



# Licensing of Alcohol and Gambling Sub- Committee

**TUESDAY 6 JULY 2021 AT 2.00 PM**

**Council Chamber, The Forum**

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 Mrs Bassadone  
Councillor P Hearn (Chairman)

Councillor Rogers

For further information, please contact Corporate and Democratic Support on 01442 228209 or email [member.support@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk)

## **AGENDA**

1. **MINUTES** (Pages 2 - 9)  
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 10 - 11)
5. **PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003** (Pages 12 - 71)

# Agenda Item 1

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## DACORUM BOROUGH COUNCIL

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

23 MARCH 2021

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Present –

#### MEMBERS:

Councillors Bhinder, Hearn (Chairman) and Link

#### OFFICERS:

Sally Mcdonald	Lead Licensing Officer
Nathan March	Licensing Team Leader
Nargis Sultan	Legal Governance Team Leader (Litigation)
Trudi Angel	Corporate and Democratic Support Officer (Minutes)

#### OTHER PERSONS PRESENT:

A Clarke – Applicant  
P Warne – Applicants Representative (TLT Solicitors)  
W Farrell – Representative of Greene King  
Councillor Claughton – Objecting on behalf of local residents

The meeting began at 10.05 am

#### 1. MINUTES

There were no minutes to be signed at this meeting.

#### 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

#### 3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

#### 4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

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

The Old Mill  
London Road  
Berkhamsted  
Hertfordshire  
HP4 2NB

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 advised that the application was to vary the licence of the Old Mill in Berkhamsted.

The application seeks:

- 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 with this being conditioned 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.

During the consultation period one of the proposed conditions was checked with the applicant's agent as it appeared to contain an error, this condition is shown in section 4.7 of the report. The applicant has advised that the mention of 'maximum' in this condition is an error, and in fact this should say 'minimum'. As the applicant has confirmed that the conditions should say minimum this should be reflected in the condition should the Committee grant the licence with that condition as proposed by the applicant.

With regards to the proposed conditions, it is noted that the proposal in the application is to remove a condition that places a requirement on the licensee during any entertainment, with one that would only have effect when regulated entertainment is taking place, given deregulation having a significant impact on when entertainment is regulated, the proposed condition is considered to be much narrower than the existing condition that has been applied to be removed. Section 4.7 of the report covers this also.

During the consultation, there were 8 representations received, all from residents. No representations were received from the responsible authorities.

The full content of the objections is included as annex D.

In summary, the key issues raised are as described in section 4 of the report (starting page 9):

- The area that is covered by the licence has been applied to be extended. As a result of deregulation this will also mean that both live and recorded music will be permitted, whereas at the moment only live music can take place as a result of the car park being part of a workplace.
- Objectors are concerned about entertainment being permitted. The committee cannot attach conditions that relate to directly entertainment as this is not relevant to the application, however, conditions relating to the management of the premises as amended by the variation which will assist in the prevention of public nuisance, can be considered if these are felt to be appropriate
- The risks posed by the premises being next to a waterway are raised as a concern and are considered relevant, but at the same time a balance of personal

responsibility compared to that of the licensee should be considered, and it is also fair to say that most licensed premises will be situated next to a hazard of some sort, just more usually a road.

- Parking concerns are not relevant to this application, this is because the licensee cannot be held responsible for the decisions of any customers who cannot park on site, and customers parking away from the premises must comply with any parking restrictions and laws around avoiding obstructions, this is not the responsibility of the applicant.
- Some objectors have questioned why the applicant has applied to vary the licence in the way that they have, and have proposed alternative ways that the licensee could have chosen to approach this. There are a variety of benefits to the licensee including how they can approach the sale of alcohol, should the variation be granted, and it is entirely the applicant's choice, what they would like to apply for.

He welcomed questions from the committee.

There were no questions for N March.

The Chairman invited Mr Warne, the applicant's representative, to address the committee.

Mr Warne advised he had submitted a letter in advance of this meeting which set out in detail the points he would be raising and he hoped members had a chance to digest that information. He also apologised for the error in the conditions, as highlighted by N March.

He summarised that the application was effectively to allow use of the external bar and to amend the conditions but he wanted to reassure residents that it didn't mean the licensed areas will be used all of the time, nor will they be looking to permanently change the nature of the premises. He advised that Mr Clarke had only been at the premises since October 2019 so hadn't actually had much time to operate it as one would have liked to. He has invested over £100k, employs 20 staff (increases to 30 in the summer), and takes his licensing objectives very seriously. The point of this application was not to jeopardise any of that or the way the premises has been running as it has generally been well supported by residents. The application takes into account where we are now but was also future proofing the premises.

He explained that during the past year of the pandemic and the lockdown, Mr Clarke had delivered in the region of 350 meals through a charity called Open Door, had set up a community shops to try and help those residents who couldn't get hold of basic items and had invested a further £15k of his own money that he didn't recoup in trying to assist the community.

He referred to a letter by Robert Jenrick, Secretary of State for Housing, Communities and Local Government, in July 2020 which stated communities should pull together, everything will need to be outside for Covid safe measures and asked councils and local authorities to take a light touch towards enforcement. That was later backed up in August 2020 with the Business and Planning Act which allowed for extended use of external areas and reductions in conditions on licences for use of extra external areas and that legislation is going to be extended until September 2022.

When Mr Clarke reopened the premises he was trying to strike a balance. He put on some entertainment outside on Saturday evenings between 6-9pm to try and bring some normality back to his customers. He also arranged for Jazz music to play on the first Sunday of each month between 2-4pm. During these times Mr Clarke took decibel measurements from inside the marquee and at the end of the car park nearest to local residents and these measurements were at a fairly low level. It was worth emphasising that there was a lot of public support for Mr Clarke and his team, people said they felt safe at the premises and that Mr Clarke put a lot of work into his Covid secure measures. The inspections carried out by officers at various times were all satisfactory.

Mr Warne referred to the external bar. He said external bars were something that members of the committee had probably come across, even before Covid was around, due to the increasing popularity. He said external bars served two very good functions; one being the constant point of supervision, and the other prevents pitch points around doorways, people carrying glasses in and out and also staff carrying food in and out. He commended the external bar as actually promoting the licensing objectives, irrespective of Covid, but at the moment being almost essential due to the most recent government announcement.

Mr Warne explained that when Covid restrictions are no longer in place entertainment will go back to inside the premises, however Mr Clarke would like to be able to do events outside occasionally. Officers from Environmental Health will be invited to the premises to carry out sound testing levels for any outside entertainment.

He advised that no representations were received from the Police or Environmental Health department. He stressed the importance of this as the guidance on page 6 states *Authorities need to look at the Police as the main source of advice on crime and disorder*, and paragraph 9.12 states *each responsible authority would be an expert in their respective field, likely that a particular responsible will be the licensing authority's main source of advice*. He raised these points because the committee would have had to take it seriously if those authorities had raised concerns, but the fact that they haven't suggests they have no issues with the operation of the premises. Mr Clarke has tried and will continue to try and work closely with any residents that have concerns and wants to work with him going forward.

Mr Warne drew attention to one of the representations within the report where there was reference made to a customer urinating in the canal. Mr Clarke advised that anyone behaving in this way would be immediately removed and barred from the premises as this behaviour would not be tolerated. Staff will be monitoring the marquee and are trained to identify people who are trying to leave the marquee towards the canal to politely remind them to stay away from that area. There will be supervisory measures in place to try and prevent customers heading that way.

Another important point was raised about groups of youth's antisocial behaviour and crime. He advised there was an incident where a group of people did arrive one evening, they were intoxicated and were refused entry. He said they did cause a scene but disappeared when the Police were called. Mr Warne felt it was good and proactive management that prevented that incident escalating into something more and he didn't feel it was fair to blame Mr Clarke for that groups behaviour.

He proposed two conditions that the applicants were asking the committee to consider:

- I. No more than two events with live or recorded music to be permitted outside (including within any marquee or other temporary structure) to be held per calendar month. Regulated entertainment during such events to be finished by 21:30 hours.
- II. Following the removal of all restrictions placed on licensed premises under Covid regulations (currently the health protection coronavirus restrictions steps England regulations 2021, but to include any regulation replacing it) customers will not be permitted to eat or drink in any area designated as car parking or canal side parking on the plan attached the premises licence after 22:30 hours.

He welcomed questions from the committee.

Councillor Bhinder asked Mr Warne to elaborate on the medium to long term plans. Mr Warne advised that the medium to long term plans were to have a marquee and external bar for the summer in the future, but to move regulated entertainment inside apart from on the odd occasion.

Councillor Bhinder said he would prefer to see the venue supplying permanent monitoring of sound levels. Mr Warne advised that one of the conditions stated there had to be sound checks outside during any music events which has been done previously anyway. The music outside will be limited and on a permanent basis.

The Chairman noted that the last drinks served would be at 22:00 hours and felt that additional supervision would be required after that time. She asked Mr Clarke how he would address that. Mr Clarke replied either he or his general manager are on site at all times and the outside area is continuously monitored by staff. He felt he was very rigid in his approach and doesn't stand for any trouble.

The Chairman sought clarification on the table service that would be provided. Mr Clarke explained they had been operating table service only for up to six people at one table and they had been using an App for customers to order their food. Staff were also available outside to assist anybody that wasn't able to use the App. When the rules start to be relaxed and larger parties can meet, the App will remain in place for people to order.

Councillor Bhinder queried if there was any CCTV in place. Mr Clarke advised there was CCTV outside and he was looking at extending that into the car parking area. He said he has a camera set up in Old Bank Lane and there will be another temporary camera put in that space as well.

The Chairman invited Councillor Claughton to address the sub-committee.

Councillor Claughton read the following statement:

"I've been asked by a number of my residents to represent them in objecting to this licence variation. Although 'The Old Mill' itself is in Berkhamsted East, it's on the boundary with my ward of Berkhamsted Castle. As the rules require, I am confining myself to points that have been made in the formal objections by my residents. (These are D1, D2, D3, D5, D6 and D8 of Annex D to the paper.)

Residents object to the granting of a permanent licence to serve alcohol in the car parks at The Old Mill on the grounds of: prevention of public nuisance, public safety, the protection of children from harm and the prevention of crime and disorder. They accept that some latitude

is necessary during the Covid-19 restrictions and are genuinely supportive of the pub's considerable efforts to operate successfully in these extremely difficult times. But this should not be at the expense of their own wellbeing and they see no reason why a permanent licence should be granted for the car-park area.

