



# Licensing of Alcohol and Gambling Sub- Committee

**TUESDAY 10 MAY 2022 AT 10.30 AM**

**Conference Room 2 - 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 Bhinder

Councillor P Hearn (Chairman)

#### **Substitute Members:**

Councillors

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

## **AGENDA**

1. **MINUTES** (Pages 2 - 7)  
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. **PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003** (Pages 8 - 82)
5. **PROCEDURE OF THE HEARING** (Pages 83 - 84)

# Agenda Item 1

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## DACORUM BOROUGH COUNCIL

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

1 MARCH 2022

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Present –

#### MEMBERS:

Councillors: Hearn (Chairman), Bassadone and Sutton

#### OFFICERS:

Alex Kowalski	Trainee Solicitor
Phil Wortley	Licensing Officer
Sally McDonald	Lead Licensing Officer
Janet Hewitt	Corporate and Democratic Support Officer (Minutes)

#### OTHER PERSONS PRESENT:

Sgt Mike Saunders	Police
Vince Lampey	Police Licensing Officer
Paul Wright	Licensing Director for Stonegate Pubs
Richard Taylor	Goschalks Solicitors representing Stonegate Pubs

The meeting began at 10.30 am

#### 1. MINUTES

The Minutes of the previous meeting will be signed at the next meeting.

#### 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

#### 3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

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

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

Tudor Rose  
Long Chaulden  
Hemel Hempstead

HP1 2HU

Closure Order granted on 4 February 2022 until 25 February 2022.

The Chairman introduced everyone.

The Chairman asked if all legal requirements had been complied with. P. Wortley confirmed that they had. The Chairman asked P. Wortley to introduce the application.

This application had come before the Sub-Committee as a result of the Closure Order. On 21<sup>st</sup> January 2022 (Friday), P. Wortley, Security Industry Authority investigators and the Police visited the Tudor Rose regarding unlicensed door staff. When they arrived it was a shambles, there was nobody in charge, customers were helping themselves behind the bar, although one person said he was serving. They couldn't contact the DPS and nobody appeared to know who was doing what. They refused to provide details of names and addresses but the Police did manage to obtain some information. As a result it was decided that they would leave the Police presence through the evening and contact the Licence Holder on the Monday morning. P. Wortley contacted the Area Manager, Kate Halloway, and she explained that the Licence Holder had been given Notice to Quit the premises on 25<sup>th</sup> February and that they had done everything they could to try to get him out of the premises, as he hadn't paid rent, he was buying beer out and not from the brewery which was in breach of their conditions. The problem was that he was not named on the Licence as a DPS therefore there was very little the Licensing Team could do in respect of him and it was purely down to the Licence Holders. It was decided that they would remove the DPS from the Licence to prevent alcohol being sold and this was done via application to the Council on 1 February 2022. This meant that there was no DPS and legally no alcohol could be sold. On Tuesday evening there was a type of party, travellers arrived at the property and alcohol was being sold and because of this a Closure Order was applied for. Stonegate were aware of all parts of this investigation and on Friday 4 February the Closure Order was granted, the premises was boarded up, therefore no one could enter the premises except the owners and the Licence Holder. The tenant wouldn't speak with the Licensing Department and therefore they were unable to get any details from him. It did appear that he was walking away from the business. The reason it had to come before the Sub-Committee is because Licensing Act 2003 regulations state that it must be determined by the Licensing Committee within 28 days.

Councillor Sutton asked if the routine checks are carried out when officers are called out. P. Wortley replied that they do routine checks and this one was highlighted by the SIA.

Councillor Bassadone asked who the Security Industry Authority were and where did they operate from. P. Wortley replied that they were a Government led Department and they were set up to monitor door staff and other different people that work in the security industry. They have a main office in London but the investigators are placed all over the country. They have very few investigators and they cover a large area so for them to attend this particular premises they would have had concerns. Councillor Bassadone went on to ask whether local people had complained. P. Wortley advised that they had received intelligence that the particular person that was working the door had been involved in violence at the premises and he had assaulted someone quite badly which was why the Police, P. Wortley and SIA had attended but when they arrived there was no evidence of this person actually carrying out any enforcement of the door, however, it was apparent that he did have something to do with the premises because he was the only one that spoke to the Police and was fairly co-operative.

Councillor Bassadone continued and said that on page 16 of the agenda it stated that the date the Licence was issued was 5<sup>th</sup> July 2021, was this when this particular tenant who we

are not aware of actually took over and what was the significance of the date of 5<sup>th</sup> July 2021. P. Wortley explained that this was the date that the Designated Premises Supervisor was given permission to work at the premises and hold the authority to serve alcohol. Each time a Licence came up for a change the date changed. Councillor Bassadone mentioned that on page 21 it mentioned plans but that there was not room to attach a copy of these plans, and she felt it would have been useful to have been able see some kind of plan of the premises interior. P. Wortley explained that the plans are sent in and this would have been sent in in 2003/4 when the original application went in for the transfer of the premises licence. Usually they are kept on file and unless they changed throughout the life of the Licence they were not normally attached.

Councillor Hearn asked Sergeant Saunders to introduce the case for the Police.

Sergeant Saunders advised that P. Wortley had covered most of the details. There had been sporadic incidences throughout the last 8-10 months but on 1<sup>st</sup> of the month there was an anniversary of a death and that the travellers attended the premises and, because there was no licence in place, the Closure Order was applied for. On the evening of the Closure Notice there was one other person on the premises who was renting or it had been sub-let.

Sergeant Saunders reported that the Police advised of the Closure Notice and Closure Order to a person on the premises and requested that the information was forwarded to the DPS and that the case would be heard in Court on the Friday morning. If a Closure Order is signed by an Inspector they only have 24 hours to close the premises and the application has to be heard in Court within 48 hours. However on this occasion it was signed by a Superintendent. During this process the Police have been working with Stonegate who have been very supportive. The application for the Closure Notice was only for a short period and the premises were vacated completely.

Councillor Bassadone noted that the Police had been working with Stonegate and asked where did they operate from. Richard Taylor from Gosschalks Solicitors replied that Stonegate were the biggest pub company in the country and owned about 4500 pubs. There was a base in Birmingham and one in Luton.

Councillor Hearn asked R. Taylor to present their case. R. Taylor thanked Sergeant Saunders for acknowledging their support to the Police. EI Group Ltd. was part of the Stonegate pub company and Stonegate were the biggest pub company in the country and owned about 4500 pubs. The vast majority of these pubs were the subject of lease or tenancy agreements through which the tenant ran their own business out of the premises and payed rent and sometimes there were other purchasing obligations. EI/Stonegate sat in the place of the old brewery. This is what was happening at the Tudor Rose which was subject to a one year tenancy with a company known as Triple B Scaffolding and at the time that company took over the running of the pub Stonegate did all of the background and credit checks etc. When a DPS application for example was submitted, the Police and Licensing Authority do their checks too and there was nothing in June last year to suggest that this wouldn't be a successful operation. In this case, the tenant didn't pay the rent and didn't comply with the lease agreement and as a result of his failure to do this he was served with a Notice to Quit. This Notice to Quit expired in February. As a result of the information received at the end of January, steps were taken to force the closure of the pub and remove the Designated Premises Supervisor with the effect that alcohol sales were illegal but sales continued. The letters also stated that the Police and Licensing Authority were aware of this as a criminal offence. Unlawfully the event took place on 1<sup>st</sup> February. They went to the Magistrates on 4<sup>th</sup> February, and the Closure Order was issued, Stonegate staff went to the premises with the Police and the building was boarded up and the Police issued the necessary notices on the premises. The Closure Order only lasted until 25 February 2022. The tenants had already gone and the locks were changed. The next step is to seek a new

tenant and when they have been found they will speak to the Police and introduce the new tenant.

Councillor Hearn asked when was the last time the tenant had paid his rent.

R. Taylor advised that they had not received any rent from him. Councillor Hearn asked if this was not a warning sign. R. Taylor explained that there are payments up front but as far as he was aware there had never been any payments and he had not fulfilled the purchasing obligations. The lease required certain drinks to be purchased through the company.

Councillor Bassadone asked with regard to the tenant, what was the previous record that was checked.

R. Taylor replied that he was unable to answer that question but he could find out if it would help. However, he did say that they didn't just let people into premises without any experience of running the business. There is always someone new to the business so they ask the potential tenant to attend a number of training courses.

Councillor Bassadone said it was now about what was the best way forward and looking for a new tenant. R. Taylor replied that they were looking for a new tenant for a very difficult industry to be in at the moment but they would not rush into anything and suspected that it may take some time, and there were also repairs to be carried out.

Councillor Hearn thought that it sounded like there would be quite a lot of work needed inside the premises. P. Wright replied that the premises have been closed for a period of time and there will be some dilapidation to be taken care of.

Councillor Sutton asked how confident they were that they would be able to get a new tenant to be able to handle difficult customers/situation such as this case. R. Taylor replied that is the company had a lot of experience at looking for the right people and fortunately this sort of situation did not happen very often.

Councillor Hearn asked R. Taylor to sum up.

R. Taylor said that this was a very odd case in that everyone was "singing from the same hymn sheet" and in a review case where no one is asking for any steps to be taken. Any decision needed to be evidence based. The evidence here was clear and it was the "bad apple" where action needed to be directed. The tenant had already been removed and looking at the options, no one is seeking, revocation or suspension of the premises licence or seeking to change the conditions or hours, and one thing that you would normally see in proceedings like these was the removal of the DPS but this had been done. Therefore this was a very unusual case in which you can look at what has been done and determine to do nothing because it had already been done. The evidence that they have is that the Tudor Rose had never had a problem until this last tenant. Stonegate was a professional pub company which the Police had confidence working with and which had supported the Police all the way through and would continue to do so.

Councillor Hearn thanked everyone.

A Kowalski wished to clarify the position with regard to the steps for the Sub-Committee because there were three recommendations in the report but the legislation was clear in that there were five steps available and it wasn't mentioned about the suspension or removal of the DPS and excluding licensable activity so there were a couple of other options.

R. Taylor advised that from a legal perspective these steps were all discretionary and there was a sixth option of doing nothing.

Councillor Hearn asked everyone to leave whilst the Committee considered their decision.

The meeting ended at 11.10 am

**Decision:**

When determining a review of a premises licence (under section 167 of the Licensing Act 2003), the Sub-Committee must, having regard to the closure order and any relevant representations made, take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives.

Steps considered:

- (a) modify the conditions of the premises licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor from the licence;
- (d) suspend the licence for a period not exceeding three months; or
- (e) revoke the licence

The Sub-Committee has decided to not to take any of the above steps and therefore to allow the premises licence to continue in its current format.

