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LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE AGENDA

**WEDNESDAY 8 JANUARY 2025 AT 10.00 AM
CONFERENCE ROOM 2 - THE FORUM**

Membership

Councillor Jonathan Gale (Chairman)
Councillor Andrew Williams MBE

Councillor Carole Weston

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

AGENDA

1 MINUTES

To confirm the minutes of the previous meeting (these will be circulated separately).

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence

3 DECLARATIONS OF INTEREST

To receive any declarations of interest

4 PROCEDURE OF THE HEARING

(Pages 2 - 3)

5 LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

(Pages 4 - 67)

Agenda Item 4

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chair will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chair will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chair will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chair will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chair will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chair will establish whether all Members of the Sub-Committee have read the papers before them, and then announce the order of speakers.
5. The Chair will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chair will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (or representative, if applicable), any other party who has made relevant representations (in that order).
9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.

10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chair will invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chair will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chair may request that the applicant or licence holder, other persons, representatives (if any) and any Officer present (with the exception of the Legal Officer and Corporate and Democratic Services Officer) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chair will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted).
15. The Sub-Committee's decision will be confirmed in writing by the Assistant Director (Legal and Democratic 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.

Agenda Item 5



AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	8 January 2024
PART:	I
If Part II, reason:	-

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

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2021-2026 S.182 Statutory Guidance July 2023
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 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 to 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, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

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

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

5. Details of application

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	Epicure, 75 High Street, Hemel Hempstead Hertfordshire HP1 3AF	Application for grant of premises licence (s.17 Licensing Act 2003)

APPENDIX A

Applicants name	Epicure Old Town Limited
Name and address of premises	Epicure, 75 High Street Hemel Hempstead Hertfordshire HP1 3AF
Ward	Hemel Hempstead Town

1. **Current Licence**

1.1 This is a new application.

2. **Application**

2.1 An application has been made for the grant of a new premises licence, seeking authorisation for the following licensable activities:

Playing of recorded music (indoors) – Monday to Sunday 11:00 to 22:30

Sale by retail of alcohol – for consumption on the premises – Monday to Sunday 11:00 to 22:30

Hours premises open to the public – Monday to Sunday 08:00 to 23:00

The application is set out at Annex A.

A plan of the premises is set out at Annex B.

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

3. **Details of Representations**

3.1 During the consultation period 13 representations were received, all from residents living in the vicinity of the premises. These all related to the proposed activities undermining the public nuisance objective, and anti-social behaviour. These are set out at Annexes D1 to D13.

3.2 The following responses have been received from the responsible authorities consulted:

Public Health – no representations

Fire Officer – no representations

Police – no representations

Planning – no representations
Environmental and Community Protection Pollution Team – no representations

3.3. The applicant's Agent forwarded a letter of mediation to all parties on 10 December 2024. A copy of that letter and subsequent correspondence and proposed amendments to the application are set out at Annexes E1 to E5

3.4. Following mediation, the applicant's agent proposed the following amendments to the application:

- a. Licensable activities will now take place from 1100 until 1800 hours
- b. TENS will be on the basis of one per calendar month
- c. The premises will always remain as a cafe/restaurant, and not be converted to a Vertical Drinking Establishment (VDE).

4. Observations

4.1. Dacorum Borough Council Statement of Licensing Policy

4. Licensable Activities

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

5. Licensing objectives

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

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

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

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.

16. Cumulative impact

16.1. Cumulative impact is the term used to describe the impact, potential or actual, of a large number of licensed premises concentrated in a single locality. In terms of the licensing objectives, this may be evidenced by an increase in incidents of crime, disorder or public nuisance, over and above the impact of the individual premises themselves.

16.2. The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the Licensing Authority can take into account in determining its licensing policy. This should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises (for example, a pub, restaurant or hotel). The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate, and so does not form part of this policy statement.

16.3. The Licensing Authority will not seek to introduce quotas of licensed premises, nor will it seek to impose general limitations on trading hours in particular areas. Instead, consideration will be given to the individual characteristics of the premises concerned within a given area. It is recognised that a wide variety of venues sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

16.4. The Licensing Authority notes that, in accordance with the Guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives. Where such a policy has been adopted, the issue of cumulative impact can be taken into account when considering the individual merits of any application within the area defined within that policy. Further details regarding this power are given in the special licensing policies section of this Statement.

16.5. When dealing with cumulative impact issues, the Licensing Authority recognises that, as well as licensing functions, there are a number of other mechanisms for addressing issues of nuisance, disorder and anti-social behaviour occurring away from licensed premises. These may include:-

- planning controls;
- measures to provide a safer and cleaner environment in partnership with local businesses,
- transport operators and other departments of the Council;
- the provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols;
- powers for a local authority to protect public spaces from the effects of anti-social consumption
- of alcohol, enabling police and accredited persons to confiscate alcohol;
- enforcement of the law relating to disorder and anti-social behaviour, including the issue of fixed

- penalty notices or other sanctions under the Anti-Social Behaviour, Crime and Policing Act 2014;
- the prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to children or people who are drunk;
- powers to close down instantly any premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance;
- the power for responsible authorities or other persons to apply for a review of a premises licence or club premises certificate; or
- other local initiatives that similarly address these problems.

16.6. The Licensing Authority will also monitor and address such issues through engagement in the Dacorum Community Safety Partnership.

4.2. Statutory Section 182 Guidance

Each application on its own merits

1.17. Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public Nuisance

2.20 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.

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

2.22 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.

2.23 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 the 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.

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

Steps to promote the licensing objectives

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

The need for licensed premises

14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

16. Regulated entertainment

16.6 As a result of deregulatory changes that have amended the 2003 Act²³, no licence is required for the following activities:

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes places before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

ANNEX A
APPLICATION FOR GRANT OF PREMISES LICENCE

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

I Epicure Old Town Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
75 High Street, Old Town			
Post town	Hemel Hempstead	Postcode	HP1 3AF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 11,500	Band B (£190)

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate.**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales. please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England. please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Epicure Old Town Ltd
Address 223 High Street, Berkhamsted, HP4 1AD
Registered number (where applicable) 15517034
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

DD	MM	YYYY

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

DD	MM	YYYY

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

A Café/bar, serving a wide range of food, drinks and snacks, based in the high street. Situated in a busy retail shopping area.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed			<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> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	2230	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	1100	2230			
Wed	1100	2230	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	1100	2230			
Fri	1100	2230	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	1100	2230			
Sun	1100	2230			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1100	2230			
Tue	1100	2230			
Wed	1100	2230			
Thur	1100	2230			
Fri	1100	2230			
Sat	1100	2230			
Sun	1100	2230	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

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

Not applicable

L

Hours premises are open to the public. Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0800	2300	<p>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 (please read guidance note 6)</p>
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
Sat	0800	2300	
Sun	0800	2300	

M

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

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

As the applicants, we will ensure that we fully uphold all of the four licensing objectives, at all times.

