, finishing at midnight and starting at 8:00am. The Table on page 16 of the report summarises these proposals.

This is a new application and although the premises already has a premises licence, this is a grant of a new licence, so the existing licence is not a relevant consideration for this application.

There have been 10 objections received in total, 1 objection from the Parish Council and 9 objections from residents. No objections have been received from Responsible Authorities who were notified of the application as they must be. There have been temporary events notices given by the premises over time, dating back to 2005 and no record of any formal complaints received through Licensing regarding those events which have taken place.

The concerns raised in relation to some of the objections have generally involved specific issues which cannot be considered in relation to the application because we can only look at licensable activities. Some examples of these irrelevant issues are the use of fireworks which is not a regulated activity, road safety issues which the applicant would not be responsible for, the need for a licence and the fact that it is in area of natural beauty which is more of a planning concern.

Page 19 of the report shows the key concerns that are relevant in determining the application and looking at the objections received, they appear to relate to concerns about nuisance caused by noise, litter arising from licensable activities and other associated nuisance that could reasonably be associated with licensable activities.

A final point in relation to the application is although the application applies for a lot of activities for a long period of time, due to deregulation a fair amount of these activities wouldn't be regulated until past eleven o'clock at night. Some of them are associated with education and so they wouldn't be considered regulated in that sense. The full objections and full application are contained within the report.

He welcomed questions from the committee.

Cllr Bassadone – The building was originally sold off in 1925 and is owned by EF Corporate Education Limited, however the application is under the name Hult Executive Education, please explain this?

N March – As long as the person applying for the licence has the ability to use the premises, then it is not a matter of concern for Licensing. Perhaps the applicant can explain to the Committee?

Cllr Bassadone – Under point 1.2 it mentions 32 temporary event licences, can you confirm whether your department dealt with the 32 temporary licences and has this been since 2013 when this application first came in?

N March – The temporary event notices (TENS) date back to 2005 which is when the Licensing Act came in and my department would have processed these temporary notices at the time. This is also where complaints could have been directed, although it is possible these complaints would have been received by the Parish Council, the Police or Environmental Health. The Police and Environmental Health have both been engaged as part of this process and we have not received any objections from them.

Cllr Rogers – Under this new licence is there a limit of 500 people or is this open-ended?

N March – The 500 people relates to the de-regulation of activities and generally if there are less than 500 people in an audience then activities can take place without a licence. What it means for this licence is that our regulation of the licence wouldn't have an effect unless it went beyond the number of people or beyond eleven o'clock at night or unless issues arose requiring a review of the licence to come back to us. In terms of the restriction on numbers within a premises and on a premises, it would be considered what is appropriate in terms of fire risk assessments. It is unusual for a licence to control numbers in that way unless it is for a specific event such as a music event. The number of 500 mainly relates to when it becomes regulated activity.

Cllr Rogers – If the licence were to be granted today, would the complainants who have come along today have the opportunity in the future to complain and have the licence reviewed?

N March – This is the beginning of the process and if any person wanted to complain, they should contact the Licensing Team in first the instance and if they wanted it to be reviewed, additional restrictions may be placed on the license. We would look at a staged approach if complaints were received and we would look to engage with a licence holder as to why it has come about and how to prevent it from happening in the future. There is a review process available, if appropriate to do so.

Cllr Bassadone – Is this an open-ended licence or does it go for so many years?

N March – This licence is in perpetuity and would be subject to an annual fee. If the annual fee is not paid then the licence could be suspended.

Cllr Hearne – A comprehensive operating schedule – have we received it or will we receive it?

N March – The application contains an operating schedule within it and details provided will become enforceable conditions which they will be legally required to stand by.

The Chairman invited the Applicant to address the committee.
David Willmin, Hospitality Director at Ashridge House and has worked there for 20 years.

Ashridge has been a business school since 1959. Ashridge was primarily a charity and purchased by our sister company EF which is traded under the name Hult International Business School. The intention of the application is to not to change our business model, but we need flexibility in being able to continue to deliver high level education to our students. Students are those in executive jobs and not typical teenagers. Monday to Friday is corporate and teaching management and weekends is usually weddings. We have no plan to deviate away from that. We want to make adjustments to our license to offer a better service to our existing clients.

Our current licence works well but needs adjusting, hence the new licence. It has been a difficult year because of Covid and we needed to adjust to generate revenue such as afternoon teas and BBQ's. This is not the future of our business but rather education is our business. Local events such as outdoor cinemas have been needed to bridge the gap in income.