The Sub-Committee notes that whilst the closure order confirms that there was crime and/or disorder at the Premises, this was done so under the occupation and control of the Tenant who has now vacated the Premises. The Sub-Committee further notes that there were no representations from responsible authorities.

The Sub-Committee is satisfied that the premises licence holder had co-operated with the police and the Licencing Authority to promote the licensing objective of preventing crime and disorder. The premises licence holder had terminated the lease with the Tenant, removed the Designated Premises Supervisor from the premises licence to prevent the sale of alcohol at the Premises and supported the closure order. The Tenant had also not paid any rent under the lease to the premises licence holder (Ei Group Ltd) and breached further covenants including purchasing obligations with the Stonegate Group.

The Sub-Committee notes that the premises licence holder has confirmed that it will now look to seek a new tenant for the Premises and will liaise with the police to ensure the new tenant is suitable and carry out the necessary due-diligence checks accordingly and continue to co-operate with all responsible authorities. The premises licence holder shall also carry out a refurbishment of the Premises and has given assurances to the Sub-Committee as to the future running of the Premises.

The Sub-Committee confirms that the Licensing Authority has statutory responsibilities under the Licensing Act 2003 to review the premises licence, at the request of a responsible

authority or any other person, should there be relevant grounds concerning one or more of the licensing objectives in the future.

**Appeal:**

A right of appeal is conferred by the Licensing Act 2003. The time within which any such appeal may be brought to a magistrates' court shall be 21 days from the date on which you were notified by the Licensing Authority of this decision.

**Costs:**

If an appeal is lodged and the appellant is successful in their appeal, it is the intention of the Licensing Authority to resist any application for costs.

If an appeal is lodged and the appellant is unsuccessful in their appeal, it is the intention of the Licensing Authority to apply for full costs to be awarded to the Licensing Authority in respect of the appeal.

# Agenda Item 4



## AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	10 May 2022
PART:	I
If Part II, reason:	-

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



Background papers:	Licensing Act 2003, and associated regulations <a href="#">DBC Statement of Licensing Policy 2021-2026</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (Home Office, April 2018)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

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

## 2. Applications

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

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

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

- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
  - 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
  - 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
  - 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
  - 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
  - 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

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

- 4.1. While considering an application for the variation of an existing licence, only the proposed variation may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.

4.2. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the licence (by way of alteration, omission or addition);
- (b) reject the whole or part of the application.

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

## 5. Details of application

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

Appendix	Premises name / address	Type of application
A	Ye Olde Red Lion	S.34 application to vary the premises licence

## APPENDIX A

<b>Applicants name</b>	Mr Brian Eccles and Mrs Marion Eccles
<b>Name and address of premises</b>	Ye Olde Red Lion London Road Hemel Hempstead Hertfordshire HP3 9TD
<b>Ward</b>	Kings Langley

### 1. **Current Licence**

- 1.1 The premises licence has been in place since 24 November 2005, and there have been no changes to the holders of the licence, timings or operating conditions since that time.
- 1.2 A copy of the premises licence showing the current operating hours for authorised activity is set out at Annex A.
- 1.3 A Noise Abatement Notice was applied to the outside area of this premises in July 2019 that is still in effect, following noise nuisance issues in the garden area.

### 2. **Application**

- 2.1 The application seeks to vary the premises licence as follows:
  - a) To extend the terminal hour for the sale of alcohol on Fridays and Saturdays to 02:00 the following day and 23:00 on Sundays;
  - b) To extend the terminal hour for live and recorded music on Friday and Saturday to 02:00 the following day.
  - c) To extend the opening hours to allow the premises to open daily from 08:00 for breakfast, coffee and tea etc; and to close on Friday and Saturday 02:30 hours on Sunday at 23:30.
  - d) To extend the start time for the sale of alcohol on Sunday to 11:00.
  - e) To extend the timings of the existing non-standard timings for all licensable hours, and add a new non-standard timing for all licensable activities and opening hours as per the details on the application; and
  - f) To remove certain existing conditions currently set out in Annex 2 of the premises licence and add new conditions.

The full variation application is attached at Annex B.

A map of the area around the premises is attached at Annex C.

### 3. **Details of Representation**

- 3.1 The following responses have been received from the Responsible Authorities  
Police – representation received  
Fire Officer – no representations  
Environmental and Community Protection (noise) – representation received  
Planning – no representations

NHS – no representations  
Licensing – no representations  
Children’s Board – no representations

- 3.2 22 representations have been received from residents living or owning property in the vicinity, Kings Langley Parish Council, Cllr Anderson, Kings Langley ward councillor, Hertfordshire Constabulary and Environmental and Community Protection at Dacorum Borough Council . Twenty representations relate to the potential for noise and disturbance to the surrounding residential areas should the extension of hours be agreed, and two representations are in support of the application as a whole.

Copies of all representations are set out in the order they were received at Annex D.

**4. Observations**

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

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

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

- 4.2 Relevant sections of Local Police and Statutory guidance are set out at Annex E



Licensing Act 2003  
**Premises Licence**

Premises Licence Number:

**DAC 7979**

Version reference:

**051423**

Date issued:

**28 October 2020**

**Part 1 – Premises Details**

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

Ye Olde Red Lion  
London Road  
Hemel Hempstead  
Hertfordshire  
HP3 9TD

Telephone number            01923 262538

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Performance of live music  
Playing of recorded music  
Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

**Performance of live music**

Indoors and outdoors

Monday to Sunday            12.00 until 23.30

Amplified and/or unamplified live music. Outdoor music planned for late spring and summer - weather dependent.

Christmas Eve, Boxing Day if they fall on a Sunday and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday to cease by 23.30.

To reflect existing New Years Eve/ Day hours.

**The times the licence authorises the carrying out of licensable activities****Playing of recorded music**

Indoors and outdoors

Monday to Thursday	11.00 until 23.30
Friday and Saturday	11.00 until 00.30
Sunday	12.00 until 23.00

Amplified recorded music ancillary to hours open to the public  
Outdoor music planned for late spring and summer - weather dependent.

To extend until 00.30 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday.

To reflect existing New Years Eve/Day hours.

**Sale by retail of alcohol**

for consumption both on and off the premises

Monday to Thursday	11.00 until 23.00
Friday and Saturday	11.00 until 00.00
Sunday	12.00 until 22.30

To extend until 00.00 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday.

To reflect existing New Year's Eve/Day hours.

**The opening hours of the premises**

Monday to Thursday	11.00 until 23.30
Friday and Saturday	11.00 until 00.30
Sundays	12.00 until 23.00

To extend until 00.30 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday.

To reflect existing New Year's Eve/Day hours.

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

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

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Brian Eccles 14 Jordans Way Bricket Wood Hertfordshire AL2 3SL  Telephone number: XXXXXXXXXXXX Email address: XXXXXXXXXXXXXXXX
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<b>Registered number of holder, for example company number, charity number (where applicable)</b> N/A
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<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</b> XXXXXXXXXXXX XXXXXXXXXXXX  Telephone number: XXXXXXXXXXXX
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<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:</b> Licence number: XXXXXXXXXXXX Issuing authority: XXXXXXXXXXXX
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Signed:



Nathan March – Licensing Team Leader

Date issued:

28 October 2020

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

**NOTES**

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

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



## Annex 1: Mandatory Conditions

### Condition A1.

No supply of alcohol may be made under this licence:

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

### Condition A2.

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

### Condition A3.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### Condition A4.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Condition A5.**

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

**Condition A6.**

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Condition A7.**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:—
  - (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

**Condition A5.**

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

**Condition A6.**

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) ~~where~~ a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Condition A7.**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:—
  - (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

## Annex 2: Conditions consistent with the Operating Schedule

### 1. GENERAL

1.1. In order to further the licensing objectives the licensee shall reserve the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of the individuals on the premises to use exits or escape routes without impediment.

1.2. The outside of the premises shall be well lit.

### 2. THE PREVENTION OF CRIME AND DISORDER

2.1. The CCTV system shall be well maintained.

2.2. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol shall be required to produce proof of age (driving licence/passport)

### 3. PUBLIC SAFETY

3.1. Fire alarm shall be maintained.

3.2. All fire extinguishers and emergency lighting shall be regularly maintained.

### 4. THE PREVENTION OF PUBLIC NUISANCE

4.1. Windows and doors (save for entrance and exit purposes) shall be kept shut when amplified musical entertainment is provided.

4.2. Prominent signs shall be displayed at exits asking customers to leave quietly.

### 5. THE PROTECTION OF CHILDREN FROM HARM

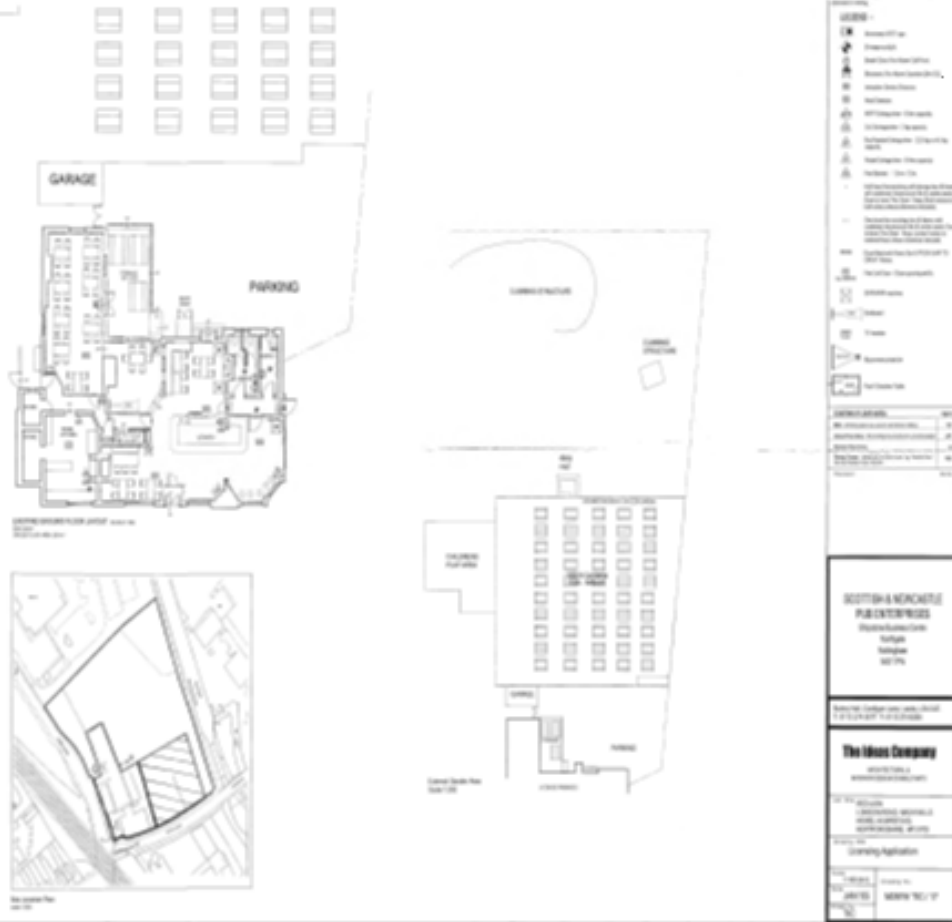
5.1. Operation policy at the premises shall comply with the Portman Group's Code of Practice.