Liaising with all Responsible Authorities when required and taking their advice on board.

b) The prevention of crime and disorder

CCTV will be installed, operated, and fully maintained at all times; images will be retained for at least 28 days and be produced on request of any Responsible Authority. The CCTV will be operational at all times whilst the premises are trading.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation.

A Refusals log will be maintained at all times, this will be checked and signed by the DPS at the end of each week, this log will be made available for inspection by any Responsible Authority, upon reasonable request.

Staff training in the Licensing Act 2003 will take place for all members of staff prior to the premises opening, and all records will be retained at the premises; and made available for inspection at any time. Staff training will be conducted twice yearly.

c) Public safety

The premises licence holder or DPS will carry out pre-opening checks of the premises, to ensure that there are no risks to patrons and that all safety precautions are in place.

The premises licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained, and their certificates will be displayed accordingly.

d) The prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours.

All doors and windows will remain closed when recorded music is played, other than for access and egress.

Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, or placed in outside areas between the hours of 2230hours and 0800hours.

e) The protection of children from harm

A Challenge 25 policy is in place and only recognised forms of ID will be accepted {PASS accredited ID, passport, or photo driving licence}.

A till prompt (Electronic or visual) will be used for all alcohol sales.

Checklist:

Please tick to indicate agreement

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


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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF

THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	November 2024
Capacity	Agent on behalf of the applicant (Licence Leader Ltd)

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Rob Edge Licence Leader Ltd 25, Hemyock Road Selly Oak			
Post town	Birmingham	Postcode	B29 4DG
Telephone number (if any)	07982917819		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
rob.edge@licence-leader.co.uk			

Annex C1 Plan of Premises

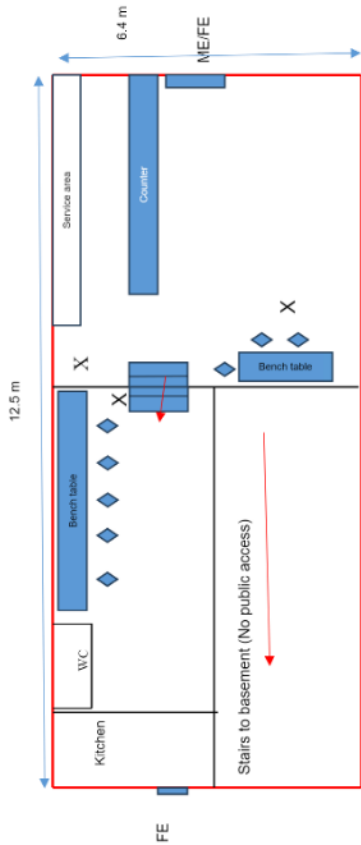
LICENCE LEADER
LICENSING MADE EASY

Licence Leader Ltd
www.licence-leader.co.uk
rob.edpie@licence-leader.co.uk
Rob. 07982917819

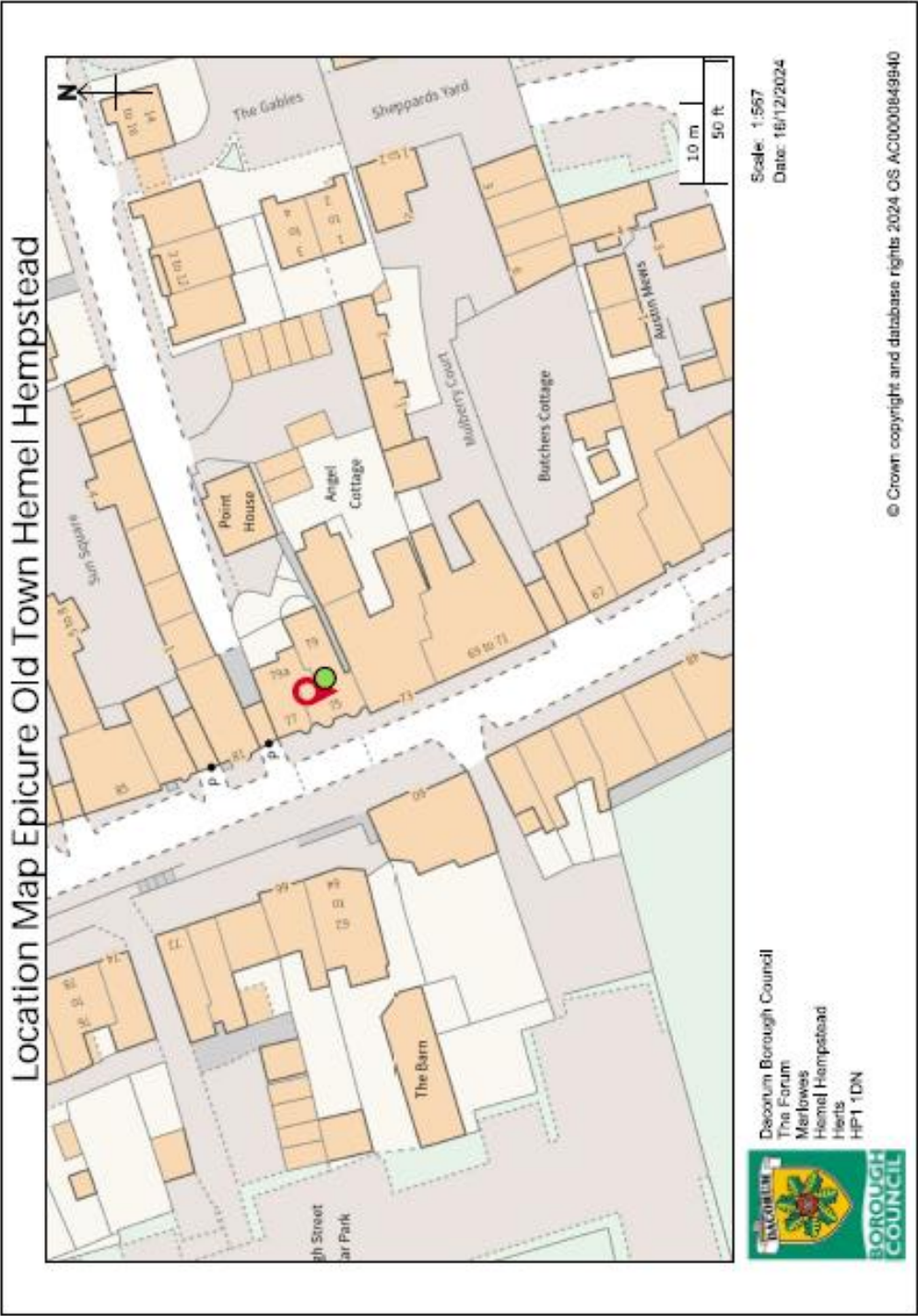
Premises Licence Plans
Epicure cafe
75 High Street, Old Town
Hemel Hempstead HP1 3AF
Job No. 089.9
Drawing prepared from
information supplied

Key:

WC	Toilets
Red Line	Licensable Area
ME	Main Entrance
FE	Fire Exit
CCTV	X



Annex C2
Location of premises



**Annex D
Representations**

Annex D1

From:

Sent: 27 November 2024 13:44

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

Subject: Application Reference: M059889 - Epicure Cafe, 75 High Street, Hemel Hempstead

Dear Dacorum licensing department,

I would like to raise an objection to the license application made by Epicure Cafe, whilst in the day time, the cafe is pleasant and brings much trade to the high street, I have concerns around the application to play recorded music and serve alcohol until 10:30pm, with opening hours until 11:00pm.

