



AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	27th July 2020
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence review application under the Licensing Act 2003
Contact:	Nathan March, Licensing Team Leader, Licensing, Corporate and Contracted Services
Purpose of report:	This report sets out details of an application in respect of a review 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 the representation made in respect of the review 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 review applications for premises licences is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Application 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 in the appendix to this report.

Background papers:	<p>Licensing Act 2003, and associated regulations</p> <p>Live Music Act 2012</p> <p><u>DBC Statement of Licensing Policy 2016-2021</u></p> <p><u>Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</u> (Home Office, April 2018)</p>
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.
- 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. Application Procedure

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified ‘responsible authorities’. The Council was required to give public notice of the application, by displaying a statutory notice at or near the premises, and at the Council’s offices. Unfortunately, the notice displayed the previous address of the Council’s offices (The Civic Centre), however, representations were all received by email, and it is understood that mail addressed to the Council’s previous address do get successfully delivered to the Council’s new building.
- 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 review applications

- 3.1. The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems

associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

- 3.2. Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 3.3. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 3.4. 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.
- 3.5. 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.
- 3.6. 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.
- 3.7. The provisions of chapter 10 of the Statutory Guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are 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.

- 3.8. 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.
- 3.9. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 3.10. 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.
- 3.11. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

4. Options available to the Sub-Committee

- 4.1. The Licensing Authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a Licensing Authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 4.2. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 4.3. Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - a. modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- b. exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- c. remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d. suspend the licence for a period not exceeding three months;
- e. revoke the licence.

5. Details of application

5.1. The following application requires consideration and determination by the Sub-Committee.

Premises name / address	Type of application
Boxmoor Lodge, London Road Hemel Hempstead	Review of premises licence (s.51 Licensing Act 2003)

- 5.2. This review was applied for by Hertfordshire Constabulary, in their role as a responsible authority under the Licensing Act 2003.
- 5.3. The grounds for the review relate to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder, in particular noise nuisance from the playing of live and recorded music the sound of which is escaping due to the use of a marquee which forms part of the premises, which has been regularly used for events.
- 5.4. A copy of the review application together with the supporting documentation submitted by Hertfordshire Constabulary is attached at Appendix 1
- 5.5. The police had been working with the licensee in order to encourage some amendments to the licence by way of a minor variation, but the licensee chose not to submit one following the discussions that took place. The review states that ‘from the police’s view this premises has been operating beyond its licence for many years’ and that ‘the conditions on the licence concerning the use of the marquee needed to be clearer’. Whilst that may be considered to be the case, the Licensing Authority can only make changes to the licence where sufficient evidence is presented that supports these changes.
- 5.6. Further representations were received from ‘other persons’ both in support of the premises, and others in support of the review, these form Appendix 2.
- 5.7. A response to the consultation was received from the Planning Authority, As the response did not contain information which would make it a valid representation, however, the information may be considered relevant to the review consideration in so far as the Licensing Authority may wish to include such relevant information in the licence, to avoid any confusion in regards to the links between the Licensing and Planning regimes. Whilst Licensing and Planning are separate regimes, with connected, but different responsibilities, it is important that licensees understand

that holding a permission from either authority, does not circumvent the requirements of the other.

- 5.8. A copy of the current premises licence is attached at Appendix 4. This licence permits the following activities:

Activity	
Live and recorded music	Monday to Saturday – 11.00 to 23:30 Sunday – 12.00 to 23:30
Sale by retail of alcohol	Monday to Saturday – 11.00 to 23:30 Sunday – 12.00 to 23:30 New Year's Eve - 11:00 to 23:00 on New Year's Day Hotel Room Service 24 hours a day
Late night refreshment	24 hour room service for guests

- 5.9. The premises licence holder and designated premises supervisor is Mr Andrew Rickett.

- 5.10. Maps showing the location of the premises, and the proximity of the premises to those who have made representations is attached at Appendices 5A and 5B.

6. Legislation, Local policy considerations and National Guidance of particular relevance to this application for review

- 6.1. The Licensing Act 2003 has been amended by The Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 removing the effect of any condition on a premises licence or club premises certificate which relates to live or recorded music, where the premises is authorised and open for the supply of alcohol at that time, and the audience is no more than 500 people, when taking place between 8am and 11pm. However this ceases to be the case if the conditions are amended by way of review, or if conditions are added at a review. This would only be appropriate where the evidence used in the application for review justifies such a change to the licence.