In response to the pandemic restrictions, the pub erected a tent in its car park last summer and served food and drink outside. It was able to do this within its existing licence. If, though, it wanted to have a temporary bar outside, this could be done in a small area near the existing beer garden and entrance to the restaurant. It doesn't require the licensing of the whole of the car park.

Residents think that this application is not in order to support existing business during the pandemic, but to grant new rights that will lead to the pub becoming a new, tented, event venue in a quiet and predominantly residential area of the town, which is in a Conservation Area alongside the Grand Union Canal Wildlife Corridor. Once Covid restrictions are lifted, residents see no reason why The Old Mill can't return to being a thriving Gastro-pub, much loved by the local and wider community.

### **Prevention of Public Nuisance**

Last summer, The Old Mill not only served food and drink in its tented area, but also held events involving loud music, which destroyed the peace of at least ten households. Although musical entertainment has been deregulated nationally for smaller events, this does not include amplified, recorded music. However, residents fear that if this licence variation were approved, amplified, recorded music would automatically be allowed under the Live Music Act 2012. And it's not just the music. Last summer, residents say, voices could be heard screeching, shrieking and swearing, and pub-goers were conducting sing-alongs for hours. The landlord apparently felt the impact of the noise from these events was 'negligible', but residents have video evidence showing that this wasn't the case. In fact, they say, Environmental Health officers expressed shock, when they heard the volume of noise. Given that the landlord claimed last summer to be checking that the sound was at an acceptable level, residents have no confidence in the undertakings given in the licence application about a noise-check log. Nor will curtailing the activity later in the evening do anything to mitigate nuisance caused during the day to those sitting in their gardens, or in the early evening, when young children are being put to bed. Residents say that the high level of noise has caused enormous amounts of stress, anxiety, disruption and even depression for many families in the local community.

### **Public Safety**

There is also the problem of car parking. If an application for the whole car park were granted, The Old Mill could potentially lose most of its parking space. The tent in the car park last summer led to a significant increase in the number of vehicles being parked both on the main road (in cycle lanes) and in the adjacent Bank Mill Lane. On busy evenings, they were parked bumper to bumper on this narrow lane, which has a blind bend, no footpath and only minimal lighting, thus posing a danger to pedestrians and other road users.

Safety concerns also arise from watercourses. The car park has the River Bulbourne running through it and it is adjacent to the Grand Union Canal. There are other pubs on the canal, of course, but this is particularly dangerous, given that it is a very big area with capacity for a

large crowd and the fact that the atmosphere of last summer's events was more 'party' than quiet beer garden. This is important, because the area is away from the pub and less likely to be adequately supervised. Last year, neighbours witnessed an intoxicated woman being pulled back from the edge of the canal, as she vomited into it. And several customers have been witnessed urinating into the canal.

### **The Protection of Children from Harm**

Residents feel that if the variation were allowed, it would provide easier access that could be detrimental to older children. 16-18 year-olds could 'slip in' and buy alcohol from a 'pop-up bar', which would be harder to do if they were sitting down at a table to order. Youths were seen last summer, congregating at the Esso garage nearby, then going into the car park to listen to the music and join the 'after-party'.

### **The Prevention of Crime and Disorder**

Some residents are concerned that a situation like this will attract drug dealers, as the car parks of The Old Mill are very open to the main road. The variation would make it more challenging to implement Government safety measures and would increase the local Police and Police Community Support Officers' burden and workload.

### **Conclusion**

In summary, while residents are sympathetic to the need for temporary measures to help the hospitality industry during the Covid pandemic, they believe that this application for a permanent change to The Old Mill's licence is not needed for this purpose and is likely to lead to a long-term change in the nature of the pub—one that is incompatible with its location and likely to be extremely detrimental to people who live in the area as well as to local children. They urge the Sub-committee to refuse this application.”

The meeting was adjourned at 11.07 am so that the sub-committee could deliberate.

At 12:00 the committee held a minutes silence to remember the victims of Covid-19.

### **Decision:**

The Committee has resolved to grant the application with additional conditions:

1. Any area of car park used for licensable activity shall be cordoned using café style barriers to contain customers within the licensed area at all times whilst this areas is being used for the consumption of alcohol. These barriers will be removed outside of the hours when consumption of alcohol takes place within this area.
2. Licence holder to keep a complaint log and make this available to the Police and Local Authority upon request

In additional to these conditions, the committee have also accepted the proposed conditions volunteered by the Applicants namely;

- No more than 2 events with live or recorded music to be permitted outside (including within any marquee or other temporary structure) to be held per calendar month. Regulated entertainment during such events to be finished by 21:30 hours.

- Following removal of all restrictions placed on licensed premises under Covid Regulations (currently The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021- but to include any regulation replacing it), customers will not be permitted to eat or drink in any area designated as car parking or canal side parking on the plan attached to the premises licence after 22:30 hours.

The remainder of the Licence conditions remain unchanged.

The Committee also note 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. The Licence Holder is reminded to maintain these obligations.

The Committee consider that the additional conditions attached following the hearing on 23 March 2021 will further address concerns raised by residents in their representations with regard to this application.

The meeting ended at 12.05 pm.

# 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: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	6 <sup>th</sup> July 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, Corporate and Contracted Services
Purpose of report:	This report sets out details of an application in respect of 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. 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 2016-2021</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, 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 application in the appendices.
  - 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
  - 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
  - 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
  - 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
  - 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

#### **4. Options available to the Sub-Committee**

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

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

## 5. Details of application(s)

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

Premises name / address	Type of application
Ashridge House, Ashridge Park, Little Gaddesden, Berkhamsted, Hertfordshire	Premises Licence Grant

**Applicants name** EF Corporate Education Limited

**Name and address of premises** EF Corporate Education Limited Ashridge House  
Ashridge  
Berkhamsted  
Hertfordshire  
HP4 1NS

**Ward** Ashridge

**1. Current Licence**

- 1.1 The premises currently has an existing premises licence. However, this is an application for a new licence so the existing licence is not relevant in regards to the consideration and determination of this application which must be considered on its own merits.
- 1.2 A relatively large number of Temporary Event Notices have been given for use of the premises since 2005 (32), there are no licensing complaints recorded in this time.

**2. Application**

- 2.1 The premises is an historic building which is currently owned by Hult Executive Education and is used for a variety of education and training purposes. Licensable activities are being applied for to increase the offering for education and events taking place on the premises.

Authorisation has been sought for the following licensable activities:

		Indoors		Outdoors	
Licensable Activity	Day	Start	Finish	Start	Finish
Performance of plays	Monday to Sunday	00:00	23:59	08:00	23:59
Exhibition of films					
Performance of live music					
Playing of recorded music					
Performance of dance					
Late night refreshment		23:00	05:00		
		On the premises		Off the premises	
	Day	Start	Finish	Start	Finish
Supply of Alcohol	Monday to Sunday	00:00	23:59	08:00	23:59

The premises is open to the public 24 hours a day, 7 days a week.

- 2.2 Whilst the application refers to some activities being part of education programmes, for example use of film clips as part of an educational

programme, a licence is not required for these as they are considered to be incidental to the main activity and therefore would not be regulated by any licence granted. Such use of those activities can take place whether a licence is in place or not.

Late night refreshment has been applied for solely for the benefit of residents staying on the premises to allow for a room service provision.

2.3

If granted with the activities and hours applied for, the premises will have the opportunity to have licensable activities for extensive periods of time, with activities being able to take place indoors at any time; and outdoors anytime, any day from 8am in the morning.

2.4

The Licensing Act allows applicants to apply for the relevant licensable activities to take place for any amount of time as felt appropriate and required by the applicant. In cases where objections are received, it is for the Committee to consider whether the extent applied for raises any concerns in connection with the promotion of the licensing objectives.

2.5

Whilst extensive hours for licensable activities can cause concerns for other parties, simply having these hours available does not necessarily mean that such hours will be regularly used, such licences can give significant flexibility to the premises. The Committee should not arbitrarily reduce the hours as part of the determination of the licence, and should only do so if this is considered necessary, and should also consider the information provided by the applicant as to how they intend to use the licence if granted.

2.6

A copy of the application is set out at Annex A. A premises plan and map of the area are shown at Annexes B1 and B2 respectively.

2.7

### **3. Details of Representations**

3.1 10 representations have been received during the consultation period, 9 from residents living in the area and also from the Parish Council. The representations received refer to concerns in respect of public nuisance, public safety, and crime and disorder. These are set out at Annexes C1 to C10. Public nuisance from regulated activities is the most frequently raised concern.

3.2 Responses received from responsible authorities:

Police – no representations

Fire Officer – no representations

Public Health – no representations  
Planning – no representations  
Environment and Community Protection – no representations  
Local Safeguarding Children Board – no representations  
Licensing Authority – no representations

#### **4. Observations**

- 4.1 Many objections refer to ‘extending’ licensable activities, however as this is a grant of a new licence the entirety of any activities applied for should be considered, rather than any difference between what is applied for, and what may already be permitted by another licence as this is not relevant to this application.
- 4.2 ‘Need’ is questioned in the objections, however, the applicant is entitled to apply for what they feel they need, and so this is not a relevant consideration in determining the application.
- 4.3 Fireworks are mentioned in some objections, however, whilst it is acknowledged that the noise of fireworks can be a cause of nuisance this is not relevant to this application as fireworks are not regulated under the Licensing Act. This is also the case in regards to any use of laser lighting, or other light shows which are also outside of the regulation provided by the licence applied for.
- 4.4 The use of a verbal public address system is not in itself a licensable activity, however, if used in connection with events which rely upon a licensable activity, it is arguable that this could be controlled by the licence should a suitable condition be included in any such licence. Examples would be music festivals or film showings. There will be potential for events to take place that may be considered to benefit from the use of such a system, and are not significantly reliant upon licensable activities, in these instances the use of the system would not be regulated by the licence.
- 4.5 The area has been highlighted in some objections as having various designations such as being an Area of Outstanding Natural Beauty, a conservation area and near to an area of special scientific interest is not a relevant consideration in regards to the application. These are all relevant concerns when Planning permissions are considered, and licensable activity can only take place where breaches of planning do not occur.
- 4.6 Littering and other activities such as illegal camping and campfires are mentioned in objections, littering on the site, and around its immediate vicinity can be considered to be the responsibility of the licensee and if this is connected to licensable activities conditions may be considered appropriate in regards to this. However, littering will also be the personal responsibility of the individual responsible and the degree of licensee responsibility will diminish as the distance from the premises

increases. Activities such as illegal camping and campfires would not be regulated by the licence and are therefore not relevant.