I live at **High Street, in the **, on the *****, the amount of noise disturbances caused by people who have been drinking is already excessive, with many congregating outside the front of our house to say their goodbyes before using the ginnel at the side of the house as a thoroughfare to go through gadebridge park or to collect their car.

There is often takeaway refuse and broken beer bottles scattered around the street in the morning, causing danger to people and their pets entering the park via the cobbled thoroughfare that separates 72 High Street from 74 High Street.

Once we take into account the general disruption caused by the smokers (who get louder and louder as the alcohol takes effect) who congregate outside Chang Mai, Dalcini's and Coffee and Wine, and the fact that this is largely a residential area with many families with children living in the houses and the flats above this venue, most living in listed houses with single glazing and accepting that Epicure cafe is also single glazed, to grant another license for a venue playing music would have a disproportionately negative impact on our house in particular due to the thoroughfare, but the general cumulative impact of the abundance of licenced premises up and down the high street and the increase in noise through music and alcohol consumption.

Additionally, the increase in anti social behaviour will impact negatively on the price of housing, devaluing a highly desired neighbourhood. Finally, young men are inclined to urinate up the side of our house and become aggressive when challenged which make my wife and I scared to leave our property after 10pm between Thursday and Sunday.

I would be prepared to waive our objection if the council took measures to close the thoroughfare inbetween 72 and 74 High Street from a reasonable hour to prevent congregations of people wishing each other on their merry way very loudly, and imposing external noise controls on all licensed premises from a reasonable hour.

Regards,

From:
Sent: 27 November 2024 16:45
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Ref: M059889 - Epicure Cafe 75 High Street

To Whom it may concern,

I am writing to advise that I wish to express my concerns over the application described above.

As a resident of *****, our house is ***** Epicure Cafe and I would like to explain that I have the following concerns if the license was to be granted:

Noise Pollution -

***** , their front door is probably within 8m of our bedroom window. With the ability to play music until 10:30pm 7 days a week, I am very concerned that noise disturbance will be an issue. Also the Epicure Cafe property is very small, so I believe it is highly likely that there will be overspill into the street which will be effectively outside ***** . We have two small children who will certainly be disturbed.

Smoking and Disruption - With the indoor smoking ban, the premises does not have adequate outdoor space to designate for smokers, which means they will loiter on the street outside ***** . Thus contributing to noise, disruption, and litter (cigarette butts).

Devaluation of my property - Considering the above, I have concerns that the license (if granted) will devalue my property. We bought this property because we love the local amenities and having independent businesses run by local people on our doorstep, and we accept that there is going to be an element of background noise. However I never envisaged that a late night licence would be applied for from a coffee shop, and I believe that prospective buyers of this end of the high street could/would be put off by the potential noise/loitering/litter etc.

Other local bars with live music - There are already enough bars further down the high street with the facilities to play music, I do not believe we need more. This end of the high street is significantly more residential when compared to the "bottom" end of the high street, and is pretty tranquil in the evenings. Ideally I and our immediate neighbours would like it to stay that way.

Property Performance - The cafe is an old building, I'm assuming it is listed and there is little to no sound insulation to the building. If it is listed, I doubt that the property owners would have the ability to add adequate provisions to try and mitigate my concerns.

While I would encourage and endorse local businesses doing whatever possible to help themselves through these tough times, I am mainly concerned over noise. The Saffron across the road is a great local business that does not cause any real disturbance (other than Uber eats drivers blocking up the high street while they collect their orders). The owners of the Saffron are very conscientious when it comes to disturbing the local residents. Having spoken to them in the past they have explained that they make a genuine effort not to attract drunken late night walk-ins, one because they don't want/need the business, but mainly because they don't want to upset the residences in the vicinity.

While I'm not 100% opposing the alcohol licence as I believe the cafe could be a nice wine bar in the evening and would be a nice addition to the high street, I am opposed to the late night opening hours (11:00pm) and potential to play music until 10:30pm seven days a week. This end of the High Street is significantly more residential and peaceful, by allowing a late night licence to the Epicure Cafe I believe you will be encouraging other premises to potentially consider doing the same and bringing unnecessary disturbance to the local residence.

I look forward to your response and hearing the outcome of the application.

Should you have any comments, please do not hesitate to contact me.

Annex D3

From:
Sent: 27 November 2024 20:07
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application reference M059889 objection

Hi,

I'm writing you to object to Application reference M059889 regarding Epicure Cafe, 75 high street, Hemel Hempstead.

I have been informed that a licence application has been submitted by Epicure to allow the cafe to sell alcohol and play recorded music with opening hours to 11pm 7 days a week.

I live at ***** the cafe. We chose this end of town because it is quiet and peaceful and I really don't want the night life coming up to this end because it will generate a lot of noise and disruption.

It will cause customers to gather outside, smoking will create unpleasant smells and noise for us and also devalue our home.

As our home is a listed building we only have single glazed windows and therefore additional noise would massively impact us and our young son. The noise is already audible from the other end of town so if it moves to this end it would be horrendous.

I am really concerned and massively object to this being allowed to happen at this premises.

Thank you

Annex D4

From:
Sent: 27 November 2024 20:12
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application reference M059889

I'm writing to you to show my objection to the proposed premises licence application submitted by "Epicure cafe" 75 high street, I strongly disagree with this and feel it is not a suitable property to support late night opening, I live ***** and my baby boys room ***** the cafe and as we are not aloud to have double glazed window he will be kept awake every night, if this application goes through then I will have no option then to seek legal advice over the this matter,

Annex D5

From:
Sent: 27 November 2024 20:41
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Planning Application M059889

Good Afternoon,

I am writing in connection with and to object to the planning application reference M059889 regarding Epicure Cafe, 75 High Street, Hemel Hempstead.