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

N/A

**Annex 4: Plans**



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

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

WE Mr Brian Eccles & Mrs Marion Eccles  
*(Insert name(s) of applicant)*

**Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.**

<b>Premises Licence Number</b> DAC 007979
--

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Ye Olde Red Lion London Road Nash Mills			
<b>Post Town</b>	Hemel Hempstead	<b>Postcode</b>	HP3 9TD

Telephone number at premises	01923 262538
Non-domestic rateable value of premises	£15,000.00

**Part 2 - Applicant Details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	14 Jordans Way Bricket Wood		
<b>Post Town</b>	St Albans	<b>Postcode</b>	AL2 3SL

**Part 3 - Variation**

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

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

**Please describe briefly the nature of the proposed variation (please read guidance note 1)**

The application proposes to –

1. Extend the terminal hour for the sale of alcohol on Friday and Saturday to 02:00 hours the following day, and on Sunday to 23:00 hours
2. Extend the terminal hour for live and recorded music on Friday and Saturday to 02:00 hours the following day
3. Extend the opening hours to allow the premises to open daily from 08:00 hours for breakfast, coffee and tea etc; and to close on Friday and Saturday at 02:30 hours the following day, and on Sunday at 23:30 hours
4. Extend the start time for the sale of alcohol on Sunday to 11:00 hours
5. Extend the timings of the existing non-standard timings for all licensable activities and opening hours, and add a new non-standard timing for all licensable activities and opening hours
6. Remove certain existing Annex 2 conditions and add new conditions

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



#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick yes

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

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

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

In all cases complete boxes K, L and M

**A**

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

**B**

<b>Films</b>			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

C

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

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 8)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 6)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	No Change	No Change	<b><u>Please give further details here</u></b> (please read guidance note 5) As existing		
Tue	No Change	No Change			
Wed	No Change	No Change	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 6)		
Thur	No Change	No Change			
Fri	No Change	02:00	<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7) To extend until 02:00 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday As existing for New Year's Eve – 11:00 hours until 23:00 hours New Year's Day An additional hour to the standard and non-standard times on the day when British Summertime commences.		
Sat	No Change	02:00			
Sun	No Change	No Change			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	No Change	No Change	As existing		
Tue	No Change	No Change			
Wed	No Change	No Change	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 6)		
Thur	No Change	No Change			
Fri	No Change	02:00			
Sat	No Change	02:00	To extend until 02:00 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday		
Sun	No Change	No Change			
			As existing for New Year's Eve – 11:00 hours until 23:00 hours New Year's Day		
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	.....				
Tue	.....		<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Wed	.....				
Thur	.....		<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri	.....				
Sat	.....				
Sun	.....				



H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	.....	.....			
Tue	.....	.....	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Wed	.....	.....			
Thur	.....	.....	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri	.....	.....			
Sat	.....	.....			
Sun	.....	.....			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b><u>Will the supply of alcohol be for consumption (Please tick box)</u></b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon	No Change	No Change			
Tue	No Change	No Change			
Wed	No Change	No Change			
Thur	No Change	No Change			
Fri	No Change	02:00			
Sat	No Change	02:00			
Sun	11:00	23:00	<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)  To extend until 02:00 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday  As existing for New Year's Eve – 11:00 hours until 23:00 hours New Year's Day  An additional hour to the standard and non-standard times on the day when British Summertime commences.		

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> (please read guidance note 10)</p> <p>NONE</p>
---

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	No Change	
Tue	08:00	No Change	
Wed	08:00	No Change	
Thur	08:00	No Change	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	23:30	
			<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> (please read guidance note 7)</p> <p>To extend until 02:30 on Christmas Eve, Boxing Day and any Sunday preceding every May Bank Holiday, Spring/Whitsun Bank Holiday, Easter Bank Holiday and every August Bank Holiday</p> <p>As existing for New Year's Eve – 11:00 hours until 23:00 hours New Year's Day</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>

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

We seek to remove the following conditions currently imposed on the licence as these are now either outdated or covered by other primary legislation, and replace with updated & appropriate conditions.

General statement of licensing objectives

- 1) In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of the individuals on the premises to use exits or escape routes without impediment
- 2) The outside of the premises is well lit

The prevention of crime and disorder

- 2) Anyone who appears to be under the age 18 and who is attempting to buy alcohol will be required to produce proof of age (driving licence/passport)

Public safety

- 1) Existing fire alarm to be maintained
- 2) All fire extinguishers and emergency lighting to be regularly maintained

The prevention of public nuisance

- 1) Windows and doors (save for entrance and exit purposes) will be kept shut when amplified musical entertainment is provided
- 2) Prominent signs will be displayed at exits asking customers to leave quietly

The protection of children from harm

- 1) Compliance with the Portman Group's Code of Practice

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

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

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

*[The information provided in this box is solely for information only and not intended to be converted into conditions on the Premises Licence]*

Given the changes proposed, we have carefully considered the application, the effect on the licensing objectives and the council's licensing policy. The purpose for seeking later hours would allow the customers to continue their night in a safe and comfortable environment and give the premises slightly more flexibility around trading. The proposed extension to hours for Sunday is to place these timings in line with the current permitted timings on Monday to Thursday.

The application also proposes to extend the opening hours to 8am daily for breakfast, coffee and tea etc. The extension to the existing non-standard timings for the sale of alcohol and opening hours is again to provide flexibility. The additional hour to the standard and non-standard times on the day when British Summertime commences would allow the premises to remain open and trade legally when the clocks change automatically from 01:00 on the Sunday morning to 02:00.

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

As per existing CCTV condition

**c) Public safety**

*Please see box a) above. We understand our obligations under existing legislation and take our responsibilities seriously.*

**d) The prevention of public nuisance**

- 1) When regulated entertainment, in the form of live or recorded music, takes place all external doors and windows shall be kept closed, except for access/egress and in case of an emergency
- 2) Notices shall be prominently displayed at public exits asking customers to leave the premises and area quietly

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

*Please see box a) above. We understand our obligations under existing legislation and take our responsibilities seriously.*

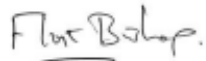
**Checklist:** **Please tick to indicate agreement**

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

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

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

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

Signature	
Date	18/03/2022
Capacity	Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>	
George Domleo Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	01332 340 211
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> george.domleo@flintbishop.co.uk	