4.7 Road safety and general traffic concerns are not relevant to the application. The use of the premises, and associated traffic will have been considered as a planning consideration. The licensee cannot be held responsible for any road safety issues, which will lie with any road users, such as vehicle drivers in particular.

4.8 General comments regarding crime and antisocial behaviour are not relevant as these are not specific to the application itself.

4.9 Some of the objectors were disappointed that they were not made aware of the application directly. Whilst the Licensing Authority encourages engagement between applicants and other parties, this is not a requirement of the Licensing Act, and all consultation requirements were met by the applicant.

4.10 Any premises is entitled to be subject to an application to have licensable activities, save some exemptions in the act, so any references to the primary purpose of the establishment are not relevant to the determination of the application.

4.11 In summary, the relevant concerns raised in objections are:

- Noise nuisance from licensable activities
- Littering arising from licensable activities
- Other nuisance where this can be reasonably attributed to a licensable activity applied for

## **5. Local policy and statutory guidance**

5.

### **Deregulation**

5.1

More information is contained in Annex D, but it is important to note that many activities are subject to deregulation, meaning that with certain times and for certain audience sizes, these activities will not be regulated until such a time that a licence is reviewed and this deregulation benefit is effectively removed. The effect of this in terms of this application is that much of what has been applied for will not be regulated by the licence if granted.

5.2 Relevant extracts from local policy and statutory guidance are set out at Annex D

## Annex A Application for grant of premises licence

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

Revised April 2017



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

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We EF Corporate Education Limited  
*(insert name(s) of applicant)*

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

#### Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
EF Corporate Education Limited Ashridge House Ashridge Berkhamsted Hertfordshire HP4 1NS			
<b>Post town</b>	Berkhamsted	<b>Post code</b>	HP4 1NS
<b>Telephone number at premises (if any)</b>		01442 843491	
<b>Non-domestic rateable value of premises</b>		£ 585,000	

#### Part 2 – Applicant Details

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

- Please tick ✓ as appropriate*
- a) an individual or individuals \*  *please complete section (A)*
- b) a person other than an individual \*
- i. as a limited company/limited liability partnership  *please complete section (B)*
- ii. as a partnership (other than limited liability)  *please complete section (B)*
- iii. as an unincorporated association or  *please complete section (B)*

- iv. other (for example a statutory corporation)  *please complete section (B)*
- c) a recognised club  *please complete section (B)*
- d) a charity  *please complete section (B)*
- e) the proprietor of an educational establishment  *please complete section (B)*
- f) a health service body  *please complete section (B)*
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  *please complete section (B)*
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England  *please complete section (B)*
- h) the chief officer of police of a police force in England and Wales  *please complete section (B)*

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

*Please tick ✓ yes*

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

<b>Name</b>	EF Corporate Education Limited
<b>Address</b>	22 Chelsea Manor Street London SW3 5RL
<b>Registered number (where applicable)</b>	07434504
<b>Description of applicant (for example, partnership, company, unincorporated association, etc.)</b>	Limited Company
<b>Telephone number (if any)</b>	01442 843491
<b>Email address (optional)</b>	

**Part 3 – Operating Schedule**

When do you want the premises licence to start? 

D	D
2	0

 / 

M	M
0	6

 / 

Y	Y	Y	Y
2	0	2	1

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

D	D

 / 

M	M

 / 

Y	Y	Y	Y

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

Ashridge House's history dates back over 700 years with significant residents such as King Henry VIII. Today, Ashridge is home to Hult Executive Education and delivers world class education to global organisations, alongside the hosting of private meetings, functions and weddings. For the purpose of licensable activities, the business will continue delivering world class education plus events that complement a prestigious venue such as Ashridge House.

These activities would include campfire education sessions, teambuilding, drinks receptions, wine tastings, outdoor cinemas, food and drink provisions in the Courtyard Café, BBQ's with music/entertainment, bedroom service provision and other 'pop up' community events requiring entertainment such as charity balls and gala dinners.

All activity would be aligned with our prestigious brand and reputation for delivering world class education and events.

Ashridge House is located close to the centre of the Ashridge estate, approximately 6 miles from Berkhamsted and 8 miles from Hemel Hempstead.

The property consists of multiple teaching rooms, function rooms, leisure facilities plus 190 bedrooms. These rooms are located across the main house and various other purpose-built outbuildings. The house is located within 190 acres of landscaped gardens solely managed by the business.

**Appendix 1 illustrates the proposed perimeter of the site for licensable activity indoors.**  
**Appendix 2 illustrates the proposed perimeter of the site for licensable activity outdoors.**

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

n/a
-----

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

Please tick ✓ all that apply

- Provision of regulated entertainment (please read guidance note 2)**
- a) plays (if ticking yes, fill in box A)
  - b) films (if ticking yes, fill in box B)
  - c) indoor sporting events (if ticking yes, fill in box C)
  - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
  - e) live music (if ticking yes, fill in box E)
  - f) recorded music (if ticking yes, fill in box F)
  - g) performances of dance (if ticking yes, fill in box G)

h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

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

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	00:00	23:59	<b>Please give further details here (please read guidance note 4)</b>  Ashridge House supports local charities and has previously hosted local theatrical productions to play to an audience. Ashridge House wishes to continue to support these organisations on an adhoc basis.  <b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.  <b>State any seasonal variations for performing plays (please read guidance note 5)</b>  N/A  <b>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 6)</b>  N/A	Both	<input checked="" type="checkbox"/>
		08:00		23:59	
Tue	00:00	23:59			
		08:00		23:59	
Wed	00:00	23:59			
		08:00		23:59	
Thur	00:00	23:59			
		08:00		23:59	
Fri	00:00	23:59			
		08:00		23:59	
Sat	00:00	23:59			
		08:00		23:59	
Sun	00:00	23:59			
		08:00		23:59	

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	00:00	23:59	<p><b>Please give further details here</b> (please read guidance note 4)</p> <p>Educational programs often require a film or video clip to be shown as part of the content of a program/course. In addition to this, Ashridge House has hosted a number of indoor and outdoor screenings under its current premises licence and wishes to continue with this as per previous years.</p> <p><b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.</p> <p><b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)</p> <p>N/A</p> <p><b>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</b> (please read guidance note 6)</p> <p>N/A</p>	Both	<input checked="" type="checkbox"/>
		08:00		23:59	
Tue	00:00	23:59			
		08:00		23:59	
Wed	00:00	23:59			
		08:00		23:59	
Thur	00:00	23:59			
		08:00		23:59	
Fri	00:00	23:59			
		08:00		23:59	
Sat	00:00	23:59			
		08:00		23:59	
Sun	00:00	23:59			
		08:00		23:59	

**C**

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

**D**

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

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	00:00	23:59	<b>Please give further details here</b> (please read guidance note 4)  Some educational programs contain team building elements that require live music, as well as other events such as weddings (reception drinks) and pop up dining events that require amplified and non-amplified music.		
	08:00	23:59			
Tue	00:00	23:59	<b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.		
	08:00	23:59			
Wed	00:00	23:59	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5) N/A		
	08:00	23:59			
Thur	00:00	23:59			
	08:00	23:59			
Fri	00:00	23:59	<b>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</b> (please read guidance note 6) N/A		
	08:00	23:59			
Sat	00:00	23:59			
	08:00	23:59			
Sun	00:00	23:59			
	08:00	23:59			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	00:00	23:59	<p><b>Please give further details here (please read guidance note 4)</b></p> <p>Some educational programs contain team building elements that require recorded music, as well as other events such as weddings (reception drinks) and pop up dining events that require amplified and non-amplified music.</p> <p><b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.</p> <p><b>State any seasonal variations for the playing of recorded music (please read guidance note 5)</b></p> <p>N/A</p> <p><b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</b></p> <p>N/A</p>	Both	<input checked="" type="checkbox"/>
		08:00		23:59	
Tue	00:00	23:59			
	08:00	23:59			
Wed	00:00	23:59			
	08:00	23:59			
Thur	00:00	23:59			
	08:00	23:59			
Fri	00:00	23:59			
	08:00	23:59			
Sat	00:00	23:59			
	08:00	23:59			
Sun	00:00	23:59			
	08:00	23:59			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	00:00	23:59	<b>Please give further details here</b> (please read guidance note 4)  Some educational programs contain team building elements that often require an 'ice breaker', as well as other events such as weddings and functions where by the performance of dance may take place.  <b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.	Both	<input checked="" type="checkbox"/>	
	08:00	23:59				
Tue	00:00	23:59				
	08:00	23:59				
Wed	00:00	23:59		<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
	08:00	23:59		N/A		
Thur	00:00	23:59				
	08:00	23:59				
Fri	00:00	23:59		<b>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</b> (please read guidance note 6)		
	08:00	23:59				
Sat	00:00	23:59		N/A		
	08:00	23:59				
Sun	00:00	23:59				
	08:00	23:59				

# H

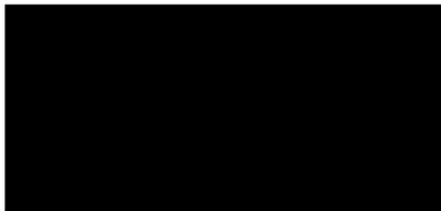
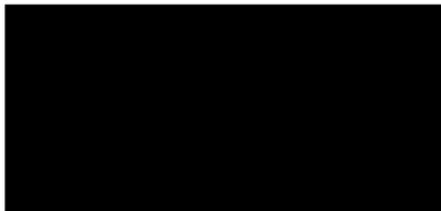
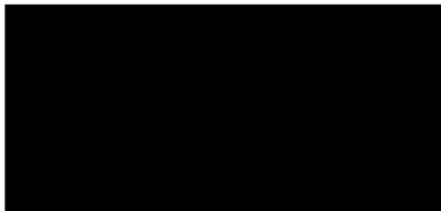
<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings <i>(please read guidance note 7)</i>			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors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