I understand that a licence application has been submitted by Epicure to allow the cafe to sell alcohol and play recorded music with opening hours to 11pm 7 days a week.

Traditionally this end of Hemel High Street is quiet and peaceful which is why most of the residents have chosen to live here. Loud and noisy night life migrating up to this end of the High Street would generate a lot of noise and disruption and completely destroy the vibe of the area.

Customers are also likely to stand outside smoking and drinking creating unpleasant smells and making excessive noise.

Most of the homes in this part of town are listed buildings and only have single glazed windows and therefore additional noise would massively impact the neighbourhood.

I am really concerned and massively object to this being allowed to happen at this premises.

Thank you

Annex D6

From:
Sent: 27 November 2024 21:15
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Objection to Licence Application M059889 – Grave Concerns

Dear Sirs,

I am writing to express my grave concerns and strong objection to Application reference M059889 regarding Epicure Cafe, 75 High Street, Hemel Hempstead.

I have been informed that Epicure has submitted a licence application seeking permission to sell alcohol and play recorded music, with proposed opening hours extending to 11pm, seven days a week.

This end of town is currently quiet and peaceful, and such a licence would significantly disrupt the character of the area. The potential introduction of nightlife to this location raises serious concerns about increased noise, anti-social behaviour, and overall disruption to residents.

Allowing this licence would likely lead to gatherings of customers outside the premises, with smoking generating unpleasant smells and additional noise. These factors would not only negatively impact the quality of life for residents but could also devalue our homes.

Furthermore, given that the houses in this area are listed buildings with single-glazed windows, the impact of increased noise would be profound and deeply troubling for the neighbourhood.

I cannot emphasise enough the seriousness of this matter. Approving this licence would fundamentally alter the character of this area, causing unnecessary and unacceptable disruption to the lives of local residents.

I strongly urge you to reject this application in the best interests of the community.

Thank you for considering my objection.

Yours sincerely,

From:
Sent: 27 November 2024 21:16
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Objection to Licence Application M059889

Hello,

I am writing to raise my objection to Application reference M059889 for Epicure Cafe, located at 75 High Street, Hemel Hempstead.

It has come to my attention that the cafe has applied for a licence to sell alcohol and play recorded music, with proposed operating hours extending to 11pm every day of the week. I feel strongly that this would have a detrimental impact on this part of the town, which is currently known for its quiet and peaceful character.

Introducing a late-night venue in this area will inevitably lead to noise, disruption, and anti-social behaviour. Customers congregating outside the cafe will create additional disturbances, including unpleasant smells from smoking, which would make the area less enjoyable for residents. Such changes could also affect the value of properties in the vicinity, an issue of particular concern for a neighbourhood comprising listed buildings.

The fact that these homes have single-glazed windows further exacerbates the problem. The increased noise would have a significant and detrimental effect on the lives of residents, disrupting their ability to enjoy the peace and quiet that has long been a hallmark of this end of the High Street.

For these reasons, I feel it is inappropriate to grant this licence. The impact on local residents would be severe and unwarranted, and I hope you will consider the strong case **against** allowing this application to proceed.

Thank you for your time and attention to this matter.

Regards

Annex D8

From:

Sent: 27 November 2024 21:17

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

Subject: Licensing Application reference M059889-Epicure Cafe, 75 high street, Hemel Hempstead

Good evening,

I'm writing to you to object to Application reference M059889, regarding Epicure Cafe, 75 high street, Hemel Hempstead.

I have been informed that a licence application has been submitted by Epicure to allow the cafe to sell alcohol and play recorded music, with opening hours to 11pm, 7 days a week.

There are already a number of pubs and café's etc at the lower end of the high street and up to the Old Town Hall, so the top end of the Old Town is quiet and peaceful and I really don't see the need for the night life to extend along the whole high street, as it will generate a lot of noise and disruption in the largely residential part of the Hemel Hempstead Old Town.

It will cause customers to gather outside the cafe, smoking will create unpleasant smells and noise for the residents and also devalue the homes.

As the homes in this area are listed buildings, they only have single glazed windows and therefore additional noise would massively impact the neighbourhood.

I am really concerned and massively object to this application being allowed to go through at these premises.

Thank you

Best regards,

From:
Sent: 27 November 2024 23:13
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Epicure Cafe

Re: application ref no. MO59889

As a resident in the High St. I object to the application submitted by Epicure Cafe, 75 High St. to extend their opening hours to 11pm.

Whilst there are several pubs, bars and clubs, as well as numerous restaurants, currently in the street, this end of the High St. is primarily residential. Approval of this licence is likely to increase the noise disturbance we already experience at night from people using these venues, particularly because the positioning of our property means our bedroom window is at street level.

I trust the concerns of rate paying residents will be seriously considered when making your decision.

Yours faithfully

From:
Sent: 04 December 2024 14:46
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Fwd: Council email

Subject: Objection to Premises Licence Application M059889 for Epicure Cafe

Dear Licensing Team,

I am writing to formally object to the premises licence application M059889 for Epicure, 75 High Street, Hemel Hempstead. As a resident living ***** the cafe, I am deeply concerned about the potential cumulative impact of another licensed premises in this predominantly residential area of the Old Town.

While I appreciate the owner's efforts in running a charming daytime café, the extension of operating hours for the sale of alcohol and playing recorded music from 11:00 am to 10:30 pm, seven days a week, raises several concerns:

1. **Noise Disturbance:** The consumption of alcohol in the evening often leads to increased levels of noise, particularly from patrons leaving the premises and smoking outside. This is likely to disturb the peace and quiet of the residential environment, which many of us value highly.
2. **Cumulative Impact:** The Old Town already has several licensed premises, and the addition of another venue serving alcohol could exacerbate existing issues such as late-night noise, anti-social behaviour, and increased footfall in the area.
3. **Residential Character:** The top end of the Old Town is predominantly residential, and allowing more evening alcohol sales risks altering the character of the area, shifting it further towards a nightlife hub, which is not suitable for this historic and community-focused neighbourhood.

I believe this application does not sufficiently address these concerns or the potential impact on the wellbeing of local residents. I urge the Council to carefully consider the balance between supporting local businesses and preserving the peace and character of this residential area.

Thank you for taking my objections into account. Please confirm receipt of this email.

From:

Sent: 05 December 2024 11:58

To: licensing@dacorum.gov.uk <licensing@dacorum.gov.uk>

Subject: Objection to Premises Licence Application (M059889) for Epicure Café, 75 High Street, Hemel Hempstead

Dear Sir/Madam,

I am writing to formally object to the premises licence application submitted by Epicure Café, located at 75 High Street, Hemel Hempstead, for permission to serve alcohol and play recorded music between 11:00 am and 10:30 pm, with extended opening hours until 11:00 pm, seven days a week.