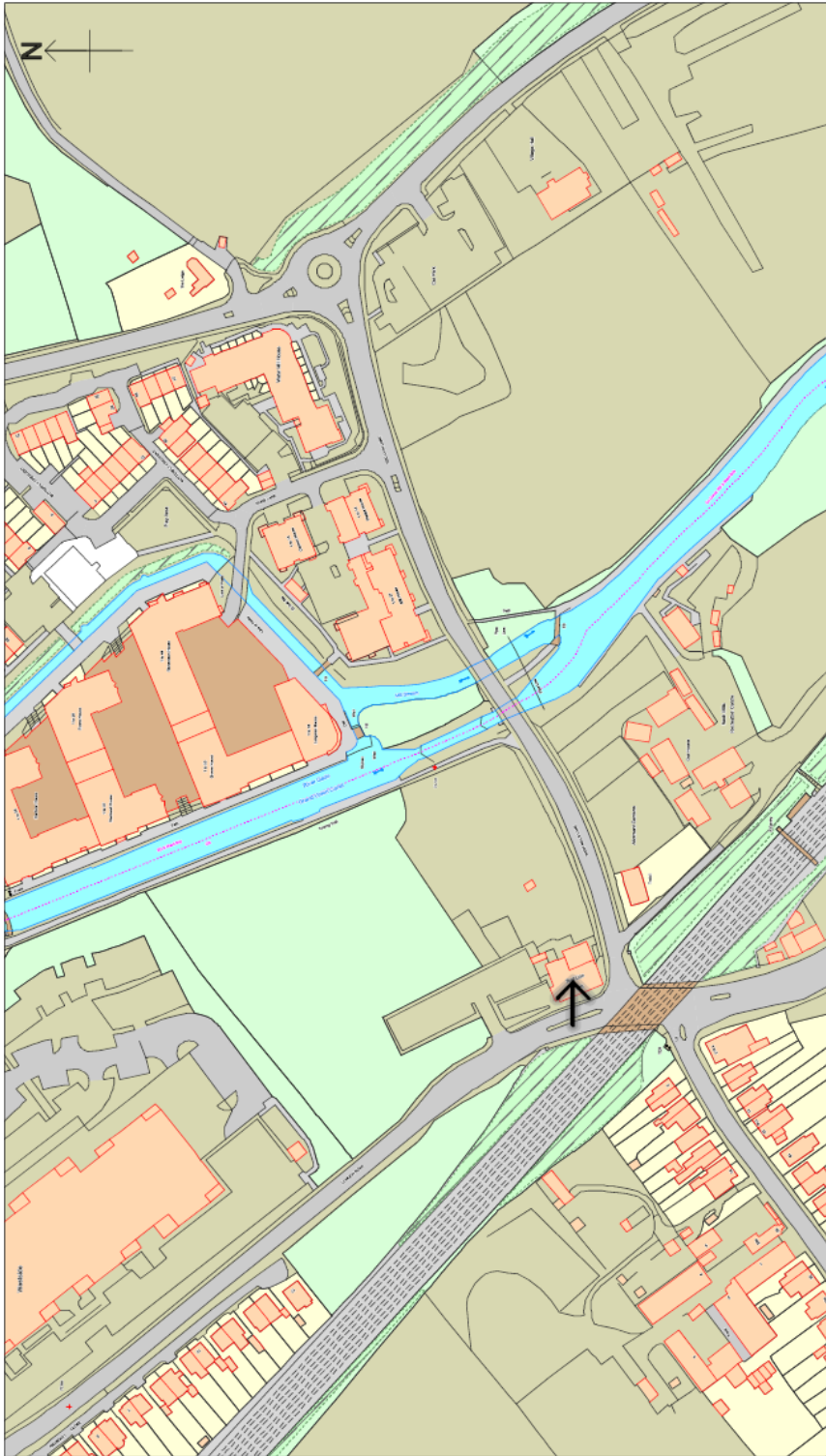
#### Notes for Guidance

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

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



**ANNEX C  
LOCATION OF PREMISES**



Scale: 1:2204  
Date: 22/04/2022

INTERNAL USE ONLY

**ANNEX D  
REPRESENTATIONS**

**ANNEX D1**

**From:** Becky Prescott <Becky.Prescott@dacorum.gov.uk>

**Sent:** 01 April 2022 16:34

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

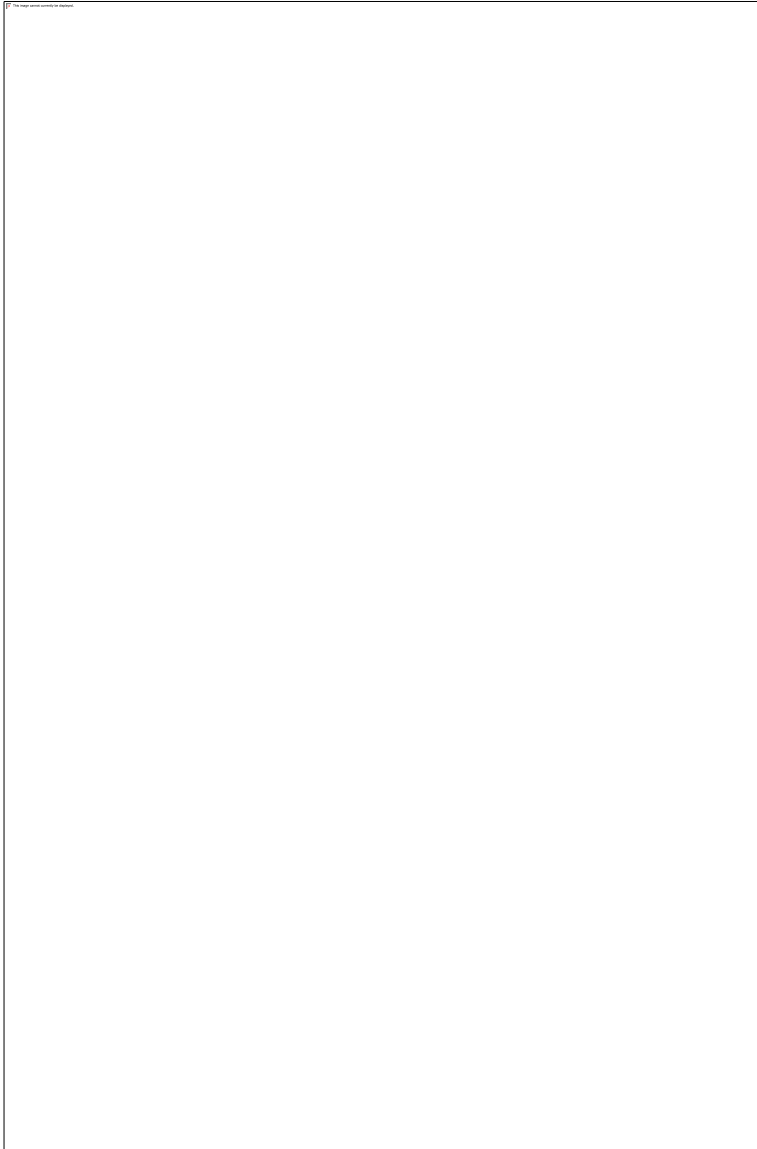
**Subject:** FW: [M054062] Licensing Act 2003 - LA2003 s.34: Premises licence - Full Variation  
application - Ye Olde Red Lion

Good afternoon,

With reference to the above application Environmental Health have concerns around the  
ability of the premises to abide to the following objectives below:

- 'Prevention of public nuisance'

Specifically in regards to the below conditions/activities:



In order to support the premises we proposed that they discuss any potential change to these license conditions informally with us, prior to submission. It appears they decided to not do this and opted to submit.

The premises already has a noise abatement notice in place and was served under the Environmental Protection Act 1990 due to the inability to control a noise nuisance from occurring in the garden areas of the licensable premises. This notice is still in effect and limits the noise in the garden areas. Allowing music to extend beyond this would undermine the notice in place against the premise and landlords. If the application is granted this is likely to cause this nuisance to again recur and potentially worsen in terms of impact on the local residential community.

With regards to the indoor music we could allow this in theory, but in terms of mitigation would advise as a proactive measure the installation of a 'cut-off' noise limiting device by installed by a qualified professional. This device shall be attached to the power supplies provided to stage/amplification/DJ areas.

If the applicants are willing to discuss this further with Environmental Health and agree to the proposed concerns then Environmental Health will not object to the application provided it is amended. If the applicant is not willing to discuss further then Environmental Health will officially object to the application as per the required process.

Kind regards

**Becky Prescott**  
**Trainee Environmental Health Officer**  
**Dacorum Borough Council**

01442 228306 (ext.2306)  
[becky.prescott@dacorum.gov.uk](mailto:becky.prescott@dacorum.gov.uk)  
The Forum | Marlowes | Hemel Hempstead | HP1 1DN

**From:** Alan Anderson <Alan.Anderson@dacorum.gov.uk>

**Sent:** 05 April 2022 13:03

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

**Cc:** RLicensingDacorum@herts.pnn.police.uk; mike.saunders@herts.pnn.police.uk;

carol.muir@herts.pnn.police.uk; vincent.lampey@herts.pnn.police.uk;

administration.cfs@hertfordshire.gov.uk; alcohol@homeoffice.gsi.gov.uk;

publichealth@hertfordshire.gov.uk; ECP TENS <ecp.tens@dacorum.gov.uk>; Planning Mailbox

<Planning@dacorum.gov.uk>; tradingstandards@hertfordshire.gov.uk;

admin.lscb@hertfordshire.gov.uk; Alan Johnson <Alan.Johnson@dacorum.gov.uk>; Kingslangley Klpc

External <klpc@kingslangley-pc.gov.uk>; Jan Maddern <Jan.Maddern@dacorum.gov.uk>

**Subject:** RE: [M054062] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Ye Olde Red Lion

I like to, and have, supported the Ye Olde Red Lion public house on occasions over the years, but I have to object formally and specifically to the parts of this licence application that relate to the hours permitted for either kind of music being extended to 02:00 the following morning, with respect to the effect on public nuisance.

The venue is inconspicuously located in a residential location, as the noise created at the venue:

- Is channelled under the adjacent railway flyover bridge to the properties at the bottom of Rucklers Lane.
- Passes over the same bridge and is channelled up the chalk tributary valley of Rucklers Lane, with the noise travelling for over half a mile.
- Is not interrupted as it passes over the canal to the large residential redevelopment of the Sappi site.

Over the years, there have been many instances, particularly at bank holiday weekends, of music being played at wholly excessive levels, culminating in the recent serving of a noise abatement order, which the licensees were going to challenge in court but withdrew just as the case was due to be heard.

Meanwhile, in recent years, there has been extensive development to the rear of the public house to provide further enclosed and garden spaces for additional entertainment. Whilst the application offers conditions to restrict the music to the enclosed public house, claiming that all windows and doors would be shut, this is not a deliverable condition during the Summer months, and the developed area at the rear is not so developed that it could limit the noise generated.

I am, on behalf of the constituents of Rucklers Lane, with Cllr Maddern's forbearance on behalf of the constituents of the neighbouring ward of Nash Mills, and on behalf of myself as a local resident of Rucklers Lane, quite fearful about the impact of extending the existing noise levels to 2am in the morning, and so appeal to the Licensing Authority to refuse permission in this particular respect.

I would also have to question the claim that extending opening hours for the sale of alcohol to 02:00 in the morning involves modern standards for opening hours, as that would relate to modern clubs in town centre locations, not traditional public houses in residential locations, and extending the length of opening could have a knock-on impact on the noise generated.

Regards,

Councillor Alan Anderson,

Kings Langley Ward, Dacorum Borough Council,

Leaside, Rucklers Lane, Kings Langley, Herts WD4 9NQ.

**From:** KLPC <klpc@kingslangley-pc.gov.uk>  
**Sent:** 07 April 2022 11:39  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Cc:** \*\*\*\*\* Alan Johnson <Alan.Johnson@dacorum.gov.uk>; Alan Anderson <Alan.Anderson@dacorum.gov.uk>  
**Subject:** RE: [M054062] Licensing Act 2003 – LA2003 s.34: Premises licence - Full Variation application – Ye Olde Red Lion

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Hello Wendy

At its meeting on 5<sup>th</sup> April 2022, the Council agreed to submit the following in respect to this application:

The Council objects to the parts of this application specifically relating to extending the hours permitted for either kind of music to 02:00 the following morning, and outside, with respect to the effect on public nuisance. The noise from the premises already has a long-ranging impact, and this application, if approved, would exacerbate the issue.

Regards

Paul Dunham  
Clerk to the Council  
01923 261 828

Kings Langley Parish Council  
Charter Court  
Vicarage Lane  
Kings Langley  
WD4 9HR



HERTFORDSHIRE

CONSTABULARY



.....Licensing Authority

.....Licensing Act 2003

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority: Hertfordshire Constabulary

<b>Your Name</b>	Mike SAUNDERS 795	
<b>Job Title</b>	Community Safety Unit Sergeant	
<b>Postal and email address</b>	Hemel Hempstead Police Station Combe Street Hemel Hempstead HP1 1HL Mike SAUNDERS 795 SAUNDERS, Mike 795 & 4219 <a href="mailto:Mike.Saunders@herts.police.uk">Mike.Saunders@herts.police.uk</a>	
<b>Contact telephone number</b>	01442 271603 / 07590 441597	
<b>Name of the premises you are making a representation about</b>	Ye Olde Red Lion	
<b>Address of the premises you are making a representation about</b>	58 London Road Nash Mills Hemel Hempstead HP3 9TD	
<b>Which of the four licensing Objectives does your representation relate to?</b>	Yes Or No	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
To prevent crime and disorder	Yes	There have been a number of crime and disorder issues with this premises dating back to 2017 that included allegations of under-age drinking and disorder and I believe there has been little change in the management team at the premises since then. In May 2018 there was a "Garage Night" at the premises which required police attendance as there was an allegation that someone had been bottled by somebody well known to the police. Whilst there a police vehicle was found to be covered in beer, spit and dirty footprints, and a damaged Ariel and internal light where it was jumped on from the roof. These same officers noticed patrons that they knew to be under-age and also remarked that there was a strong smell of cannabis. The main issue here was the lack of security and far too many patrons on the premises. It has been recorded that by an attending officer, that the "landlady" stated that she would lock up, regardless of how many people were still in the garden and find people still there in the morning fast asleep. On the back of this, the police Licensing Officer at the time, issued an action plan to the premises (see attached).