The key areas which are different for this particular licence is that currently Ashridge House does not have a licence for all internal spaces but our clients want to be able to use those spaces and so this licence seeks to include all internal spaces. Currently we have a 24 hour licence to deliver licensable activities within those rooms and try to work closely with the Parish and residents to put mechanisms in place to cover issues such as fireworks.

There is a boundary around the premises for licensable external activities and currently there is an oak tree which represents an invisible line. The new licence is to include the footpath which will form the new boundary of the premises. We currently have a licence from eight o'clock in the morning to eleven o'clock in the evening but want to extend it by one hour to midnight and to allow for some background music. We aim to deliver a good hospitality experience to clients that do come to Ashridge. At the front of the house, there is a cricket and football pitch and we have added those to the boundary line of the property for licensing purposes.

Ashridge is in an area of natural beauty and we are working with the restoration and conservation teams at Dacorum to restore that. Some clients want to have some background music at an event and we would like to be able to facilitate that. We deliver education and don't deliver festivals. We put 500 in the application to simplify things as anything above that number would require Police involvement and naturally we would do that. We want to offer the whole experience to our clients at Ashridge.

Ashridge Road is privately owned and has been recently repaired and being able to do things like afternoon teas and BBQ's has allowed for us to invest back into the House.

Cllr Bassadone – Will you likely exceed 500 people on events like the support for the local Hospice?

D Willmin – In my 20 years of working at Ashridge, it is only the event that is a non-profit event that is likely to exceed the 500 limit.

Cllr Rogers – Is there a process in place to allow residents a chance to feedback to yourselves any issues for any events planned or subsequently?

D Willmin – We put messages into some of the village groups to advise that there will be fireworks taking place, including in shops and Facebook.

Cllr Rogers – Do your outdoor speakers point in a particular direction and what mitigation do you have in place regarding noise.

Speakers are arranged to direct towards the House and we have worked with suppliers to make this achievable. Any comments received, we have turned them down and repositioned things accordingly.

Cllr Bassadone – One of the objections is regarding the campsite and people leaving litter. Do you have any comments to make about this?

D Willmin – No-one has ever camped at Ashridge Gardens or within the estate. There may be some confusion between camping and campsites which are for mindful sessions.

N March – One of the objections referred to an illegal campsite, however if they are illegal then they would still need to be dealt with and would not form part of this licence.

The Chairman invited the Objector to address the committee

Karen Solomons from Clare House, who is a direct neighbour of Ashridge House advised that she represents neighbours of approx. 7 houses boarding the south of Ashridge House and that her house borders directly onto the gardens of Ashridge House. Referring to the 2013 application, at the time we got together with Ashridge House, the Parish Council and neighbours and came to a conclusion that everyone was happy with.

The objections are from neighbours who are south of Ashridge House and not in the village of Little Gaddesden. We feel that this application is unnecessary as nothing has really changed on the operation of what is offered by Ashridge House. It's still weddings at weekends and education during the week, the proposed changes to the boundary will involve bringing the activities closer to neighbours and is where the objections arise. We do not want to curtail their ability to have events as they have been doing. The licence dating back to 2013 is adequate enough and this is reflected in the few TENS applications that have arose since 2005.

Neighbours have a certain level of protection that events would be restricted to the outdoor areas and there would not be any amplification of music. To remove the protection for residents is uncomfortable and they were assured by management in 2013 that things would not change. There are concerns that if they ever leave Ashridge and we have a new owner, what would be our protection? If you have events that can attract more people for longer periods then the road would get damaged and this additional load on the road is also a concern.

It is an area of outstanding natural beauty and a lot of us have done works to our houses, even under great restrictions regarding what we can do, as it has to look right for the area. This is about all the senses, including what we can hear and not just what we can see. Therefore the noise issue should be taken into account as part of this application.

The current licence we have at the moment affords the residents protection with the ability for the applicant to apply for a TENS licence for specific events. Also the boundary of Ashridge is much larger and may be somehow misconstrued as part of this process.

Our boundary borders Brownlow Lodge which is staff accommodation and I was asked about six to seven years ago, what we thought about having people camping in those fields. On that occasion I was asked but perhaps there may be times when I am not asked. Communication between Ashridge and the community via Facebook is good but not all residents have access to Facebook and so may miss some communication.

The Chairman invited the Parish Councillor to address the committee

Paul Kelly – Chair of the Parish Council at Little Gaddesden – The application submitted was insensitive and quite poor. We objected to the application going in and the main concern we had was regarding noise and something needs to be in place for managing this issue going forward.