<b>Late night refreshment</b> Standard days and timings <i>(please read guidance note 7)</i>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i></b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	<b>Please give further details here <i>(please read guidance note 4)</i></b>  This is proposed in order to provide our guests who stay at the Ashridge House onsite accommodation with a room service provision, including food and alcohol.		
Tue	23:00	05:00			
Wed	23:00	05:00	<b>State any seasonal variations for the provision of late night refreshment <i>(please read guidance note 5)</i></b>		
Thur	23:00	05:00			
Fri	23:00	05:00	<b>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 <i>(please read guidance note 6)</i></b>		
Sat	23:00	05:00			
Sun	23:00	05:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption:</b> <b>(Please tick box ✓)</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  <b>NOTE;</b> the top timings relate to indoor activity and the bottom timings relate to outdoor activity.  <b>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</b> (please read guidance note 6)		
Mon	00:00	23:59			
	08:00	23:59			
Tue	00:00	23:59			
	08:00	23:59			
Wed	00:00	23:59			
	08:00	23:59			
Thur	00:00	23:59			
	08:00	23:59			
Fri	00:00	23:59			
	08:00	23:59			
Sat	00:00	23:59			
	08:00	23:59			
Sun	00:00	23:59			
	08:00	23:59			

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

<b>Name</b>	Nigel Bradshaw
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number</b> (if known)	019298
<b>Issuing licensing authority</b> (if known)	Central Bedfordshire

**K**

<p><b>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</b> <i>(please read guidance note 9)</i></p>
<p>n/a</p>

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings <i>(please read guidance note 7)</i></p>			<p><b>State any seasonal variations</b> <i>(please read guidance note 5)</i></p>
Day	Start	Finish	<p><b>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</b> <i>(please read guidance note 6)</i></p>
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

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

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

Ashridge House shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. All staff will undertake training in their responsibilities in relation to the sale of alcohol. Training records are kept up to date.

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

The premises are covered with in excess of 40+ CCTV cameras which record 24/7. Likewise, 2 members of the Venue Services team are onsite 24/7 – this increases based on business levels. This team are trained as first responders, and are usually first aiders and SIA trained.

Ashridge is also equipped with ANPR cameras and can therefore track the movement of vehicles coming to site.

The CCTV recordings are retained securely for a minimum of 31 days and are made available for any authorised officer/personnel upon request.

The police will be notified should any event attract more than 500 attendees.

**c) Public safety**

All risk assessments and RAMS are reviewed on a regular basis, ensuring they remain relevant and aligned with the business activity. Ashridge consults with a third-party H&S provider on a regular basis (Citation) to ensure the highest of standards are being met, with regular audits.

Separate RA's and RAMS are created on an individual basis for adhoc events, and all staff are trained accordingly, and records are kept.

**d) The prevention of public nuisance**

Ashridge House is located in an area that is best reached by road, therefore a guest leaving would leave by the same means, unless they have accommodation booked at Ashridge House which is likely.

Where this is not the case, Ashridge has partnerships with local taxi companies and can arrange transport where necessary.

It is proposed that the general public will have access to our Courtyard Café and various public/community events. Ashridge House will provide car park marshals for the safe dispersal of traffic on the occasions where it is risk assessed, as necessary.

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

Ashridge House does not host events where children are unaccompanied. Children at events such as weddings or functions must be accompanied by an adult. Food and beverage staff are trained in checking for underage drinking.

**Please tick ✓ to indicate agreement**

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

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS**

AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures** (please read guidance note 11)

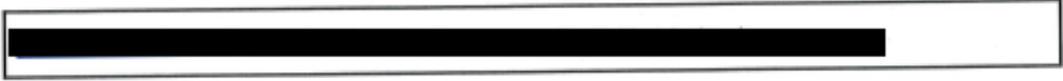
**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).</li> </ul>
Signature	
Date	19/05/21
Capacity	DIRECTOR OF SALES AND HOSPITALITY

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

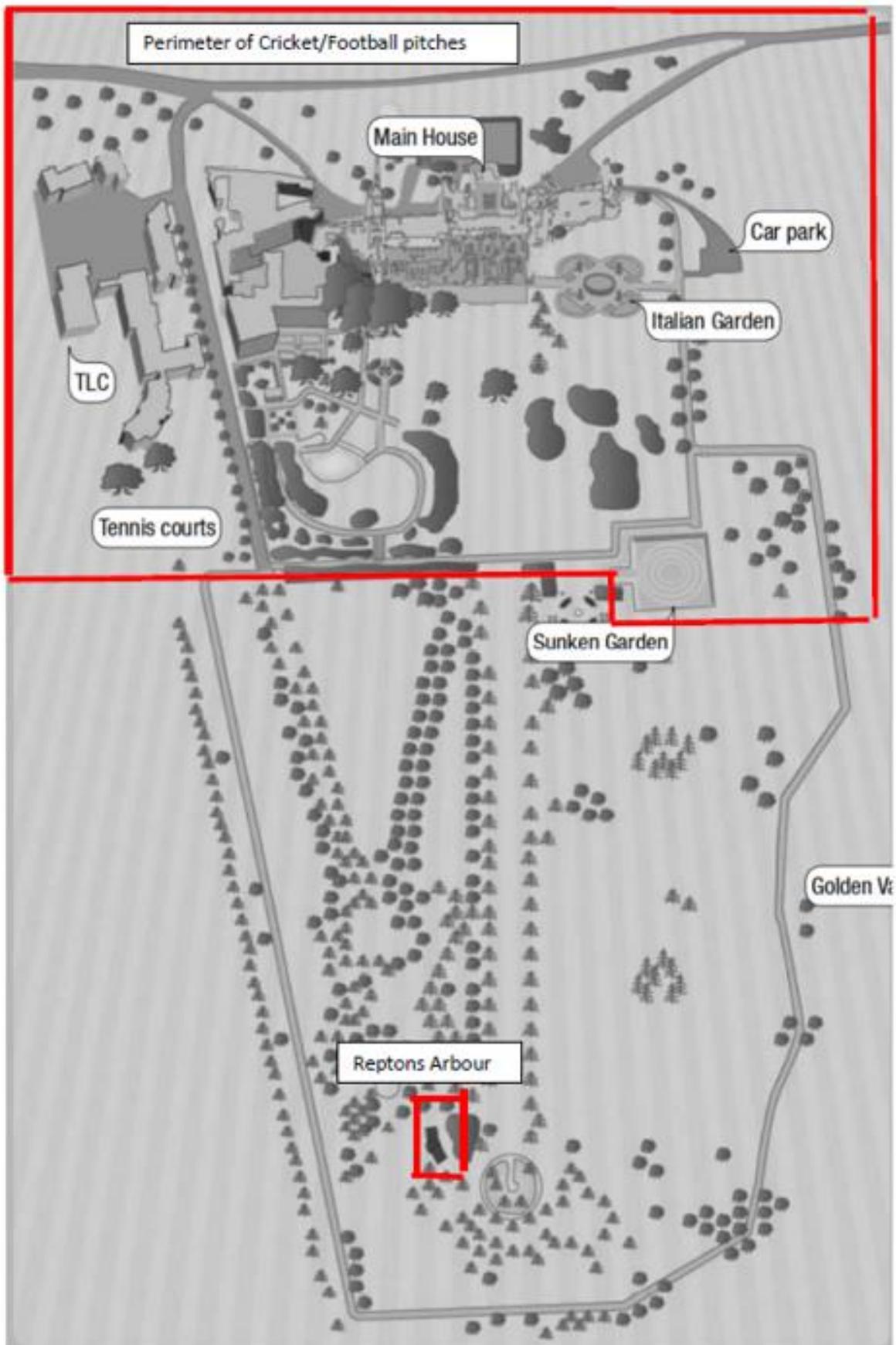
Signature	
Date	19/05/21
Capacity	DIRECTOR OF SALES AND HOSPITALITY

<b>Contact name (where not previously given) and address for correspondence associated with this application.</b> (please read guidance note 14)			
Nigel Bradshaw / David Willmin Ashridge House Ashridge Berkhamsted HP4 1NS			
<b>Post town</b>	Berkhamsted	<b>Postcode</b>	HP4 1NS
<b>Telephone number (if any)</b>	01442 841297		
<b>If you would prefer us to correspond with you by email your email address (optional)</b>			