		<p>On 27<sup>th</sup> July 2019, a music event held at the premises was monitored by DBC EHO and the noise levels found to be a statutory nuisance and were subsequently issued with an Abatement Notice (see attached). ¶</p> <p>A similar type of event scheduled for the premises had to be relocated to another venue in St Albans. ¶</p> <p>In July 2020, during the pandemic, visits by the police and DBC were made to the premises due to reports of Covid Non-compliance. Advice was given and a follow-up letter sent (see attached). ¶</p> <p>In Apr 2021 another visit to the premises by DBC Licensing whereby advice was needed to be given due to actual and proposed Covid non-compliance. ¶</p> <p>¶</p> <p>Further incidents of note (also see attached): ¶</p> <p>Drunken Behaviour 16/05/2021 01:08—Ref HC-0040. 15-20 males pushing staff, they refusing to leave, started on 2 separate tables now all grouped together—Police attended 01:16, very drunk persons, all parties removed, left by taxi, no allegations of offences made. ¶</p> <p>Fight in Progress 11/09/2021 17:31—Ref HC—0619. Fight between landlord and customers, group of banned youths (in early 20s) asked to leave, then a fight has started, some had glasses, used as weapons, recovered by staff—Police attended 17:36, males had left, 3 ABHs, unsupported. ¶</p> <p>Violence against person 24/12/2021 23:49—Ref HC-0706. Fighting everyone, a group of 6-7 people, just hit a women in the face, they just hit Inft, Inft states they are Travellers, Inft states that everyone is still on scene, Inft refusing to provide his details, he does sound intoxicated, but says he is staff, Inft states they're now smashing the pub up, using anything they can pick up as weapons, hitting people over the head, Inft is quite hysterical—Police attended 23:59, people are trying to leave, one making off across the field, one detained, fight between a group of Travellers and another group, there are multiple offences, this is likely to have been caught on CCTV, two detained for ABH and Criminal Damage. ¶</p> <p>In Jan 2022, police received a report, by a patron who had just been at the premises, of drug dealing and taking at the premises (see attached). A couple of people were identified as dealing, one of whom were found at the premises around ten days later by police carrying out licensing checks but had no concerns at that time regarding this male. ¶</p> <p>I have attended the premises on numerous occasions before and during Covid, whereby I have noticed an abiding smell of cannabis, drunkenness and a very young crowd in the garden area. I have conducted some ID checks on patrons but found none to be underage during my visits. ¶</p> <p>▪</p>
Public safety	Y	See above
To prevent public nuisance	Y	See above ¶ ¶ ▪
To protect children from	...	See above

harm

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<ol style="list-style-type: none"><li>1. Any extraordinary events outside of the current licensing hours be covered by a TEN</li><li>2. Hours open to the public: Mon to Thu 0800 - 2300, Fri and Sat 0800 - 2359, Sun 0800 - 2300</li><li>3. Supply of alcohol: Mon to Thu 1100 - 2300, Fri and Sat 1100 - 2359, Sun 1100 - 2300</li><li>4. Recorded music: Mon to Thu 1100 - 2300, Fri and Sat 1100 - 2359, Sun 1200 - 2300</li><li>5. Live music: Mon to Thu 1200 - 2300, Fri and Sat 1200 - 2359, Sun 1200 - 2300</li></ol>
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Signed: Mike Saunders → → → .....Date: 13/04/2022





HERTFORDSHIRE  
CONSTABULARY

Mr & Mrs B.W Eccles  
c/o THE OLDE RED LION,  
London Road  
Nash Mills  
Hemel Hempstead  
Herts  
HP3 9TD

Date: 22<sup>nd</sup> May 2018  
Our Ref: Red Lion/17/5  
Your Ref: X  
Contact: Mike Ward 7558  
Tel No: 01442 271601  
Email: Michael.ward2@herts.pnn.police.uk

Dear Mr & Mrs Eccles

**Licensing Act 2003**

**Premises: Ye Olde Red Lion, Hemel Hempstead**

Thank you for the meeting on the 17<sup>th</sup> May and as a result I am now writing to confirm the points discussed. The meeting was arranged to resolve concerns arising from three incidents that have occurred at the premises between 2<sup>nd</sup> March & 4<sup>th</sup> May 2018.

Just to refresh, the incident on 2<sup>nd</sup> March was reported to police at 8.22pm as a fight involving 4/5 males where glasses were being thrown at windows. Police officers attended and established that the persons involved had left the premises, they were subsequently stopped and spoken to resulting in one person being issued with a fixed penalty notice for causing criminal damage to your property. It was highlighted by the officers that the CCTV system for the premises was outdated and had not captured images of the incident.

On 20<sup>th</sup> April at 9.53pm police received a report of underage drinking taking place in the rear garden of the public house. The informant stated that a number of under 18's were openly consuming alcohol and using controlled drugs with no apparent intervention from staff. Police did not attend this report as information suggested that the persons concerned left the premises.

On 4<sup>th</sup> May at 11.41pm police attended a report of a serious assault having taken place. On their arrival they became aware of a large number of under 18's, some known to them, openly drinking in the garden, there was also a strong smell of cannabis. Officers captured images of their findings on body worn cameras. It was also apparent that there was a lack of security personnel policing the premises and garden. In addition a police vehicle was damaged but again there was no CCTV available to identify the offenders.

At the conclusion of our meeting on 24<sup>th</sup> April it was agreed that your CCTV system had to be upgraded as a matter of urgency and it should be fit for purpose, covering the garden and car park as well as internal bar areas. I advised that the types of events you are offering are specifically intended for a younger audience and as such there is a greater possibility of incidents of underage drinking and drug abuse taking place. As a result, although staff are pro-actively applying your 'Challenge 25' policy, they are unable to police the site efficiently. This is exacerbated by there being only one security personnel on duty. My recommendations were for you to employ a recognised security company to police the site when events take place, with a minimum of four Security Industry Authority (SIA) registered personnel preventing and detecting offences of underage drinking and drug abuse and generally ensuring the safety of all patrons.

Creating a Safer Hertfordshire [www.herts.police.uk](http://www.herts.police.uk)

Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 1HL

¶  
On 17<sup>th</sup> May we met again following further problems at a 'Garage' music event at your premises on 4<sup>th</sup> May. On this occasion, at 11.41pm, officers attended a report of a serious assault whereby the victim had been struck with a bottle. On arrival it was quickly established that the matter was domestic-related and there were no allegations against either party. Whilst on the premises officers walked around the garden and identified a number of people who were known to be under 18 years of age and were openly drinking alcohol, this was evidenced by way of body worn video. Officers also noted the smell of cannabis indicating that patrons were possibly openly using controlled drugs. Upon leaving it was noted that a police car had been damaged with no prospect of any evidence being provided via CCTV.¶

¶  
During our meeting I again highlighted the issues requiring immediate attention, in particular the problem with underage drinking and open controlled drug use in the garden. You informed me that due to the garden having open access to the canal towpath, people, including youngsters, were able to enter the site without any controls in place. It was again apparent that staff were actively enforcing your 'Challenge 25' policy but this was only taking place at the bar and didn't take into account those people purchasing alcohol for under 18's or going into the garden and supplying them without being challenged.¶

¶  
You stated that you employ only one person for security purposes, you also stated that the events described tend to attract numbers around 100. Taking into account the size of your site including the garden and car park, it is my opinion that one member of security has no effect at all.¶

¶  
You obviously have a popular venue, coupled with the types of events you are holding, you now attract custom from the younger age groups (16-30 years) and as such you must ensure that you promote the licensing objectives and ensure that your venue is a safe place for the public.¶

¶  
As a result of all of the incidents I have highlighted, especially the complaints of open underage drinking and drug use in the garden, I now require you, as a matter of urgency, to implement the following, when you hold such events in the future, to make you compliant with current licensing legislation.¶

- ¶
- Secure the rear garden, by way of fencing, at all points where the public can gain entry without the knowledge of staff. This will reduce the possibility of under 18's simply walking onto the site.¶
  - Employ the services of a minimum of four SIA registered security staff to ensure that the site is policed effectively, preventing and detecting offences of underage drinking, drunken behaviour and drug abuse from taking place. Staff should be clearly visible in areas such as the garden to ensure the safety of all.¶
  - ¶
  - An incident record must be instigated and maintained recording details of any refusals of entry, ejections from the site or other incidents of note. This will assist you should complaints question the actions of staff.¶
  - Have one point of entry onto your site. This will be required to be manned by security staff to prevent those people who are under 18 from entering. Staff should be pro-active in requesting some recognised form of identification for proof of age and where this cannot be produced entry will not be permitted. Patrons will be searched as a matter of course, at this point, to ensure that drugs or weapons do not enter the site. Any substances or items seized will be evidenced and secured for disposal by police. Where possible and safe to do so, suspects found in possession of drugs or weapons will be detained and police contacted.¶
- ¶

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Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 1HL

- The CCTV system is to be upgraded to a digital system with cameras covering the bar, rear garden and the car park. Images should be retained on the system for a maximum of 31 days and available, on request, from any relevant authority (Police, Fire etc). All staff must be trained in the operation of the system especially with regards to the downloading of data.

I should stress that it is my intention to work with you in ensuring that your premises are a safe and enjoyable place to visit and that you are acting with due diligence in upholding the licensing objectives and legislation. Please feel free to contact me regarding this letter or anything other concerns you may have.

Yours sincerely

Mike Ward 7558  
Licensing Investigator



Creating a Safer Hertfordshire - [www.herts.police.uk](http://www.herts.police.uk)

Community Safety Unit, Hemel Hempstead Police Station,  
Coombe Street, Hemel Hempstead, Herts HP1 1HL

Date: 31 July 2019  
Your reference:  
Our reference: 598084  
Contact: Paul O'Day  
Email: paul.o'day@dacorum.gov.uk  
Direct line: 01442 228311



The Forum  
Mariowes  
Hemel Hempstead  
Hertfordshire  
HP1 1DN

Telephone 01442 228000  
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D/deaf callers, Text Relay:  
18001 + 01442 228000

Mr Brian William Eccles & Mrs Marion Eccles  
The Red Lion  
56 London Road  
Hemel Hempstead  
HP3 9TD

Dear Mr & Mrs Eccles

**Environmental Protection Act 1990  
Loud Music - The Red Lion, London Road Hemel Hempstead Hertfordshire**

I am writing to inform that following a noise monitoring visit on 27 July 2019, officers from this department are satisfied that noise emitted from your premises is amounting to a statutory nuisance due to music, bass and the associated use of PA which is causing a significant intrusion to nearby residential neighbours.