As a long-term resident who has lived ***** this premises for nearly 20 years, I have endured significant and persistent noise disruptions since the café began operating. When I purchased my property, the space ***** was a quiet retail shop that closed at 5pm and remained shut on Sundays, ensuring a peaceful environment. However, 16 years later, the premises was converted into a café, bringing a marked and ongoing increase in noise and disturbance that has deeply affected my quality of life.

To provide context, I have attached a picture of the premises, highlighting the layout of my property in relation to the café below. (*Picture not included for Data protection reasons*)

While I have great respect for the new owner of Epicure Café and truly appreciate the positive impact his business has on the community, the noise generated by the café has a profound and detrimental effect on my daily life and well-being. It is with a heavy heart that I must raise this objection, as I know the owner has made efforts to mitigate the noise, but the challenges remain. I am particularly concerned that granting this licence will exacerbate these disturbances, making my home uninhabitable and causing further distress, especially due to the inadequate sound insulation in this Grade II listed building.

1. Noise Disturbance: Impact on Daily Life

The current noise levels from the café already cause significant disturbance, including:

- The sound and vibration of the knock box (used for coffee grounds disposal) which, despite the owner's best efforts to reduce it, remains an issue.
- Dishwashing noise, including clattering dishes and the hand dryer from the café's bathroom, which is audible in the bedroom where my partner's son sleeps (this room also serves as my home office).
- The creaking swing door between the café and kitchen, which causes vibrations that reverberate through the building.
- Loud conversations from customers and staff, including those in the outdoor seating area.
- Music, particularly bass vibrations, which can be clearly heard in my flat.

- Banging doors from customers entering or leaving, which shakes the building and disrupts my peace.

Despite my personal investment of £3,000 in sound-insulating underlay for my lounge following the change of use from a retail shop to a café, the disturbances persist due to the building's structural limitations, including hollow walls and the minimal cavity between the café ceiling and my floor. These inherent flaws mean that noise continues to disrupt my ability to enjoy my home, despite my best efforts to mitigate it.

While the applicant has demonstrated some willingness to reduce disturbances and respond to feedback, the proposed introduction of alcohol and extended operating hours will almost certainly amplify the noise, further eroding my quality of life.

It is also crucial to consider the long-term implications of granting a premises licence. While the space currently operates as a café, such a licence could easily pave the way for it to become a full-scale evening venue, with significantly greater disruption to residents, particularly those living directly above.

2. Concerns Regarding the Licence Application and Extended Hours

If this premises licence is granted, I fear the following additional impacts will occur:

- Louder music, especially bass, which will carry through the building and further disturb my home.
- Intoxicated patrons whose louder conversations and laughter will affect both the café interior and surrounding area, especially in the evenings.
- Customer departures, which will include shouting, slamming car doors, and increased taxi noise at night.
- The café's website promotes hosting special events, such as birthday and office parties. While these events are great for the business, they are not suitable for the residential nature of the top end of the High Street, where families value peace and quiet, particularly in the evenings.

3. Impact on Mental Health and Well-being

The constant noise from the café is already a significant source of stress, particularly as I work from home. The prospect of this noise continuing until 11:00 pm every day, compounded by amplified music and alcohol-related disturbances, is causing me dreadful anxiety. My ability to relax, sleep, and enjoy my home is compromised, and any escalation of this situation will negatively affect my mental health.

4. Unsuitability of the Building for Licensed Use

The building was previously a retail shop and is not designed to accommodate the noise levels typically associated with a café, especially one seeking a licence to play music and serve alcohol. As a Grade II listed building, it presents significant challenges for soundproofing.

Section 16.3 of Dacorum's Licensing Policy states that "consideration will be given to the individual characteristics of the premises concerned within a given area" and "proper regard will be had to those differences and the impact they are likely to have on the local community." Based on advice from an acoustic specialist, the building's listed status prevents any substantial alterations to install effective soundproofing.

The lack of double glazing and the presence of hollow walls make the building unsuitable for a licensed café, particularly one with amplified sound.

5. Concerns About Smoking and Outdoor Seating

The café holds a pavement licence, allowing for outdoor seating directly outside my lounge window. I regularly see up to eight people sitting outside, which causes significant disturbance. Any increase in outdoor activity, especially with extended hours, will make the situation unbearable. I urge the council to enforce non-smoking conditions and limit the hours for outdoor seating to reduce disturbances.

6. Cumulative Impact on the Residential Area

This part of the High Street is predominantly residential, and the cumulative impact of multiple licensed premises is already significant. The noise from nearby restaurants and pubs has created substantial late-night disturbances. Allowing another venue to serve alcohol and play music will exacerbate the situation, particularly as the café may expand its operations to include larger and louder evening events. Such developments will likely result in:

- Increased noise from patrons leaving various venues, including shouting, car doors slamming, and street gatherings.
- Congregation of patrons outside the café, especially outside my window, adding further to the disturbances, particularly during warmer months.
- The gradual erosion of the residential character of the top end of the High Street, transforming it into a noisy, late-night destination instead of a peaceful area for residents.

7. Proposed Compromise and Request for Restrictions

While I remain strongly opposed to this application in its current form, I would be prepared to tolerate a more restricted licence as a compromise, provided it includes the following strict limitations:

- Alcohol sales and recorded music limited to 11:00 am to 6:00 pm.
- No alcohol sales or recorded music on Sundays.
- Outdoor seating to be designated non-smoking and restricted to specific hours, with noise levels controlled.
- Recorded music played at a soft, background level to ensure it does not carry through the building or disturb residents.
- A restriction be placed on the number of Temporary Event Notices (TENs) the café can apply for annually, as frequent use of such licences could undermine the restrictions set by any approved licence.

These restrictions would allow the café to remain a viable business while minimising the impact on residents like myself who value peace and quiet in their homes.

8. The Right to Enjoy My Home

As outlined in section 5.14 of Dacorum's Licensing Policy, the Licensing Authority aims to "discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset, or distress to others." The noise

from the café is already a significant source of distress, and I fear that granting this licence will only worsen the situation.

I respectfully request that the Licensing Authority carefully consider the impact on local residents, particularly given the unique challenges posed by the building's Grade II listed status and its inadequate sound insulation. I urge the Licensing Authority to require the applicant to seek advice from a qualified acoustic consultant and ensure that effective soundproofing measures are implemented to address these issues before any licensing decisions are made.

Conclusion

I trust that the Licensing Authority will prioritise the well-being of local residents and the preservation of the residential nature of the High Street. Thank you for your time and consideration. I am happy to provide further details or evidence if required.

Yours sincerely,

From:
Sent: 06 December 2024 11:53
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Objection to Premises Licence Application ref M59889 by Epicure Old Town

Dear Sir/Madam,

I am writing to register my objection to the application for a Premises Licence by the above business located at 75 High Street, Hemel Hempstead, HP1 3AF.