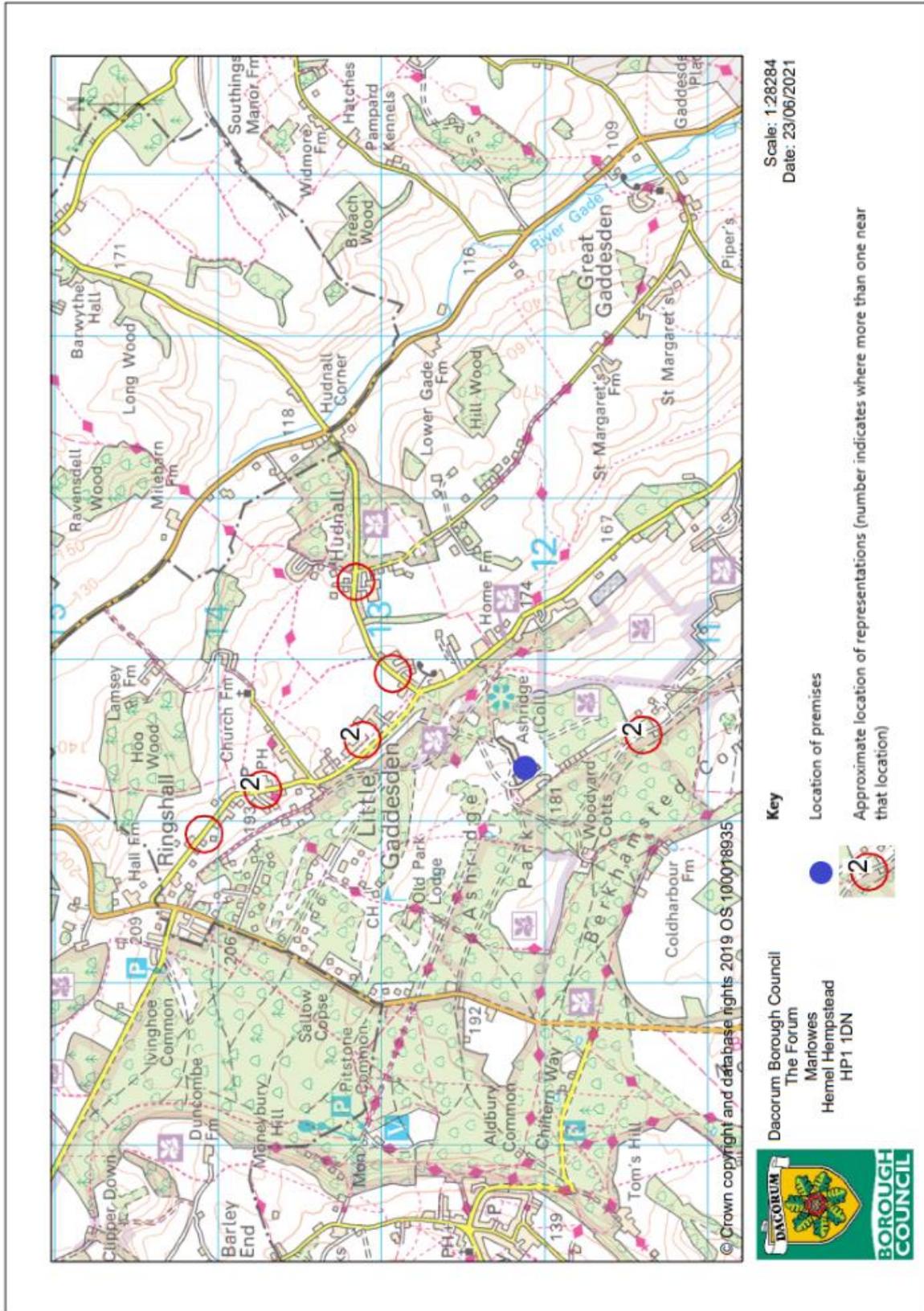


Appendix 2; Ashridge House Site Map (Red line indicates perimeter of proposed premises licence for outdoor activity)





**Annex B2**  
**Map of area showing approximate location of objections**



**Annex C – Representations received  
Annex C1**

To whom it may concern

The current **un**amplified music from Ashridge creates a significant nuisance of noise to residents of Little Gaddesden, as the sounds travels great distance in the open space. It is a constant nuisance during the summer with weddings and other events. The proposal to make this outside entertainment amplified AND to extend the hours of license will create a significant noise burden on our village. We frequently have to use earplugs right now, and this will clearly only get worse (unbearable) under this proposal.

I am very against such a proposal.

Thank you

HP4

**Annex C2**

Dear Licensing Officer

I am making the following representation regarding application M052504 for EF Corporate Education Limited.

**My name:**

**My address:** HP4

In respect of licensing application M052504 for premises EF Corporate Education Limited, I would like to represent that I believe the following restrictions should be added:

1. "Unamplified only" restriction to be added to the Performance Of Live Music Outdoors
2. "Unamplified only" restriction to be added to the Playing Of Recorded Music Outdoors
3. "Unamplified only" restriction to be added to the Entertainment Similar To Music or Dance outdoors.

**Preventing Public Nuisance – Noise, Vibration, Nocturnal Light**

The site holds occasional outdoor events and when these happen the verbal public address system and fireworks noise carries across significantly to Little Gaddesden village, which is as close as 450 metres away from the outdoor area being applied for (and much of the village less than 1 kilometre away). Fireworks are a particular nuisance. Distress is caused to local residents and in particular to pet owners. Little Gaddesen is a small, historic village consisting of Conservation Area and designated Rural Area within the Chilterns AONB.

Removing the current restrictions on amplification for both live and recorded music and extending the hours of dancing implies an intention to diversify revenue streams to provide

outdoor amplified music events featuring bands and DJs etc. Especially when considered alongside the request to extend the provision of alcohol outdoors until 23:59. These could be accompanied by night time lightshows. The potential adverse noise, vibration and light pollution impact to Little Gaddesden residents from such events would be great. The approval of this application would mean there would be little restriction on the frequency of such events. The extended hours mean the amplified sound will also potentially decrease the enjoyment of the vast majority of daytime visitors to the surrounding National Trust Ashridge Estate who come to enjoy the peace and tranquillity of the countryside. One must also consider the impact of such noise, vibration and light pollution on the flora and fauna of the immediately adjacent Ashridge Common and Woods Site of Special Scientific Interest. These sites are afforded protected status on behalf of the public and as such any increased threat to their integrity represents a public nuisance.

#### **Preventing Public Nuisance – Litter, Illegal Camping**

The purpose of amplification is that larger numbers of people can dance to or listen to said music. Events which combine amplified music, alcohol sales and dancing are therefore aimed at, and tend to attract, larger numbers of attendees than those which do not feature amplified music. The proposed outdoors application premises is itself Grade 2\* Listed Historic Garden, but it is also immediately adjacent to the Ashridge Woods and Commons Site of Special Scientific Interest and the surrounding National Trust Ashridge Estate. It is an area within the Chilterns AONB particularly enjoyed by local and visiting nature-lovers. I would contend that larger numbers of the public visiting primarily to attend amplified music events with alcohol and dancing will inevitably mean an increase in footfall and therefore litter and illegal camping and campfires for these surrounding areas. This represents a public nuisance for visitors to the Ashridge Estate and an increased threat to this cherished environment.

#### **Preventing Public Nuisance – Road Safety, Traffic Pollution and Traffic Noise**

The narrow road which leads from both Little Gaddesden and Berkhamsted to the proposed site is a popular route through the surrounding National Trust Ashridge Estate for families, runners, horse-riders and cyclists seeking peaceful enjoyment of the countryside. This has especially been the case during the last eighteen months as the area has provided a vital “green lung” for those visiting from outside the area. As the application itself states “Ashridge House is located in an area that is best reached by road”. The increase in larger-scale outdoor events implied by the application will potentially bring a significant increase in traffic which will create a public nuisance in terms of:

- Decreased road safety for non-vehicle road users.
- Increased traffic noise and pollution for those seeking peaceful and healthy enjoyment of National Trust Land.

#### **Preventing Crime and Disorder**

It is not a controversial statement that generally events which involve a combination of amplified music, all-day alcohol and dancing will result in an increase in anti-social behaviour. The license application states that “All activity would be aligned with our prestigious brand and reputation for delivering world class education and events.” However, one has to question the prestigious or educational nature of any activity which requires alcohol to be served outdoors at 8 o’clock in the morning.

Little Gaddesden is the only settlement of any significance within walking distance of Ashridge College and its pub and small shop will draw event visitors there. My contention is that as a quiet, rural parish and ward with a very low crime rate, the introduction of larger public events involving amplified music, alcohol being served from 8am to 23:59pm and dancing will inevitably result in an increase in anti-social behaviour, vandalism and petty crime in Little Gaddesden.

I would actively encourage Ashridge College to diversify its activities, succeed as a business and support the local economy whilst doing so. I believe that by restricting amplified music, we can ensure it does this in a manner which nurtures and respects the unique natural and historic environment and supportive local population which surrounds it. If there is the occasional requirement for amplified music, it seems far more appropriate for this to be applied for and granted on a temporary basis.

Many thanks for your consideration.

Kind regards

**Annex C3**

Dear Sir

I live at, **redacted** , Little Gaddesden. As the crow flies, we are probably half a mile from Ashridge House. We can hear fireworks in the evening, live music and spoken voices if amplified or with a megaphone emanating from Ashridge.

Currently the noise from Ashridge is infrequent, but is intrusive when it happens. The noise from external activities such as the Hospice Tough Mudder has been particularly excessive in the past. Any increase in live or recorded amplified music particularly outside should be discouraged.

Little Gaddesden and the Ashridge Estate is a peaceful and tranquil area of outstanding beauty which should not be defiled by excessive noise, which becomes a public nuisance. Under current conditions, one knows that the noise will stop at a reasonable hour. Not so if the hours are extended.

Against this background I would be opposed to any extension of licensing hours, particularly the sale or supply of alcohol beyond the current licenced hours. One of the points in the application is to extend the hours for the supply of alcohol to 5 am. This is quite unnecessary and very unsettling. There cannot be a need for this under any circumstances.

There should not be allowed any amplified music outside at any time. On a still night the noise carries all over the village and many houses are much closer than mine.

I would strongly urge you to refuse the application for a licence to permit any activity or extend the hours of permitted activities beyond that authorised by current licences.

Yours sincerely

HP4



LITTLE GADDESSEN *parish council*

S A Mcdonald  
Lead Officer – Licensing  
Corporate and Contracted Services  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
HP1 1DN

14 June 2021

Dear Sally

**Re Objection regarding Licence Application ref M052504 EF Corporate Education**

Thank you informing the Parish Council that EF Corporate Education Ltd have lodged a new licence application in respect of

Ashridge House,  
Little Gaddesden  
Berkhamsted  
Hertfordshire  
HP4 1NS

The Parish Council of Little Gaddesden wish to lodge a very strong objection on the grounds of **public nuisance** in respect of potential noise, traffic congestion and potential for accidents and light pollution which would arise from the granting of this licence.

You will be aware that in summary the licence seeks the following

- Increase of licencing hours from 08:00 until 23:59 indoors and outdoors for Plays, films, live music, recorded music, performances of dance.

The term **unamplified** previously featured in their licences has been removed and the outdoor area has been increased to include the field opposite the house.

- Late night refreshment Indoors Monday to Sunday 23:00 until 05:00

- The supply of Alcohol for consumption both on and off the premises 24/7 Monday to Sunday

**The Parish Council Objects on the grounds of the public nuisance that would arise from the following:**

**Noise and vibration:** the adoption of **amplified sound** (recorded or live music etc) both inside and outside of the buildings and to include the field on the opposite side of the road would in our view be akin to having **loud speakers on the street**. Ashridge Management College is in the next street to the village of Little Gaddesden. The use of amplified music (sound) in outside areas for evening events with amplification would be unacceptable to us **at any time**, as is the **extension of hours to midnight** for all previously permitted activity and with the addition of **amplified sound**.