In accordance with our obligations under the above act the local authority shall serve an abatement notice;

- Either requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence, or;
- Requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes,

However in the case of noise the local authority may defer any service of notice where satisfied at the end of the relevant period it can successfully persuade the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence. The relevant period is **seven days** starting with the day on which the authority was first satisfied the nuisance existed.

If we do not receive a reply or acknowledgment to this letter it will be assumed that we have been unable to successfully persuade you to abate the nuisance or prohibit or restrict the occurrence or recurrence, and therefore obligated to serve an abatement notice.

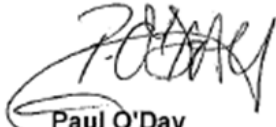


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Under the Licensing Act 2003, the local authority may also call for a review of your premises licence on public nuisance grounds. This could result in your premises licence being varied by removing regulated entertainment in outdoor areas.

Therefore you are invited to attend a meeting at the Council's offices at 4pm on 8<sup>th</sup> August 2019 and request that you confirm attendance at your earliest convenience.

Yours sincerely



**Paul O'Day**  
**Team Leader - Environmental Health**  
**Environmental & Community Protection**

**Copied to:**

Mr Brian William Eccles & Mrs Marion Eccles  
21 Garston Drive, Watford WD25 9LB

[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)  
[vincent.lampey@herts.pnn.police.uk](mailto:vincent.lampey@herts.pnn.police.uk)

BEDS CAMBS HERTS

ISR Report: HC-16052021-0040 (CLOSED)

Save As Print Reason for Pt

16/05/2021 01:08:26	VIOLENCE, VIOLENCE AGAINST PERSON	HC-16052021-0040 / HC	999	HC
Priority:(1) IMMEDIATE	15-20 MALES PUSHING STAFF	D1	Officer Dealing:412487	
Operator:418546	Dispatcher:417280	D1R (506871,204311)	Creator Wkstrn:41HC35	

<b>Address Information</b>	
RED LION	
LONDON RD, , HEMEL HEMPSTEAD, HP3 9TD	
Proximity:	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
X ROB,	
X X	
WITNESS [?] Media Consent [N] Contact [?] Repeat Victim? [?]	
N/A [?] N/A	
Notes:	

<b>Disposition Codes</b>
CONCERN FOR SAFETY/SECURITY

<b>ISR Comments</b>					
INFMT REPORTS THAT 15-20 MALES ARE REFUSING TO LEAVE PUB	16/05/2021	01:10:00	41HC35	418546	
-	16/05/2021	01:10:01	41HC35	418546	
ARE PUSHING STAFF AWAY	16/05/2021	01:10:07	41HC35	418546	
-	16/05/2021	01:10:08	41HC35	418546	
STARTED ON 2 SEPARATE TABLES NOW ALL GROUPED TOGETHER	16/05/2021	01:10:22	41HC35	418546	
-	16/05/2021	01:10:22	41HC35	418546	
INFMT SAYS THAT HAVE BEEN TRYING TO GET THEM TO LEAVE FOR THE LAST 30MINS AND THEY WILL NOT	16/05/2021	01:10:52	41HC35	418546	
-	16/05/2021	01:10:52	41HC35	418546	
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION: IMMEDIATE - THRIVE NOT NEEDED	16/05/2021	01:11:18	41HC35	418546	
ND712: 15 VERY DRUNK PERSONS HERE	16/05/2021	01:16:18	41HC47	418973	
ND190 - ALL PARTIES REMOVED. ALL LFET IN A TAXI	16/05/2021	01:47:19	41HC47	418973	
ND190 - NO ONE REPORTING ANYTHING	16/05/2021	01:47:36	41HC47	418973	
HAPPY TO CLOSE?	16/05/2021	01:47:46	41HC47	418973	
STATUS CHANGED MANUALLY CLEARED->WRITE OFF AWAITED ,	16/05/2021	01:47:52	41HC47	418973	
OSC2 - LOG STATES THAT STAFF WERE PUSHED AWAY, CAN WE CONFIRM IF THE R/P HAS BEEN SPOKEN WITH AND NO STAFF MEMBERS MAKING ANY ALLEGATIONS OF ASSAULT	16/05/2021	01:51:10	41HX2	410857	
ND190 - NO ONE MADE ANY ALLEGATIONS	16/05/2021	01:52:31	41HC47	418973	
DX: STAFF SPOKEN TO AND RP IS THE BAR MANAGER	16/05/2021	01:53:19	41HC47	418973	

OSC2 - NOTED, PLSE CLOSE	16/05/2021	02:46:55	41HX2	410857
Disposition code: , 'PS04.1'	16/05/2021	02:48:03	41HX31	417642
= Arrests = Cautions = Reports	16/05/2021	02:48:03	41HX31	417642
Handling Officer 412487	16/05/2021	02:48:03	41HX31	417642
&Qualifiers, No Qualifier Applies	16/05/2021	02:48:03	41HX31	417642
HC-16052021-0040 HAS BEEN DISPOSED	16/05/2021	02:48:03	41HX31	417642

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ISR Report: HC-11092021-0619 (CLOSED)

Save As Print Reason for Pr

11/09/2021 17:31:22	VIOLENCE, VIOLENCE AGAINST PERSON	HC-11092021-0619 / HC	999	HC
Priority:(1) IMMEDIATE	FIGHT IN PROGRESS	D1	Officer Dealing:410095	
Operator:417459	Dispatcher:417489	D1R (506871,204311)	Creator Wkstn:41HC48	

<b>Address Information</b>	
RED LION	
LONDON RD, , HEMEL HEMPSTEAD, HP3 9TD	
Proximity:	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
DAWKINS HOLLY	
. .	
WITNESS <input type="checkbox"/> Media Consent <input type="checkbox"/> Contact <input type="checkbox"/> Repeat Victim? <input type="checkbox"/>	
N/A <input type="checkbox"/> N/A	
Notes:	

<b>Disposition Codes</b>
VIOLENCE AGAINST THE PERSON

<b>ISR Relations</b>	
ATHENA REF - ATHENA	41/70560/21
ATHENA REF - ATHENA	41/70567/21
ATHENA REF - ATHENA	41/70598/21
CALL CARD - RELATED CALLCARD	HC-11092021-0621 ASSOCIATED BY OPERATOR 417262
MOBILE - ISR RELATION	506886,204317,10,10,95,0
MOBILE - ISR RELATION	506886,204317,10,10,95,0

<b>ISR Comments</b>				
INF REPORTING LARGE FIGHT ONGOING	11/09/2021	17:31:52	41HC48	417459
-	11/09/2021	17:31:52	41HC48	417459
10 PEOPLE INVOLVED	11/09/2021	17:31:56	41HC48	417459
-	11/09/2021	17:31:56	41HC48	417459
BETWEEN LANDORD AND CUSTOMERS	11/09/2021	17:32:09	41HC48	417459
-	11/09/2021	17:32:09	41HC48	417459
GROUP OF YOUNG MALES WHO WERE BANNED FROM THE PUB HAVE ATTENDED AND ASKED TO LEAVE THEN A FIGHT HAS STARTED	11/09/2021	17:32:44	41HC48	417459
-	11/09/2021	17:32:44	41HC48	417459
DX- ANY WEAPONS? INJUR?	11/09/2021	17:33:10	41HC47	417489
GROUP OF YOUNG MALES, ALL EARLY 20'S	11/09/2021	17:33:12	41HC48	417459
-	11/09/2021	17:33:13	41HC48	417459
DX- CCTV AWARE	11/09/2021	17:33:19	41HC47	417489
SOME HAD GLASSES USED AS WEAPONS BUT STAFF HAVE RECOVERED GLASSES	11/09/2021	17:33:36	41HC48	417459



-	11/09/2021	17:33:36	41HC48	417459
CCTV- ALOT OF PEOPLE LEAVING LOCATION TOWARDS APSLEY BUT CANT SEE THE WHOLE LOCATION	11/09/2021	17:33:41	41HC47	417489
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION: IMMEDIATE - THRIVE NOT NEEDED	11/09/2021	17:33:47	41HC48	417459
-	11/09/2021	17:33:58	41HC48	417459
INF MENTIONS SOME STILL INSIDE PUB AND SOME IN THE CAR PARK	11/09/2021	17:34:05	41HC48	417459
-	11/09/2021	17:34:13	41HC48	417459
****PPE WARNING GIVEN DUE TO GLASS*****	11/09/2021	17:34:24	41HC47	417489
NFD AT THIS TIME AND HAVE CLEARED LINE	11/09/2021	17:34:26	41HC48	417459
-	11/09/2021	17:34:27	41HC48	417459
Cross Referenced By Incident HC-11092021-0621	11/09/2021	17:34:41	41IMU13	417262
ND441: EVERYONE LEFT PRIOR TO ARRIVAL, MALE AND FEMALE WITNESS STATE THEY HAVE LEFT IN AN ASTRA	11/09/2021	17:36:01	41HC47	417489
ND441: SPEAKING TO A MALE HE HAS A CUT TO HIS FOREHEAD WILL SPEAK TO MORE PEOPLE INSIDE	11/09/2021	17:36:12	41HC47	417489
BLACK ASTRA PARTIAL OV	11/09/2021	17:36:54	41HC47	417489
ND441- MALE WITH POSSIBLY BROKEN NOSE AND ANOTHER HAS POSSIBLY BEEN KNOCKED OUT IN THE CAR PARK	11/09/2021	17:38:35	41HC47	417489
ND220: ASNT BELLSWAINS	11/09/2021	17:39:02	41HC47	417489
FOR THE VEH	11/09/2021	17:39:10	41HC47	417489
ND441- SUSPECT HAS BEEN NAMED AS KIERAN QUINN	11/09/2021	17:47:30	41HC47	417489
ANY INDEXES LINKED TO THIS MALE PLEASE?	11/09/2021	17:47:42	41HC47	417489
-	11/09/2021	17:50:55	41HC51	418734
ND445 - WILL LOOK FOR THE WITNESSES THAT WERE MAKING TO SAINSBURYS THAT GAVE THE VEHICLE DETAILS	11/09/2021	17:51:12	41HC51	418734
ND220: WE HAVE LOOKED AT CCTV, NO CLEAR OFFENCES ON THE CCTV AND NOT CLEAR ON CCTV FOR INDEX THAT LEFT	11/09/2021	17:51:32	41HC47	417489
ND253 -3 ABHS. ALL UNSUPPORTIVE- NOBODY HAS BEEN KNOCKED OUT	11/09/2021	17:54:23	41HC51	418734
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3 X ABH'S	11/09/2021	18:13:10	41HC51	418734
TRANSFER REPLACES EXISTING TRANSFER	11/09/2021	18:24:50	41HC3	417991
Disposition code: ,'CR01.1'	11/09/2021	18:24:50	41HC3	417991
= Arrests = Cautions = Reports	11/09/2021	18:24:50	41HC3	417991
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&Qualifiers, No Qualifier Applies	11/09/2021	18:24:51	41HC3	417991
3 X ABH'S	11/09/2021	18:24:51	41HC3	417991
HC-11092021-0619 HAS BEEN DISPOSED	11/09/2021	18:24:51	41HC3	417991

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**From:**  
**Sent:** 14 April 2022 18:29  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Ref: M054062

**I am writing to object to the extending of the licence of the Red Lion pub to play music until 2:00am. This will cause extreme noise disturbance to local residents. The pub has already once had its licence to play music removed because of the extreme volume it plays music at which can be heard at a large distance, so having its licence extended will only cause massive disturbance to local residents.**

**From:**  
**Sent:** 14 April 2022 20:04  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Application ref. no: M054062

Application ref. no: M054062

In view of the above application I would like to voice that I am fully in support of this.