My name is ***** and I am a resident of *** High Street, Hemel Hempstead, ***** - which is ***** For context I have included a picture of the building showing the current coffee shop and its proximity to my property.

First and foremost, I am objecting on the grounds that it is impossible to prevent significant disturbance and distress to the public in the immediate vicinity of the premises.

The business is situated within a 16th Century grade II listed timber framed building. It occupies about a quarter of the building and is shared with a retail business (Old Town Insurance) and two residential properties above*****. The building in its current state is completely unsuitable for a business of this nature. There are no sound proofing properties whatsoever between the commercial premises and the residential properties above and I am already acutely aware of the noise of customers and staff coming from the shop and the smell of coffee, which permeates through the floorboards into my home. Although this is a permitted use of the the space there has been no consideration given to the age and construction of the building and it is clearly only suitable for retail or office use unless substantial modifications are made to insulate against noise for hospitality use - which is what is now being proposed.

The building's listed status also means we're not permitted to have double glazed windows. We are therefore able to clearly hear the conversations of people in the street, even at a normal speaking level with the windows closed and we are already subjected to noise from people talking at varying volumes whilst sitting at tables outside the shop until to 5pm every day when it currently closes - and this is without the volume-enhancing addition of alcohol.

If this licence were granted inevitably people would congregate outside the premises to talk and smoke, as already happens with other licensed premises in the High Street, throughout the evening until 11pm every night and beyond when the patrons are saying their loud goodbyes after a night out and a few drinks (signage asking patrons to leave quietly is totally ineffective in my experience).
*****. It's extremely likely that this activity would spill over to the pavement below our windows and the ***** (especially if it was raining) throughout the evening. This would be bad enough when the windows are closed but in the summer when we might want the windows open it would be like

having them in the room with us - with the strong likelihood of cigarette smoke drifting in through the open windows.

Furthermore, after the premises have closed to customers we would have the disturbance of cleaning up inside and outside the premises, with the noise of dragging furniture and clattering dishes clearly audible to the residents of *****, and the disposal of rubbish, including bottles and cans, in the two large commercial waste bins that are located in the alleyway underneath our living room. This creates a startling amount of noise even during the day, let alone up to 10.30 at night.

All of this would have a devastating impact on our quality of life and ability to enjoy peace in our home.

It would also affect all the properties within the immediate vicinity. The licence application states that the shop is in a 'busy retail area' giving the impression that it's already a busy, and therefore noisy, commercial area, which simply isn't true. The area of the High Street in which the premises is situated is a mixture of retail businesses and a large proportion of residential properties that give it a unique character. Most of the businesses operate during the day, at night the atmosphere is largely residential and a bar playing music with customers coming and going until 11pm every night would resonate around the entire neighbourhood.

Regarding the prevention of crime and disorder. I know from attending old town residents and traders meetings hosted by Dacorum Borough Council that there has been a significant problem with crime and antisocial behaviour associated with patrons of the licensed premises at the bottom of the High Street, despite the presence of CCTV in the street for many years. Any behaviour of this kind would be devastating in such close proximity to people's homes.

Whilst the current owner of the business may be responsible and considerate, this is a permanent licence attached to the building that will set a precedent going forward. Future owners of the business would have a licence to open and serve alcohol until 11pm every night which, as an immediate neighbour to the establishment, would be unbearable.

Your Statement of Licensing Policy 2021-2026 states "(The Licensing Authority) seeks to balance the needs of the local business holders and licensees, whilst protecting those of local residents." I cannot overstate how disruptive this would be and sincerely hope you will protect the need for local residents in this instance to continue to enjoy peace in their homes.

Thank you for your consideration.

Photograph overleaf:

Annex D12 continued:



From:

Sent: 08 December 2024 21:05

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

Subject: Objection to Premises Licence Application M059889 - Epicure Café, 75 High Street, Hemel Hempstead

Dear Licensing Department,

I am writing to strongly object to the premises licence application M059889 for Epicure Café at 75 High Street, Hemel Hempstead. As a resident at ** High Street, I am deeply concerned about the impact that granting this licence would have on our neighbourhood, particularly at this quieter end of the road.

This part of the High Street is predominantly residential and, apart from noise and disturbance from revellers making their way home from the other end of the high street, it remains relatively peaceful. Approving a licence to allow alcohol sales and extended operating hours directly opposite our homes would cause significant disruption to our daily lives, and would put at risk the historical buildings we call our homes, as demonstrated by the regularly smashed windows of premises at the further end of the high street.

One of my primary concerns is the effect on families with young children, including my own. The prospect of drunk individuals shouting and gathering outside late at night—directly outside our children’s bedroom windows—is deeply distressing. We already experience occasional disturbances from the other premises on the street, but this licence would bring the problem right to our doorstep, turning our quiet end of the street into a late-night hub of noise and activity.

Further, the building at 75 High Street is not suited for late-night licensed premises. Its lack of modern insulation and soundproofing would exacerbate noise issues, and the increased foot traffic, car door slamming, and loud goodbyes would make it impossible for residents to enjoy any peace in the evenings.

Granting this licence would upset the balance of the Old Town, which is primarily a residential area at this end of the High Street. The cumulative impact of another late-night venue in this part of the neighbourhood is unacceptable and would significantly diminish the quality of life for those living here.

I urge the council to reject this application in order to preserve the peace and character of our neighbourhood and to ensure that families and residents are not subjected to unnecessary late-night disruptions.

Thank you for taking my concerns into account.

Kind regards,

**Annex E
Mediation**

**Annex E1
First mediation letter to all parties 9th December 2024**

From: Rob Edge. (Agent for the applicant)
Licence Leader Ltd
rob.edge@licence-leader.co.uk
Mob. 07982917819

To: [REDACTED] 9, December 2024

CC: Licensing Authority Licensing@dacorum.gov.uk

Dear [REDACTED]

Premises Licence Application- Licensing Act 2003.
Reference: M059889 - Epicure Cafe, 75 High Street, Hemel Hempstead

To introduce myself, I am the Licensing Agent acting on behalf of the applicant for this premises licence application.