EF Corporate Education Ltd assurance that the police would be informed where events attract more than 500 attendees also raises concerns as to what type of events EF Corporate Education Ltd is seeking to host and what they are seeking to achieve by making changes to the licence at this time. If they are seeking to host large events using their site and the field opposite the front of the house with unlimited supply of alcohol and amplified music 7 days a week the potential for public nuisance from **both noise, vibration from sound, traffic and public safety** is very worrying indeed.

- Large events would by necessity attract large numbers of cars to transport attendees this would create public nuisance from **traffic congestion** and from **potential road traffic accidents**. The roads in Little Gaddesden already cannot sustain large amounts of traffic day or night. During the day cars visiting the shop and the local horse-riding schools already make the passage of light traffic challenging at times, as do visitors to the pub parking in the street.
- As a rural area there is no street lighting in and around the village. Deer, foxes and badgers run into the road in the night in the village and in the grounds of Ashridge. Visitors at night already race through the roads. Visitors to events are unaware of these dangers and of the narrowness of the lanes and may cause accidents. This will be exacerbated at night.

**Public nuisance: Noise, vibration from sound and Light pollution**

Noise from fireworks at events at Ashridge House are already a regular cause for concern and disturbance for residents and livestock and domestic animals. In addition to noise they create light pollution. The public nuisance that would arise from illuminated events, fireworks and or laser would be intrusive. The prospect of amplification, sound vibration, increased large events, use of outside spaces including the field opposite, the supply of alcohol 24/7 all 7 days a week to midnight and the impact that this would have on well-being is very worrying to the residents.

**Public nuisance: Public safety, possible crime and disorder and Noise 24/7 alcohol licence indoor and outdoor including the field opposite the front of Ashridge House**

The Parish Council is concerned at the reasoning behind the application given the reassurances which Ashridge had provided the Parish Council in the past that a 24-hour external licence wasn't necessary as they had no intention of running external festivals or music/dance concerts and the like. We do not understand how an alcohol licence to start from 08:00 am sits within their academic aspirations. Campfires will also create atmospheric and light pollution and encourage noise outside into the night and may present a larger fire risk. The noise from revellers fuelled with alcohol will be disturbing and they may injure themselves in the darkness of the surroundings. Illumination would

be unacceptable given the wildlife and light pollution it would cause to the village. Crime is often associated with excessive consumption of alcohol and litter is likely to become an issue.

#### **Public Nuisance - Impact of noise on residents**

- The application fails to take account the impact that the new licence would have on Ashridge House neighbours, the residents of Little Gaddesden, the livestock, domestic and wild animals, including deer, bats, badgers, foxes, birds.
- Little Gaddesden is a quiet rural and predominantly linear village. It comprises circa 500 houses and circa 900 adults on the electoral register including families with young children.
- There is very low ambient noise and traffic in the narrow lanes already gets challenged by horses and parking for the shop and pub.
- Many Little Gaddesden residents live in cottages built pre 1800 for the workers of Ashridge House. The cottages are in direct view of Ashridge House. The age of these homes, their poor build quality and location in a conservation area means they do not, nor cannot, benefit from the sound proofing that is built into modern day materials for homes including cavity walls, insulation in roofs, double glazing nor good quality bricks etc. Their poor construction also makes the houses very hot in the summer requiring windows to be kept open.
- Many of the houses in Little Gaddesden are within a range of circa 450 meters with many homes within 1km of Ashridge House and the open spaces means there are few sound breaks between them and Ashridge House. Please see Appendix A by way of example.
- There is a low crime rate and villagers often walk along the lanes in the dark to walk their dogs and from one village location to another. We do not wish to feel vulnerable from cars where drivers are unused to our roads or to travelling in unlit narrow lanes, nor from groups of people who may have been drinking alcohol for a sustained period.

#### **Experience of public nuisance from events at Ashridge House**

All of the above factors means that when Ashridge House is currently granted a special licence to use their grounds for charitable purposes such as annual events for the Hospice of St Francis - outdoor challenges and the Garden Party - the **noise and vibration** generated by loud live music and megaphones is very intrusive: every word from the megaphone can be heard by properties on the green and round the village; feedback has been received on this from homes and yards as far away as the Leighton Buzzard Road. These events also cause **traffic gridlock** in the main road of the village through to the B4506, Hudnall Lane and the road through the Ashridge estate. Cars queue to get into the car park at Ashridge and the very narrow lanes and roads offer minimal passing places and results in traffic pollution harming the enjoyment of villagers and others seeking to enjoy the rural calm of Little Gaddesden, Ashridge National Trust Estate. The National Trust Ashridge Estate provides an important area of calm and escape for surrounding communities and we would not wish to see this spoiled, rather carefully conserved from excessive traffic, noise and antisocial behaviour.

The Parish Council is therefore concerned about public nuisance and the health issues associated with the impact of noise on individual's quality of life and the associated social costs if large events, noisy daytime or evening events were to be held with regularity and or greater frequency.

The Parish Council therefore objects to the new licence, and in particular

- The proposal to increase the hours of all the activities listed in plays, films, live music, recorded music, performance of dance, by 2 hours each day i.e. one hour each end of every day through to midnight indoors or outdoors
- The proposal to amplify sound at any time indoors or outdoors
- The launching of fireworks or any other noise or light polluting devices or campfires
- The proposal to supply alcohol 24/7 for consumption on or off the premises
- The intimation that the college is far from dwellings which is conveyed by being in 190 acres of land and miles from towns which implies there would be no nuisance. They are operating in our village and are a neighbour to circa 500 homes, 900 adults, children, domestic animals within 450 meters of homes and amidst wildlife and livestock.

Yours sincerely

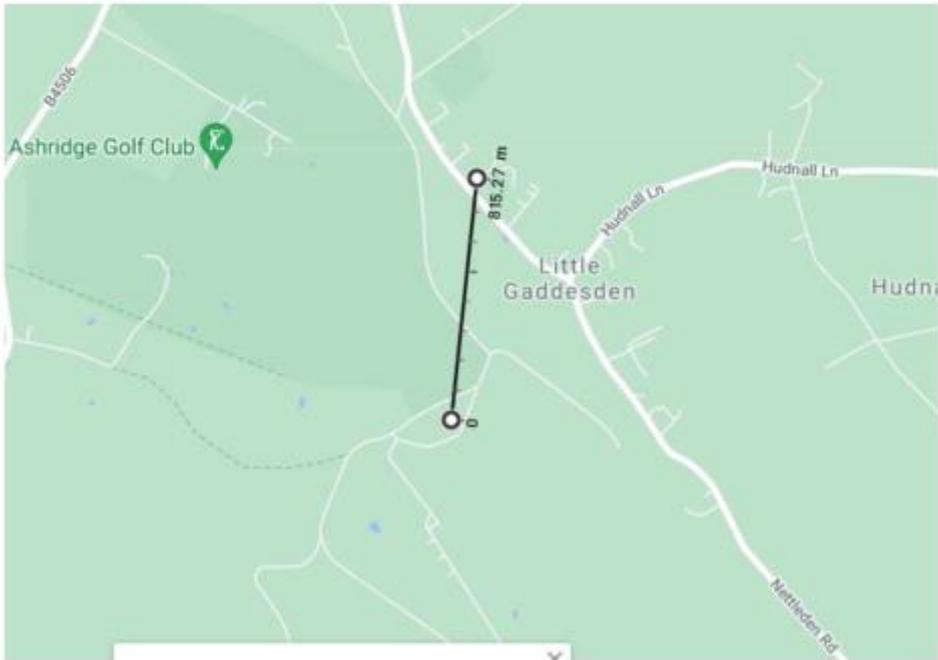
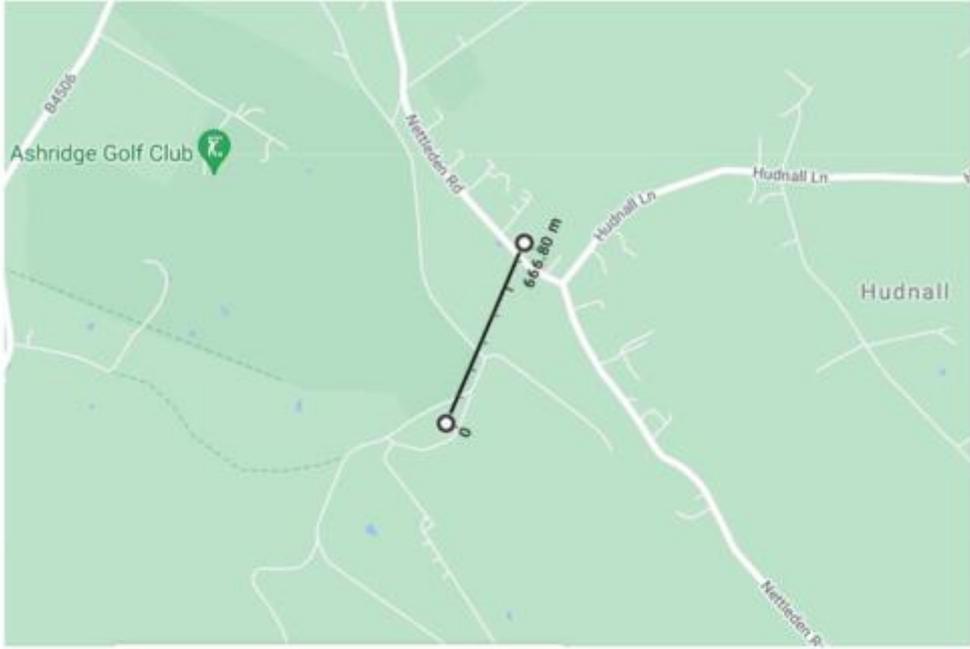
Alastair Greene (Clerk)  
Little Gaddesden Parish Council