The view of the Parish Council is to understand the process for calling in the application or reviewing the application should it become a problem. We did receive a number of calls of complaint regarding the outdoor cinema and fireworks and therefore we would like to put formal processes and meetings in place to be able to discuss and review these issues. We are happy to give the benefit of doubt provided that we have some recourse to be able to call it in.

Councillor Hearn – Are you aware of any calls or reports to the Police?

Paul Kelly – No I am not aware of any calls or reports to the Police nor to Environmental Health. I think this is partly because people know that there is a licensing application and that this hearing is taking place, we have good communication with our parishioners. If it became a big problem then people would be complaining.

Cllr Bassadone asked Karen to clarify on a map where she lived in relation to the site.

Cllr Rogers – If the application were to be granted, how would you expect the feedback mechanism to operate?

Paul Kelly – We have an active Parish Council and I think that a lot of our community would feedback to us directly and we are happy to engage with Ashridge College to have regular meetings to ensure we get the right balance.

N March – The campsite aspect – Camping is controlled outside of this form of licensing and may be controlled through planning legislation as well as permission from the land owner. Looking at this application it is considered that the impact on the road would be a planning consideration and not relevant to the licensing application. In relation to TENS, we need to consider what the applicants intentions are in this hearing and not what may potentially happen in the future. If the license was taken on by a new occupier, there are review processes in place should matters arise regarding noise etc. The TENS process provides less protection to residents than

those events controlled under an application license and it's worth being aware of that. There would be less control on a TENS than that on a licence.

The Council welcomes positive engagement between the applicant and the Parish and it should be a formal process if possible. Any minutes of those meetings could be used as evidence-based should an application require review.

D Willmin responded that they had undertaken many events over the years and that they had received only positive feedback from residents and the community who have come along. Our intention is not to increase the traffic that we have on the road but maintain it for all. We are looking to expand our premises license to include these events rather than apply for multiple TENS applications.

Cllr Hearn – The issue is the noise and as a business, is there anything further you can put in place to assist with this situation and also focus on communication going forward?

D Willmin - We interact through Facebook, the village shop and mailing groups for particular residents as a way to try to get to as many as we can. If there are other ways of communication, then we are happy to look into those.

Cllr Hearn – Would the business be prepared to meet with the Parish Council on a regular basis going forward?

D Willmin – Yes happy to work with the Parish and residents to engage with what we are doing and our intentions.

P Kelly - As long as we have recourse to call it back in if noise issues arise.

K Solomons - Communication has been a problem and so email addresses can be provided to ensure that we as residents are informed. We want to have a good relationship with the college and want something in place to ensure that we don't have to worry from one event to another. It's the amplified sound that carries and these hours for outdoor use with amplified sound is our worry.

D Willmin – Just to clarify that it is not a festival but background music.

N Sultan – The applicant was asked to enter into a voluntary agreement to meet with the Parish regularly, however for clarification what is being offered here?

D Willmin – We don't want there to be a deadline and want to engage over the duration of time going forward. We want to make the community aware of what we are up to and what is happening and would rather leave it open in order to have healthy conversations around that.

P Kelly – I would say that if we can meet at least once a year at a very minimum would be a good starting point.

Cllr Bassadone – On the map, what goes on at the Reptons Arbour?

D Willmin – It is a wooden structure which can provide under cover for approx. 10-15 people and it has a wedding license and so you can get married there legally but it doesn't have a license to have a drink there.

Cllr Hearn – Advised the applicant that a decision would be made today and that the applicant would receive the decision in writing within 5 working days.

N March – Confirmed that all parties would receive a copy of the decision, including those who have submitted an accepted objection.

The meeting was adjourned at 3.14 pm so that the sub-committee could deliberate.

Decision:

In the present case, the Sub-Committee is required to consider whether they should grant the new premises licence. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

Options Considered:

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

The Sub-Committee has reserved the right to grant the application for a premises licence.

The Sub-Committee has given particular consideration to there being 32 Temporary Event Notices given for use of the premises since 2005 and there have been no complaints recorded during this time.

The Sub-Committee also notes objectors concerns regarding potential noise disturbance to local residents however, it welcomes the Applicant's proposal to meet these concerns by meeting with the Parish Council once a year to discuss any issues or complaints relating to noise disturbance. It should be noted that this is volunteer condition as such, the Licencing Authority could not enforce it should there be a breach of that condition, that said, the Sub-Committee also notes from Annex 2 of the Licence that the Licence contains conditions and obligations upon the Licence Holder to prevent anti-social behaviour and noise nuisance from occurring and this is deemed sufficient to meet the concerns of the local residents. Instead no additional conditions shall be attached. The Licence Holder is reminded to maintain these obligations.

The meeting ended at 3.46 pm.