As your representations to the application for the premises licence have been forwarded to me by the Licensing Authority, I will now attempt to answer your questions, and hopefully allay any concerns you may have initially had:

- a. My client (the applicant) is a responsible operator and reputable businessman, who runs two such premises. In response to the points, you have raised, he has instructed me to respond to you.
- b. There are a comprehensive suite of robust conditions within the operating schedule of the premises licence, which will ensure that the premises upholds all of the four licensing objectives.
- c. In addition, the applicant will ensure that the following policies are fully implemented and adhered to:
 - Staff training in accordance with the Licensing Act 2003.
(A comprehensive Staff Training and Operations Manual)
 - Noise Management Plan (Noise Breakout)
 - Licensing compliance pack :
 - a. Challenge 25 and policy
 - b. Refusals log
 - c. Staff Training logs
 - d. DPS Authorisations
 - e. Signage for patrons to show consideration to neighbours
 - f. Till prompts
- d. It should be noted that although the hours applied for are 1000 - 2230 hrs, these are not the hours the premises will fully utilise, they are there purely to cater for the possibility of small birthday parties and such events.
- e. Please note that recorded music will be played at a background or ambient level. Under the Live Music Act 2012, this remains unregulated between the hours of 08:00 and 23:00 hours

- f. The licensing process can only seek to control those measures within the control of the premises licence holder. It is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the premises licence holder. However, as the premises licence holder, he will take all reasonable steps to prevent the occurrence of crime and disorder & public nuisance immediately outside of the premises, for example on the pavement, to the extent that numbers will be restricted within the outside seating area, when a function or event takes place.
- g. This is a new premises licence application with no history of noise or nuisance. We kindly request that it be judged on its own merits. The owner is committed to fostering a positive relationship with his neighbours and maintaining harmony within the community."

Additional measure will be in place, such as:

- Communication and signage: Clearly communicate to patrons and visitors the importance of maintaining a respectful noise level when arriving at or leaving our premises. (verbally by staff and with signage)
- We will always remember, while complete control over indirect noise may not be possible, demonstrating our commitment to addressing the issue and actively taking steps to minimize its impact will help foster a positive relationship with our community.
- It should be noted that the Premises Licence Holder intends to implement effective training, operational systems, and robust policies to a high level in the pursuit of good practice, and due diligence.

Please feel free to contact me if you require any further information in relation to this application.

Unless you inform the Licensing Authority that you are willing to withdraw your representation, I believe we will leave the final decision to the Licensing Subcommittee to determine this application.

I have discussed with the Licensing Authority and would much appreciate if you reply to me direct and cc licensing into your reply.

Kind regards



Rob Edge (Director)

Annex E2

Response to mediation letter from resident 10th December 2024

From:

Sent: 10 December 2024 15:04

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

Subject: Re: Application for premises licence, Epicure Cafe 75 High Street Hemel Hempstead

FYI this is isn't answering any of my questions, it's simply a copy and paste, I strongly disagree with there proposal and will fight it the whole way, can you let me know they dates of any meeting so I can voice my objections in person with countles other neighbours,

Thanks

Response to mediation letter from resident 14th December 2024

From:

Sent: 14 December 2024 15:55

To: rob.edge@licence-leader.co.uk

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

Subject: FW: Application for premises licence, Epicure Cafe 75 High Street Hemel Hempstead

Dear Mr. Edge,

Re: Premises Licence Application for Epicure Café, 75 High Street, Hemel Hempstead (Ref: M059889)

Thank you for your detailed response to my representation regarding the above premises licence application. While I appreciate your efforts to address the concerns I raised, I am deeply disappointed with the generic nature of your reply. It has failed to alleviate my apprehensions and, in some cases, has only heightened my concerns. I understand that my neighbour also received an identical response, which further diminishes the reassurance I hoped to receive.

I would like to address several specific points in your reply:

1. **Smoking outside my windows** Your letter confirms that smoking will be allowed in the outdoor seating area *****. This is a matter of significant concern for me. The prospect of smoke drifting *****, especially during warmer months when windows are more likely to be open, is distressing. I simply won't be able to open them. Furthermore, the noise associated with patrons congregating outside to smoke is likely to exacerbate the already considerable disturbances I experience.
2. **Lack of volume restrictions for music** While you suggest that recorded music will be played at an ambient level, there appears to be no enforceable restriction on the volume of music between 8:00 am and 11:00 pm. This effectively grants the premises licence holder carte blanche to determine what constitutes "ambient" music. Given the inadequate sound insulation in this Grade II listed building, even moderate volumes carry through the structure and disrupt my home environment.
3. **Evening events** Your acknowledgment of "small birthday parties and such events" being held in the evening is deeply troubling. Even minor gatherings can result in noise and disruption that will infringe on my ability to relax and enjoy my home after a long working day. As I mentioned in my original representation, the building's structural limitations make it wholly unsuitable for such activities.
4. **Alcohol and increased noise** It is well-documented that alcohol consumption tends to increase noise levels, as patrons often become louder and more animated. The potential for disturbances, both within the café and in the surrounding area, will undoubtedly rise if alcohol is served. This is particularly concerning given the late hours proposed in the application.
5. **Permanent nature of the licence** While the premises currently operates as a café, granting a premises licence is a permanent decision. There is nothing to

prevent this establishment from transitioning into a full-scale bar in the future, which would significantly worsen the impact on residents. This possibility must be carefully considered when evaluating the application.

6. **Historical noise issues** Your assertion that this is a new premises licence application “with no history of noise or nuisance” is demonstrably inaccurate. I filed a complaint with Environmental Health in 2022 regarding noise disturbances from the café (case reference *****). This highlights an ongoing issue that has already been documented, contrary to your claim.
7. **General lack of specific mitigation for sound insulation** My principal concern regarding the building’s inadequate sound insulation remains unaddressed in your response. While you reference a Noise Management Plan, the inherent limitations of a Grade II listed building make it impossible to install effective soundproofing measures. This leaves residents like myself vulnerable to further disruptions, particularly during extended operating hours or special events.
8. **Fairness and mental health** I must stress the severe impact this application will have on my mental health and well-being. I have reluctantly come to terms with the fact that I cannot enjoy peace in my home during the daytime due to the existing café operations. However, the thought of these disturbances extending into the evening fills me with dread and anxiety. It is deeply unfair to expect me to sacrifice the quiet enjoyment of my home, particularly during hours when I should reasonably expect to relax.
9. **Proposed compromise** In the interest of fairness, I have offered a compromise that balances the needs of the café owner with my right to a peaceful home environment. My suggestions include:
 - Limiting alcohol sales and recorded music to 11:00 am to 6:00 pm.
 - Prohibiting alcohol sales and recorded music on Sundays.
 - Designating the outdoor seating area as strictly non-smoking and restricting its hours of use.
 - Ensuring music is played at a genuinely soft, background level.
 - Restricting the number of Temporary Event Notices (TENs) to one per month, with advance notice provided to allow me to make alternative arrangements.

These measures would allow the café to continue operating successfully while minimising the negative impact on residents like myself. I reiterate that I value the café as a community asset and truly appreciate the new owner’s efforts to address some of these issues. However, I cannot support the current application, which prioritises business interests over my right to enjoy my home without undue stress and disturbance.