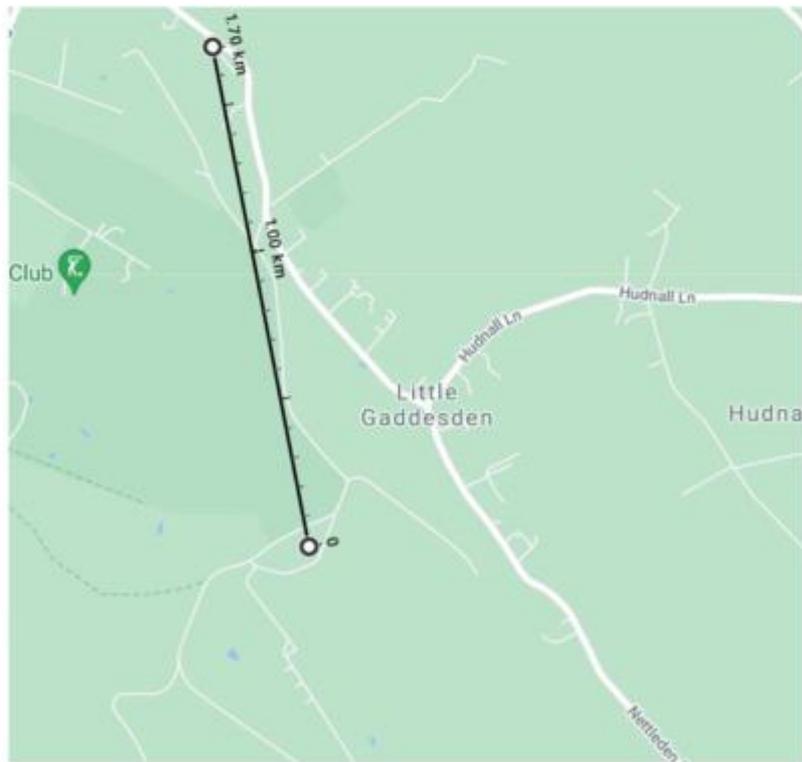
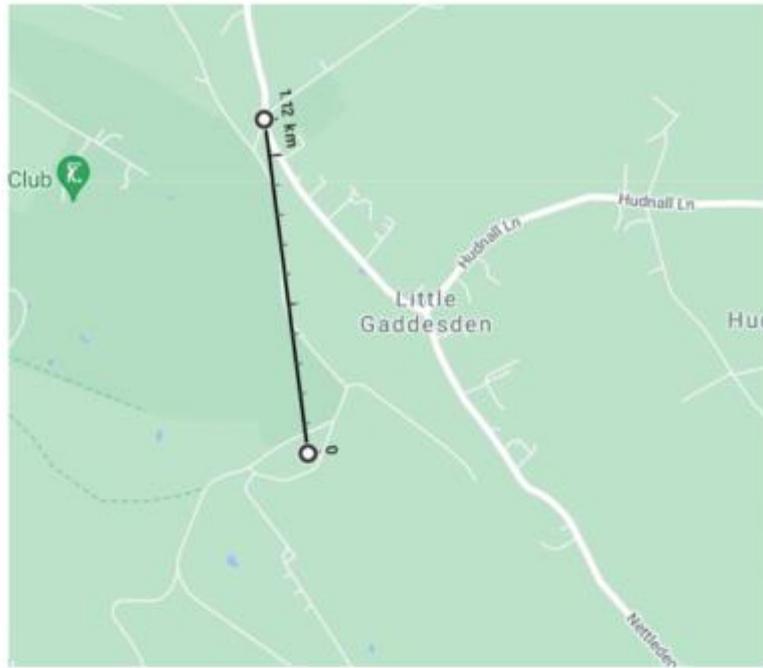
Please see Appendices

Appendix 1

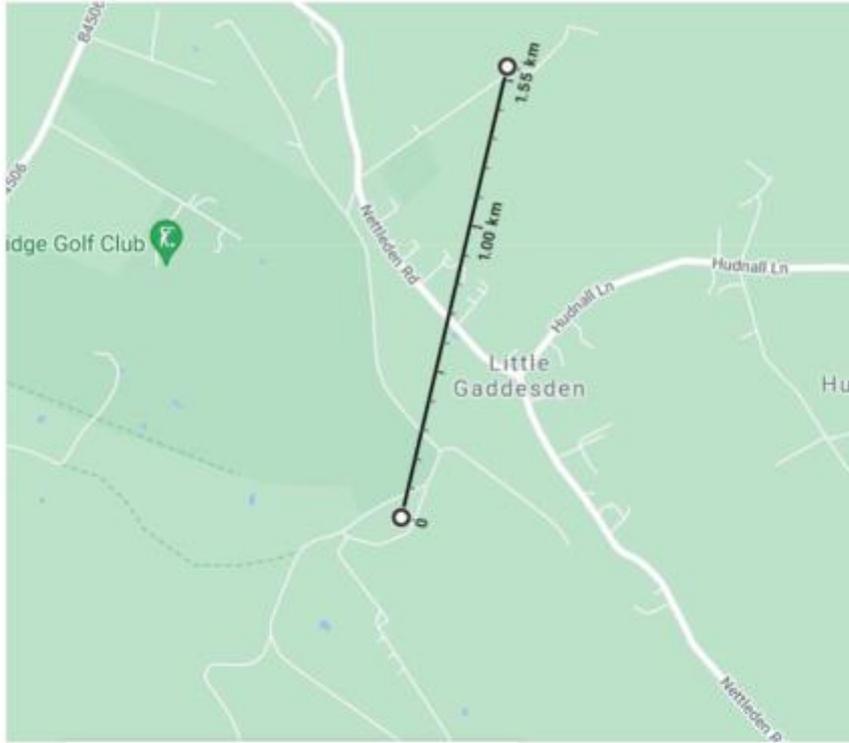
In each of the map pictures below a measurement is taken from a general Ashridge Hult location, which is shown at zero on the scale and various points in the village.







Last one to the Historic church



TO

Licensing

Dacorum Borough Council

The Forum

Marlowes

Hemel Hempstead

HP1 1DN

16 June 2021

Dear Sir or Madam

**Re Representation / Objection regarding Licence Application ref M052504 EF Corporate Education** - Ashridge House, Little Gaddesden, Berkhamsted, Hertfordshire, HP4 1NS

Name:

Address: HP4

I wish to make a representation on the grounds of **public nuisance** in respect of noise and light pollution if laser shows are allowed which would arise from the granting of this licence.

I live in main road in the village of Little Gaddesden. My home is a poorly constructed workers cottage in the main road of Little Gaddesden by the shop. The village and Ashridge generally enjoy low ambient sound levels, therefore when Ashridge have an outdoor amplified events or those with megaphones / cinema / music I can hear this at and in my home. As this is infrequent and usually published I tend to try and go out of the village for the afternoon if associated traffic allows or stay at friends or family outside of the village.

I am therefore very concerned at the proposal to increase hours of the licence through to 23:59 every evening coupled with the prospect of amplified music indoors and outdoors 7 days of the week and therefore regularly and frequently.

Ashridge has at least 60 weddings planned for next year which is lovely and I realise Ashridge has to diversify. However, the prospect of loud amplified music with what already seem to be noisy obligatory firework displays a weddings and the prospect of many other large public events outside with amplified music/sound is troubling. The prospect of amplified events in the field on the opposite side of the road is extremely concerning as vibration from speakers and music will be speakers outside in the next street to ours and disturb us.

I am concerned about public nuisance and the health issues associated with the impact of noise on my quality of life if large events, noisy daytime or evening events were to be held with regularity and or greater frequency.

I would ask that you do not grant the extension to the licence nor the amplification of music or sound outside and that events with outside amplified sound (live music, recorded music, speech, megaphones, cinema) should require special occasional licences and be of limited number rather than be allowed as and when any day or night of the week.

Thank you.

HP4

**Application ref.no:M052504 – EF Corporate Education Limited, Ashridge House**

Representation raised by **redacted** of **redacted** HP4.

I wish to make representations on the above application on the grounds of Public Nuisance, specifically noise nuisance.

I live in the village of Little Gaddesden, a village of around 700 residents, many of whom live less than 1 km from the premises which is the subject of the application.

It is a rural area and the ambient noise level is very low.

I note that the applicant has made no reference to the issue of noise nuisance in the application.

I note also that the applicant is requesting a licence for indoor activities with no limit on time, volume or frequency and for outdoor activities 7 days per week between 8 am and midnight again with no limit on frequency or volume.

I request that this application be reviewed by Environmental Health with a view to consider the impact of noise on the local residents and placing restrictions and conditions on the licence to mitigate this impact, in particular with restrictions of use of amplified sound outdoors and requirements to keep windows and doors closed if music is played indoors.

Many thanks

I am concerned if a licence as sought were granted without restrictions there would be potential for

- a) considerable public nuisance from noise and light pollution; and,
- b) an increased threat to public safety; and,
- c) an increase in crime and disorder.

The applicant suggests that the application site is 6 and 8 miles distant from centres of population but ignores that it is very close to houses in the village of Little Gaddesden. My own house is roughly 800m from the site and at previous outdoor events at Ashridge house the noise from the PA system carried across the Golden Valley so that we had to endure every word! That is bad enough during the daytime but would be intolerable were events to run from 8 am to midnight as an unconditional licence would allow. In the past outdoor events have been infrequent but the licence sought would allow events to take place very frequently.

From my own experience music events also often include light shows and disturbance is not restricted to the show itself: sound checks and rehearsals are also necessary and this would extend the noise nuisance for local residents.

I would ask that were a licence granted that stringent time limits were imposed and that **a limited number of outdoor events were permitted each year.**

With regard to **outdoor** music events/ film shows / dance and theatrical performances I would ask that **only unamplified events are permitted outdoors.**

The applicants envisage that events attracting more than 500 people and point out that Ashridge is best accessed by road. The roads leading to the site are narrow and unlit and well used by cyclists, runners, walkers and horseriders. Deer are a constant night time hazard for drivers. An increase in traffic to get people (even up to 500) to such events will inevitably increase pollution, traffic noise (late at night) and pose an increased road safety risk .

I am particularly concerned at the request to sell alcohol for consumption on and off the premises effectively 24/7 – this will inevitably increase anti-social behaviour spreading from the licence site into Little Gaddesden and the National Trust Estate that surround the licence site, where the Ashridge House staff will have no control. I would ask **that limits are placed on the times when alcohol is sold** . The existence of CCTV cameras and ANPR cameras will not, as the applicant states, prevent crime and disorder, they will merely assist the police in dealing with offenders after the event, if the police are minded to deal with offenders.

The site is particularly sensitive as it within the National Trust's Ashridge Estate and large outdoor events fuelled by alcohol and the increase in traffic will inevitably impair the peacefulness of the Estate.