In comparison to other pubs that are already allowed extended opening and music, this pub is not directly adjacent to many houses or flats so there will be minimal disruption. It has a large plot of land able to accommodate patrons so there is hardly any risk of noise pollution or safety issues.

It would be utterly ridiculous if this application got rejected, to be perfectly honest.

Kind regards,

From:  
Sent: 14 April 2022 20:07  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: M054062

I wish to object to the above proposal to extend licensing hours for both alcohol and live music.

I strongly oppose this proposal on the ground of noise and the potential increase of crime and disorder.

We live on the Nash Mills development and the music outside is so loud we can hear every word. I would stress that we are on the side nearest to lower road opposite Abbots hill and yet still the sound travels so loudly and is not muffled by the flats.

In the summer, we constantly hear this music late at night and it keeps us and our young children awake at night. The prospect of this playing until 2 in the morning is unthinkable. I can understand that before the development was built there were no residential premises nearby but now this must be taken into consideration. I fail to understand why a

I'm also sickened to hear of this via my local councillor and not from Dacorum council. If a proposal goes in how are people supposed to appeal or support something if they are unaware of it? Hardly a fair process?!

Aside from the noise, the number of drunken people walking through the development, shouting swearing afterwards and having fights will be made worse not only will we have to tolerate this later into the early hours but there is a chance more and more people

I'd rather my 6yr son didn't get woken by people screaming expletives outside his bedroom window which has happened on numerous occasions.

I sincerely hope this is upheld otherwise you can expect to receive numerous complaints over the next few months from many disgruntled residents. Quite frankly a farce to provide such a license for music outside right next to a residential area.



Content of Statement attached to representation:

I moved into my flat at the end August 2017. This was a new build property and I was the first person to live there. I first noticed the noise from the Red Lion on the Saturday of 2<sup>nd</sup> weekend in September (around the 9<sup>th</sup> & 10<sup>th</sup>) after I moved in. On that night I telephoned the pub and eventually managed to get through just before midnight and was told that the person I was speaking to (I think it was female) was overseeing the pub for that night. I explained my situation to be greeted with a barrage of expletives and told that I should stop complaining as the pub had been there sometime, and they had to put up with this disruption of the building works when my development was being built.

I don't recall there being any more issues with noise until the start of Summer 2018. In May 2018 I spoke to Richard Mabbitt from the Licencing Department of Dacorum Borough Council who told me he went to see the landlord and explain the situation to them. Richard Mabbitt followed up with an email detailing his visit, explaining he had spoken to the management who were aware there had been a noise complaint. In support of my statement I have produced a copy of this email from Richard Mabbitt labelled DM1/1.

The first event I remember in 2018 was around the 9<sup>th</sup> June 2018. I tried to contact the pub but to no avail. I eventually made contact again with Richard Mabbitt to report the noise issue.

At the time I was not keeping diary sheets of noisy incidents but instead, I emailed the Council to advise it had happened again. From the emails I sent I reported disturbance on the following dates 6<sup>th</sup> July and 7<sup>th</sup> July. I contacted the Police (111) and was given a reference of HC-06072018996. In support of my statement I have attached a copy of this email as DM1/2.

To avoid noise from the Red Lion garden I do spend approximately 2 weekends out of 4 being away from my home and, which has continued through to mid-2019. I was incredibly pleased that there was no interruption from football supporters during the Wold Cup and thought that the visits from the Licencing Authority had some impact with the pub.

On 21<sup>st</sup> June 2019 the pub held a Drum and Bass night which I found very loud, the DJ was exceptionally loud. Because of the noise, I had to close my windows unfortunately, this happened on a warm evening where I did want to have some fresh air. I remember first noticing the noise around 4pm in the afternoon. My attention was drawn by the heavy bass music.

I found the noise to be an issue as it interfered with my quiet enjoyment of my home. The noise was audible throughout the house, and the only place I could escape it was my internal bathroom where I slept on the floor to escape the noise. I have a clear line of sight from my flat and I could see lots of people in the garden congregated around a central part.

Following the 21<sup>st</sup> June there were a couple of parties. These were not as noisy and would finish just before, or around, midnight. I did not find that these parties caused me an issue. By this time I was spending the majority of time in my home rather than going away at the weekends, which often involved a visit to the theatre in Central London on a Saturday night so would not arrive home until 22:30 – 23:00 to avoid the majority of noise.

On the weekend the EHO's came to my house I was away from my home. They were provided access by my neighbour. I was not home to witness the issue. The next event was the Caribbean night when the EHO visited again. I was not affected by the noise as it was a wet and cold evening. That night I found the noise to be totally acceptable and was not affected by the noise. I also understand that the headline act did not arrive.

I have no desire to see the pub close down but I would like to think that they would have sufficient care and respect for their neighbours who have the right to quiet enjoyment within their own homes and have to suffer having to keep all doors and windows closed when the pub hosts outdoor events.

**From:**  
**Sent:** 14 April 2022 22:21  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Objection to Red Lion Application

Dear Sir/Madam

We are writing to oppose the Red Lion's application, ref no M054062.

Crime and disorder, and public nuisance

- More late night revellers equals more crime. It already smells of marijuana often when you walk past there in the evening. There is also no sound proofing or barriers so a lot of noise pollution expected.

Public safety

-It's a dark, poorly lit area, especially down by the canal. Dangerous for guests coming out very late from the pub.

The parking on Red Lion Lane is already dangerous - people parking on the curb, blocking traffic and causing obstacles for pedestrians. This problem will escalate if the application is successful. There will be even more cars parked where they shouldn't be parked.

I hope you take our comments seriously.

Kind regards



**From:**

**Sent:** 14 April 2022 22:26

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

**Subject:** M054062 LA2003 s.34: Premises Licence

Name:

Address:

Firstly, I support the opening hours to be brought forward to breakfast. What a lovely idea.

However, I reject all other elements of the proposal on the following grounds:

Prevention of public nuisance. This pub has been given chances previously and has wasted police/council resources on dealing with the problems that have arisen from their lack of respect for the law and local residents alike. Ownership has not changed so I question why the proposal is even being considered. Whether pub doors and windows are closed or not, the outdoor music is loud enough to be heard from miles away. The pub garden directly faces Nash Mills Wharf where the sound reverberates incredibly loudly when the pub hosts music events. In Spring and Summer when household windows need to remain open, sleep is impossible with the noise coming from the pub. Combine this with prolonged alcohol sales and the noise will be far beyond bearable for anyone at all. As you'll be aware, the sound from previous events can be heard as far as Bennetts End and Leverstock Green. A huge proportion of locals will be affected if the mistake is made to accept this proposal. Music aside, pub goers leaving at 02:30 out of the garden, along the canal and down local roads will be noisy and cause trouble, just as they were when this was allowed previously. Watermill House Care Home will also be hugely affected, not just the unsettled residents who already have enough problem sleeping, but the staff working unsociable hours starting and finishing work and having to deal with drunken people.

Prevention of crime and disorder. This venue backs out onto Nash Mills Wharf and other housing, home to hundreds of families. Extending opening hours and encouraging loud music into the early hours will bring with it people under the heavy influence of alcohol. As you know most pub goers enter and exit via the canal/garden fence opening. Having drunk people exiting in darkness will increase the chances of drunk and disorderly behaviour outside family homes, drunk drivers and damage to local properties.

Public safety. There have been attacks along the canal in recent years. Fuelling this with alcohol into the late hours would see risk increase to local residents walking nearby. The canal itself is also a dangerous place to be respected. Drunk people are less likely to respect the waterways and find themselves drowning.

Thank you,

From:  
Sent: 14 April 2022 22:42  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: The Olde Red Lion - London Road

Hello,

I am writing to object to the application made by The Old Red Lion to increase their opening hours for sale of alcohol and also music.

The late hours which they have included in their application, for example until 2am on weekends and 11.30pm on Sundays AND in the week, would be a huge noise disruption to the local residents. Families with young children don't have a chance, let alone adults who have trouble sleeping or simply need to be up early for work, which is most of us.

There are hundreds of flats on the canal backing onto the pub, one of which I own, the noise disturbance would make many residents unhappy I believe.

Once again I'd like to confirm my objection to the matter.

Thank you for your time

From: >  
Sent: 14 April 2022 23:23  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Premises Licence Objection

Application ref. no: M054062A

Premises name: Premises address:  
Premises licence - Full Variation application 18 March 2022 Ye Olde Red Lion London Road  
Hemel Hempstead Hertfordshire  
HP3 9TD

Dear Sir / Madam

I am writing to object to the variations to the premises licence for the Olde Red Lion as above

The objection is on the grounds of protecting public nuisance by way of noise pollution.

When historically the pub has played amplified music outdoors it is impossible to be able to sleep in the Nash Mills Wharf development. This is a family area with literally hundreds of children living here.

We are furthest away from the pub and the noise is as clear as if the music is played outside. To play music this loud at anytime is a public nuisance but to play until 2am is ridiculous and will make sleeping impossible in the summer months with the windows open.