I respectfully urge you to reconsider the terms of this application and implement the compromises I have proposed. Failing that, I will have no choice but to maintain my objection and trust the Licensing Subcommittee to make a decision that fairly balances the needs of all parties.

Yours sincerely,

Response to correspondent from Applicant's Agent 16th December 2024

From: Robert Edge <rob.edge@licence-leader.co.uk>

Sent: 16 December 2024 10:10

To:

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

Subject: Re: FW: Application for premises licence, Epicure Cafe 75 High Street Hemel Hempstead

Dear

Thank you for your detailed email and for taking the time to articulate your concerns regarding the premises licence application for Epicure Café. I sincerely regret that my previous response failed to provide the reassurance you were seeking and that it was perceived as generic. I take your feedback seriously and will do my utmost to address the specific points you have raised.

1. Smoking Outside Your Windows

I understand the significant distress caused by the prospect of smoking near your windows. I will explore options to mitigate this issue. I appreciate how important it is for you to maintain a comfortable home environment.

2. Volume Restrictions for Music

Your concerns regarding the potential for excessive noise from music are entirely valid, especially given the building's sound insulation limitations. I will propose adding enforceable volume limits within the premises and ensure these are monitored.

3. Evening Events

I acknowledge your apprehension about evening events. I have raised this issue with the café owner and I can confirm that these will be no more than once per month.

4. Alcohol and Increased Noise

I appreciate your concerns about alcohol consumption and its potential to amplify noise levels. I will recommend enhanced supervision and robust staff training to manage patrons effectively, particularly in the evenings.

5. Permanent Nature of the Licence

You raise an important point about the potential for the café to transition into a bar in the future. While the current application is specific to café operations, I am more than happy to have the operating schedule conditioned to read "The premises will always remain as a cafe/restaurant, and not be converted to a Vertical Drinking Establishment (VDE).

6. Historical Noise Issues

Thank you for bringing the Environmental Health case to my attention. I will investigate this matter further and ensure it is taken into account when reviewing the Noise Management Plan.

7. Sound Insulation

I fully understand your concerns about sound insulation in a Grade II listed building. While structural changes may be constrained, I will work with the café owner to implement measures to reduce noise transmission, such as improved noise management protocols and limiting noise-producing activities during sensitive hours.

8. Fairness and Mental Health

I am deeply sympathetic to the impact that these issues are having on your mental health and well-being. Ensuring that you can enjoy peace in your home is a priority, and I will advocate for compromises that balance the needs of the café with your right to a tranquil living environment.

10. Proposed Compromise

Your proposed compromises are reasonable and demonstrate your willingness to reach a balanced solution. I can confirm that we agree to:

- a. Licensable activities will take place from 1100 until 1800 hrs
- b. TENs will be on the basis of one per calendar month
- c. The premises will always remain as a cafe/restaurant, and not be converted to a Vertical Drinking Establishment (VDE).

will present these suggestions to the café owner and Licensing Subcommittee for serious consideration. These measures have the

potential to address your concerns while allowing the café to operate responsibly and harmoniously within the community.

Once again, I apologize for any distress caused by my initial response. Your concerns are valid, and I am committed to working with you, the café owner, and the Licensing Subcommittee to achieve an outcome that respects your rights as a resident while supporting a valued local business. I will update you promptly with any developments or responses from the café owner regarding your proposed compromises.

Thank you for your continued engagement on this matter.

Best regards

Rob

Annex E5
Amendment proposals to objectors 16th December 2024

From: Rob Edge. (Agent for the applicant)
Licence Leader Ltd
rob.edge@licence-leader.co.uk
Mob. 07982917819

To: All objectors 16, December 2024

CC: Licensing Authority
Licensing@dacorum.gov.uk

Dear All,

Premises Licence Application- Licensing Act 2003.
Reference: M059889 - Epicure Cafe, 75 High Street, Hemel Hempstead

Firstly, thank you for your detailed emails and for taking the time to articulate your concerns regarding the premises licence application for Epicure Café.

I have taken your feedback seriously and have discussed these with the applicant, we are now taking the following steps to allay the concerns you have cited in your correspondence:

1. Smoking Outside

I understand the significant distress caused by the prospect of smoking near neighbouring windows. I will explore options to mitigate this issue. I appreciate how important it is for you to maintain a comfortable home environment.

2. Volume Restrictions for Music

Your concerns regarding the potential for excessive noise from music are entirely valid, especially given the building's sound insulation limitations. I will propose adding enforceable volume limits within the premises and ensure these are monitored.

3. Evening Events

I acknowledge your apprehension about evening events. I have raised this issue with the café owner, and I can confirm that these will be no more than once per month.

4. Alcohol and Increased Noise

I appreciate your concerns about alcohol consumption and its potential to amplify noise levels. I will recommend enhanced supervision and robust staff training to manage patrons effectively, particularly in the evenings.

5. Permanent Nature of the Licence

You raise an important point about the potential for the café to transition into a bar in the future. While the current application is specific to café operations, I am more than happy to have the operating schedule conditioned to read "The premises will always remain as a cafe/restaurant, and is not to be converted to a Vertical Drinking Establishment (VDE)".

6. Historical Noise Issues

Thank you for bringing the Environmental Health case to my attention. I will investigate this matter further and ensure it is taken into account when reviewing the Noise Management Plan.

7. Sound Insulation

I fully understand your concerns about sound insulation in a Grade II listed building. While structural changes may be constrained, I will work with the café owner to implement measures to reduce noise transmission, such as improved noise management protocols and limiting noise-producing activities during sensitive hours.

8. Fairness and Mental Health

I am deeply sympathetic to the impact that these issues are having on your mental health and well-being. Ensuring that you can enjoy peace in your home is a priority, and I will advocate for compromises that balance the needs of the café with your right to a tranquil living environment.

9. Proposed Compromise

Your proposed compromises are reasonable and demonstrate your willingness to reach a balanced solution. I can confirm that we agree to:

- a. Licensable activities will now take place from 1100 until 1800 hrs
- b. TENs will be on the basis of one per calendar month
- c. The premises will always remain as a cafe/restaurant, and not be converted to a Vertical Drinking Establishment (VDE).

I have presented these suggestions to the café owner who is in full agreement, and we will present these to the Licensing Subcommittee for inclusion within the operating schedule. These measures have the potential to address your concerns while allowing the café to operate responsibly and harmoniously within the community.

Once again, I apologize for any distress caused by my initial response. Your concerns are valid, and I am committed to working with you, the café owner, and the Licensing Subcommittee to achieve an outcome that respects your rights as a resident while supporting a valued local business.

Thank you for your continued engagement on this matter, if this has now addressed all of your concerns - you may wish to withdraw your objection by writing to the licensing authority at Licensing@dacorum.gov.uk

Kind regards



Rob Edge (Director/Founder)
Licence leader Ltd