I want Ashridge house to be able to succeed as a business but it should be able to do this without detriment to the surrounding area and its residents.

HP4

**HP4**

17 June 2012

Dear Sir or Madam

**Re: Licensing Act 2003**

**Application ref. no: M052504**

**Application Type: LA2003 s17: Premises licence – New application**

**Premises name: EF Corporate Education Ltd.**

**Premises address: Ashridge House, Little Gaddesden, Berkhamsted, Herts. HP4 1NS**

My husband and I were extremely surprised and disappointed to see notification of the application by EF Corporate Education Ltd. for a new licence at Ashridge House. We would have expected a direct notification from EF Corporate Education Ltd as a matter of courtesy. Instead, we found out through our neighbours whose property shares boundaries with Ashridge House and who found the notice by chance.

The existing licence dates back to June 2013. It is a licence the wording of which was agreed by the then applicant and representatives of the Little Gaddesden Parish Council as well as neighbours who were impacted by the intended and unintended consequences of such a licence. Our neighbour **redacted** made representations to the Licencing Board, as did a representative of the Little Gaddesden Parish Council, on 18 June 2013. Given that Ashridge House is still being used under the original lease to house an educational facility, we fail to see how circumstances have changed to justify altering the current licence both in operating hours and geographic area.

Accordingly we are writing to formally register my objections to the current application as follows:

1. We are writing in respect of the above application to register our objections to the extension of current operating hours on the grounds that it is wholly inappropriate for EF Corporate Education Ltd. to be granted an extension to the current licence, given that the applicant's primary purpose is as an educational institution.
2. The wording in the application to extend the areas of site used for entertainment is extremely wide reaching with no limit to the length, size, frequency and importantly type of function. Events could therefore last in excess of 24 hours, such as a music festival or other major commercial event – potentially serving alcohol and with continuous activity. We are

therefore objecting to the extension of the areas of site used for entertainment on the following grounds:

- **Noise:**

- Sustained activity and loud noise will adversely impact all residents neighbouring Ashridge House and cause a nuisance. Even under the current licence, we can hear the noise from parties, film nights and other events that take place in the limited area of the current licence.
- This is a rural area designated as one of outstanding natural beauty, surrounded by National Trust woodland and farmland and is therefore an amenity for very many people, not just local residents. The intrusion of noise, traffic and activity by large, lengthy functions, such as those which would be permitted by approval of the application, would severely alter the nature of the area which is generally quiet and tranquil – rather uniquely for an area so close to Greater London. Noise carries very easily in areas that are not built up, such as Ashridge Park, and an outdoor event with music, even if in a marquee, would be a jarring intrusion and cause a nuisance.
- The extensive wildlife currently enjoying peaceful seclusion would be adversely impacted by loud sustained noise, traffic and human activity.

- **Traffic:**

- An increase in the number and/or length of duration of functions will inevitably lead to an increase in traffic.
- The roads, some being private, leading to Ashridge House from Berkhamsted and, in the other direction Little Gaddesden, are unlit, narrow, uneven and full of potholes. They have obviously not been designed for high volumes of traffic, which would inevitably be caused by an increase in public functions at EF Corporate Education Ltd. premises.
- The likely traffic levels, if this application is approved, would represent a danger to road users, residents and wildlife.

We understand that EF Corporation Education Ltd. would like to carry on with its existing functions to raise funds for the maintenance of the buildings and grounds, however we think the current licence agreed in consultation with neighbours in 2013, protects the interest of EF Corporation Ltd. and protects the very special environment of the area and yet ensures that suitable events can take place at Ashridge House.

Yours faithfully

16 June 2012

Dear Sir or Madam

I was extremely surprised and disappointed to see notification of the application by EF Corporate Education Ltd. for a new licence at Ashridge House. As a neighbour sharing boundaries along our respective gardens, I would have hoped to have received direct notification from one of the directors of EF Corporate Education Ltd. as a matter of courtesy. Instead I became aware of the application via a small notice stuck on a post, nearly hidden by undergrowth on the opposite side of the road to my driveway.

The existing licence dates back to June 2013. It is a licence the wording of which was agreed by the then applicant and representatives of the Little Gaddesden Parish Council as well as neighbours who were impacted by the intended and unintended consequences of such a licence. I made representations to the Licencing Board, as did a representative of the Little Gaddesden Parish Council, on 18 June 2013. Given that Ashridge House is still being used under the original lease to house an educational facility, I fail to see how circumstances have changed to justify altering the current licence both in operating hours and geographic area.

Accordingly I am writing to formally register my objections to the current application as follows:

1. As our home directly borders Ashridge House land, I am writing in respect of the above application to register our objections to the extension of current operating hours on the grounds that it is wholly inappropriate for EF Corporate Education Ltd. to be granted an extension to the current licence, given that the applicant's primary purpose is as an educational institution.
2. The wording in the application to extend the areas of site used for entertainment is extremely wide reaching with no limit to the length, size, frequency and importantly type of function. Events could therefore last in excess of 24 hours, such as a music festival or other major commercial event – potentially serving alcohol and with continuous activity. We are therefore objecting to the extension of the areas of site used for entertainment on the following grounds:

• **Noise:**

- Sustained activity and loud noise will adversely impact all residents neighbouring Ashridge House and cause a nuisance. Even under the current licence, we can hear the noise from parties, film nights and other events that take place in the limited area of the current licence.
- This is a rural area designated as one of outstanding natural beauty, surrounded by National Trust woodland and farmland and is therefore an amenity for very many people, not just local residents. The intrusion of noise, traffic and activity by large, lengthy functions, such as those which would be permitted by approval of the application, would severely alter the nature of the area which is generally quiet and tranquil – rather uniquely for an area so close to Greater London. Noise carries very easily in areas that are not built up, such as Ashridge Park, and an outdoor event with music, even if in a marquee, would be a jarring intrusion and cause a nuisance.
- The extensive wildlife currently enjoying peaceful seclusion would be adversely impacted by loud sustained noise, traffic and human activity.

- **Traffic:**

- An increase in the number and/or length of duration of functions will inevitably lead to an increase in traffic.
- The roads, some being private, leading to Ashridge House from Berkhamsted and, in the other direction Little Gaddesden, are unlit, narrow, uneven and full of potholes. They have obviously not been designed for high volumes of traffic, which would inevitably be caused by an increase in public functions at EF Corporate Education Ltd. premises.
- The likely traffic levels, if this application is approved, would represent a danger to road users, residents and wildlife.

I understand that EF Corporation Education Ltd. would like to carry on with its existing functions to raise funds for the maintenance of the buildings and grounds, however I think the current licence agreed in consultation with neighbours in 2013, protects the interest of EF Corporation Ltd. and protects the very special environment of the area and yet ensures that suitable events can take place at Ashridge House.

Yours faithfully

**Annex C10**

Representation to Dacorum Licensing regarding request from Ashridge Hult to change it's current licensing restrictions.

I am especially concerned regarding the removal of the unamplified restriction on the performance of both recorded and live music outdoors, allowing it to be amplified and the lifting of restrictions on the sale of alcohol within the premises.

Little Gaddesden is a small village in an area of Outstanding Natural Beauty and has many SSI's. This request by Ashridge Hult is totally out of keeping with the area and will have a huge impact on the lives of the residents of the village, as housing is very close to the College grounds. It is totally unreasonable for a licence to be granted from 8 am to midnight, 7 days a week. Residents in the village need to be fit for their work. Many get up early, especially those who work in London. Allowing music to be amplified 7 days a week until midnight will make life intolerable and will affect the mental health of many village residents, myself included. I need a good nights' sleep to enable me to function at work, I cannot be kept awake until well after midnight, whilst noisy revellers take their time to drive home.

I have lived in this village since 1990. There have been several occasions when events at Ashridge have affected my quality of life, but knowing they were one-off and infrequent has been acceptable to me. However, the current proposition is totally antisocial and shows no respect or regard for the lives of the villages, who are neighbours of the college. It will be intolerable, especially on hot summer evenings when we need to keep windows open to cool our houses.

This is an area of Outstanding Natural Beauty and has many SSI's. There are numerous wild animals roaming through the village late at night, including large Red Deer. These will be put at risk by extra traffic and the possibility of road traffic accidents will be increased due to drivers from outside the area ignoring the warning signs and not keeping to the speed limits.

The increase in traffic (both during daytime and at night) would also be a danger to local residents and will be a public nuisance due to the extra pollution (fumes and noise). The roads through the village are not suitable for heavy traffic attracted by large outdoor events. The lanes are narrow without footpaths and are used by walkers, horse riders and cyclists (including children who cycle to school both within the village and to local Secondary Schools), as well local motorised traffic and farm vehicles.

There is also the increased risk of crime, both within the wooded areas and the village itself (poaching and house/outbuilding break-ins) and an increase in litter and debris (which has already happened during the COVID lockdown).

I request that my views are taken into account and the licence is not granted due to the detrimental effect it will have on the health and wellbeing of the village residents, some of whom have lived here all their lives!

Yours sincerely,

HP4

## **Annex D**

### **Local policy considerations and National Guidance**

#### **LOCAL POLICY**

##### **Public safety**

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

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

##### **Public nuisance**

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

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

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

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

## **Applications**

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

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

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

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

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

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

## **Licensing hours**

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

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

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

### **Licence conditions**

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

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

### **Film Classifications**

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

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

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

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

### **Outdoor events**

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

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

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

## **Other relevant considerations**

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

## **Live music, dance and theatre**

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

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

22.8. The licensing authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restriction on these events.

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

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

## **Fire safety**

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

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

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

be indicative of a more systemic management failure to promote the licensing objectives.

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

### **Planning and building control**

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

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

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

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

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

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

### **STATUTORY GUIDANCE**

#### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed

may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

### **Public safety**

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

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

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

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

### **Ensuring safe departure of those using the premises**

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

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

### **Safe capacities**

2.12 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down

conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

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

### **Public Nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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

## **Conditions attached to Premises Licences**

### **Proportionality**

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

### **Regulated Entertainment**

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

Recorded Music: no licence permission is required for:

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

### **Licence conditions**

#### **Live music or recorded music**

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.39 Chapter 9 of statutory guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed for live or recorded music activities will only apply if the

activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00. 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.