Yours sincerely

From: >  
Sent: 15 April 2022 07:58  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Cc: >  
Subject: M054062 - LA2003 s.34 - Premises licence full variation Ye Olde Red Lion

Having been made aware of the above, we would like to object to the above mentioned variation based on noise.

We particularly object to the extension to 2am at the weekend for live recorded or recorded music. The noise levels, their timing and duration in the past have significantly disturbed ourselves, our neighbours and their children as we are closer to the venue.

Please would you keep us updated with progress on this application.

Best regards

From:  
Sent: 15 April 2022 08:28  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Ye Olde Red Lion

Hi all,

I have been made aware this pub is applying for a licence to play live music even later than it already does.

I object, this will impact people sleep that live close by and greatly on young families. Without a rested sleep this impacts people mental health.

The noise will impact the locals and may result in people not feeling safe to walk around where they live because of the late night drinking and music.

I must add we already have a problem with loud music past 11pm in the area and we don't need the stress of this.

Thank you

From: >  
Sent: 15 April 2022 10:11  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: M054062 Ye Old Red Lion

Good Morning,

I wanted to drop an email in support of the licensing application above.

I work in the area as a Supermarket branch manager and hold a personal alcohol license. I have lived locally for the past 6 years.

I have always found the pub to be respectful of neighbours, well run, legally compliant, and have never seen an issue with anti social behaviour from the pub.

I live in the flats across the canal that were built 6 years ago, which is after the Ye Old Red Lion was an established music venue.

Looking through the license application there is nothing I can see in this that would cause a concern to me from a neighbour perspective.

1) Crime and disorder- having lived across the canal from the venue for 6 years, I have never seen an issue that would lead me to believe this could be compromised by extended hours.  
2) Noise- I believe the pub has always been respectful of local residents when it comes to events. I have never found the music to be loud enough to interrupt sleep or cause a disturbance in general. With my windows shut it cannot be heard across the canal at all. I have found all events held by the venue in regards to noise to be limited to fri/sat nights and mostly in the summer. Not a regular occurrence.

I rarely frequent the pub due to my shift work and family commitments but am strongly in favour of the application. With Covid-19 and lockdowns that have stopped our local pubs from being able to trade for a such long period of time, I believe the application will support them to be able to bring more custom to the venue and revenue for them to continue trading.

I hope for these views to be considered as a local resident to the pub.

Many Thanks,

From: >  
Sent: 15 April 2022 10:21  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Objection extended licensing hours olde red lion pub

Dear licensing,

I object extending the hours for the following reasons:

The loud music can be heard within my bedroom as there is no physical structure between the pub and my house in \*\*\*\*\* Nash Mills Wharf. And while I can accept 12am as a cut off of the music, 2am will severely effect my sleep and therefore general well-being as I work weekends.

People leaving the venue walk through butterfly crescent and again there is occasionally unruly drunken behaviour including damage to the park area, shouting and fighting which effects all families along our close including children.

there is an increase in crime and disorder and public safety issues after every event at the pub.

Regards

From: >  
Sent: 15 April 2022 11:37  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: M054062 - Ye Olde Red Lion

Dear Sir/Madam,

I am emailing to object in regards to the licensing change application made by Ye Olde Red Lion to extend their opening hours, serving alcohol and music (live and recorded).

Ref: M054062

Having previously raised noise complaints through the council, I am very worried by this proposed change. I have previously documented in detail the impact the frequent noise disturbances from the pub have caused me. I was under the impression that the pub had been issued with an abatement order, which they have already breached on several occasions. Hence I am perplexed that such an extension of licensing hours would even be considered.

I am happy to provide details of my previous complaints if necessary. I urge you to review the abatement order and the negative impact on local residents, and ultimately reject this application.

My details are as follows:

Kind regards,



From:  
Sent: 15 April 2022 13:38  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: The olde red lion application

To whom it may concern,

I am writing with reference to application ref no. M054062.

I would like to object to the application to extend the licensing hours at the pub. During the summer months the music is already on very loud to the extent that my kids are woken up. We live on Swan Mead and on evenings when there are special events on at the red lion we already are just waiting for midnight for the music to stop so we can sleep. To extend this to 2am for quite a number of weekends through the year would make this unbearable for us and must be even worse for those who live even closer.

Thanks very much for your consideration,

Representation 19

**From:** >

**Sent:** 15 April 2022 15:57

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

**Subject:** objection to licence application M054062

Hello

We live at

We are close to the Ye Olde Red Lion, London Road Hemel Hempstead Hertfordshire HP3 9TD.

Please register our objection to the application to extend the licensing hours on the following grounds.

1. Noise

We live close to the pub and get up early each day for work – extending the licensing hours for live and recorded music on Friday and Saturday to 02:00 hours the following day and Sunday until 23:30 will create a noise nuisance and adversely impact our standard of living and well-being through disturbed sleep.

The measures in place and proposed to reduce the public nuisance all relate to indoor music but the application is for outdoor music too. There are no measures in place to prevent the public nuisance for our door events.

2. Harm to children

There are no measures proposed to prevent harm to children – the application proposed the removal of an existing condition but does not detail what measures they will have in place.

3. Crime and disorder

No measures are in place to prevent crime and disorder other than CCTV. This is inadequate.

4. Public safety.

Extending licencing hours and music events is clearly designed to attract more people to the venue. There are no measures proposed to limit the number of attendees to a sage number for the venue.

We do not object to the proposed earlier opening of 8am daily for breakfast, coffee and tea etc. nor a start time for the sale of alcohol on Sunday to 11:00 hours.

Yours faithfully

**From:** >  
**Sent:** 15 April 2022 20:48  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Representation, Application ref. no: M054062

Re Application ref. no: M054062  
Application type: LA2003  
s.34: Premises licence - Full Variation  
application Date received: 18 March 2022  
Premises name: Ye Olde Red Lion  
Premises address: London Road Hemel Hempstead Hertfordshire HP3 9TD

Dear Sir,

With respect to the above application, i would like to register my objection against the granting of the extended license for Ye Olde Red Lion in London Road, Hemel Hempstead.

This premises was previously granted a late license and held late night events which caused noise across the estate. I have to work at 4.30am and so i need to get to sleep at a reasonable time on all nights, both weekdays and weekends. The loud amplified music which comes from the premises during their events can be heard at a level stopping me being able sleep. Whilst i can accept that this could be allowed during normal licensing hours, i find it completely unacceptable that my sleep should be disrupted throughout the night when i need to go to work early in the morning. How can anyone seriously think that it would be ok to play loud amplified music so close to residential housing until 2am?

Please accept this request in writing to refuse the application unless the amplified music can be contained inside the premises so that disruption for the surrounding residents is minimised.

Yours sincerely

**From:** >

**Sent:** 15 April 2022 21:20

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

**Subject:** Re Application Ref M054062 Application Type LA2003

Dear Sir,

I write concerning application ref no M054062 dated 18th March and submitted by Mrs Marion Eccles and Mr Brian Eccles of Ye Olde Red Lion Pub, London Road requesting to extend their licensing hours and terminal hours for live and recorded music, indoors and outside.

I would like to formally object very strongly to this application for the following reasons:

1 - Excessive noise.

The pub is extremely close to a residential area and a large number of family homes with young children as well as people who need to be able to sleep and get up for work early 7 days a week. I live across the other side of the canal, not right next to the pub and already we have loud noise from music and people shouting in the pub garden and car park, particularly when they have events on. It is already intrusive and so to increase the hours and to allow amplified music and to such a late time would make it impossible for anyone to be able to either sleep or enjoy their own homes or gardens. This is unacceptable. Amplified music should not be allowed at any time so close to residential homes, particularly if it is outside and especially until so late. In addition, allowing extended hours will mean more alcohol is consumed which will undoubtedly lead to a higher level of noise both at the pub and as customers leave the premises in the middle of the night and pass through the residential area. In short, loud amplified music at any time, but especially to such an extremely late time will seriously affect the lives of everyone who lives within several hundred yards of the pub.

2 - Crime and disorder.

I believe that serving alcohol for such extended hours until the middle of the night, will lead to more customer consumption which will lead to higher levels of local disorder and crime as well as the noise as stated above. It is well documented that a rise in alcohol consumption is linked to increases in violence, other crime and public disorder. None of which should have any place in a residential area.

Please therefore refuse this licensing application.

Yours sincerely,

**From:** >  
**Sent:** 15 April 2022 21:52  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Cc:**  
**Subject:** Objection to M054062 (Ye Olde Red Lion)

To whom it may concern,

I am writing to object to the application for extending the licensed hours for Ye Olde Red Lion, London Road (M054062). Having lived opposite this pub for the last 6 years they have regularly held events which have generated numerous complaints from the residents due to the excessively loud noise late into the night. Normally these events would start to wind down at approximately 11pm, this was tolerable however the increase to 2am I find wholly unacceptable and causes severe anxiety. This would have a significant detrimental effect to our quality of life due to the potential lack of sleep and the disturbances that this would cause. Furthermore an extension to licensing hours will increase the level of intoxicated persons and the associated anti social behaviour this creates.

Please accept this letter as a strong objection.

Many Thanks,

**Local Policy considerations:**

**5. Licensing objectives**

Crime and disorder

5.6. When considering applications and reviews the Licensing Authority will give consideration to:

- whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.

**Public nuisance**

5.13 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.

5.14 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.

5.15 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, and would be considered the primary control for such issues. 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 Where representations are made by a responsible authority with nuisance prevention obligations, advising that restrictions may be necessary to prevent a nuisance from arising, the Licensing Authority will consider the imposition of conditions or the modification of operating schedules as it considers necessary to promote this licensing objective.

5.17 Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all

possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

- 5.18 Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the Licensing Authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.
- 5.19 The Licensing Authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

## **10. Licensing Hours**

- 10.3 Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.
- 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.
- 10.6. At premises licensed to supply alcohol for consumption on the premises, the Licensing Authority encourages the inclusion of a 'cooling-off' or 'drinking-up' period between the terminal hour for supplies of alcohol, and the end of other licensable activities, typically of around 20 to 30 minutes. Inclusion of such a measure will ensure patrons have the opportunity to finish their drinks and gather their belongings prior to leaving the premises. This should be indicated within the timings given in the operating schedule for supplies of alcohol and opening hours. Where music is being played, applicants may also wish to

consider a slower tempo of music within this period.

- 10.7. 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.

## **National Guidance**

### **2. Licensing objectives**

#### **Crime and disorder**

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

#### **Public Nuisance**

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

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community,



such as live music. 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. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. 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.

## **9. Relevant, vexatious and frivolous representations**

9.4 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

### **Hearings**

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits. 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any

conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary

## 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.