Annex 1

Local policy considerations and National Guidance

Local Policy considerations

Representations:

7.9. When considering whether a representation or ground is frivolous or vexatious, the authority will consider the ordinary dictionary definitions of these terms. It is not possible to give an exhaustive list of what may cause the authority to exclude a representation or ground under these provisions, but examples may include relying on a matter with no relevance to the licensing objectives (for example, the effect of an application on nearby house prices) or a matter which is unrelated to the operation of the premises concerned (for example, litter repeatedly left on a pavement near a premises which is unconnected to that premises).

8.5. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

Licence conditions:

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

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

11.3. When we set conditions, we will follow the SMART methodology, and aim to ensure that the conditions are:

- Specific – directly related to the premises and the licensable activities carried on; the condition clearly and unambiguously states what is required of the licence-holder;
- Measurable – that it is possible to confirm whether the condition is being satisfied; if compliance cannot be readily verified, it is likely that a court will rule a condition is unenforceable;
- Achievable – that the licence-holder is able to satisfy the measures required to comply with the requirement: it is not something which is outside his control;
- Reasonable – that the condition does not place unachievable, disproportionate or unrealistic requirements on the licence-holder;
- Time-bound – where appropriate (for example, if substantial new equipment will have to be purchased and installed) a time period will be stated for the licence-holder to achieve compliance with the requirement.

National 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....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.

The review process

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Appendix 1



Reviewing a Premises Licence

Licensing Act 2003

There may be occasions when concerns exist over the operation of a licensed premises which cannot be resolved either through mediation or enforcement action. In those situations, a responsible authority or another affected person may request that the applicable licence is reviewed.

An application for the review of a premises licence must be given in writing, and the grounds upon which a review is requested must relate to one or more of the licensing objectives (preventing crime & disorder; public safety; preventing public nuisance; or protecting children from harm). Anybody requesting a review will be expected to demonstrate the extent of the problem that forms the grounds for review. It is also worth noting that the review process is intended to be used as a last resort, and that attempts to resolve the problem should have been made through other avenues (e.g. informal approaches and intervention by other council services such as the council's noise enforcement service) before a request for a review is submitted.

The licensing authority may reject any ground for a review it considers to be frivolous, vexatious or repetitious, or if the grounds cannot be attributed to the operation of the premises concerned. Additionally, an application may not be made anonymously, as we must be able to verify that the applicant is legally entitled to make such an application.

Making an application for review

Please refer to the enclosed guidance notes before completing the application form.

Send the completed form, with any supporting evidence, to:

Licensing
Dacorum Borough Council
The Forum
Marlowes
Kemel Hempstead
HP1 1DN

You must also send a copy of your application form, and any supporting evidence, to:

- the holder of the licence you are requesting a review of,
and
- each of the Responsible Authorities
(addresses are given on the next page).

The licensing authority will advertise the review of the certificate and invite representations from responsible authorities and other persons.

What happens next?

Once your application has been received, representations may be made in the next 28 days by the Responsible Authorities and other local residents, businesses and bodies in respect of the licensed premises in question. The licensing authority will advertise the application at our offices, at or near the premises and on our website, www.dacorum.gov.uk/licensing

After this period has finished, the licence will be reviewed by the Licensing of Alcohol & Gambling Sub-Committee at a hearing. The person who made the initial application, the licence-holder, and any other person or body who has made representation will be invited to the hearing to put their case forward.

After considering the representations from all parties, the Sub-Committee can leave the licence as it is, reduce the times/activities, impose conditions, or even suspend or revoke it.

Contact us

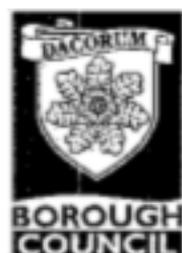
For further information or assistance in making an application, please contact us:

Email: licensing@dacorum.gov.uk

Phone: 01442 228000 (ask for Licensing)

Contact details for Responsible Authorities

Licensing Act 2003



1.	Hertfordshire Constabulary Licensing, Dacorum Division, Combe Street, Hemel Hempstead, Hertfordshire, HP1 1HL Tel: 01442 271601 Email: Dacorumlicensing@herts.pnn.police.uk
2.	Hertfordshire Fire & Rescue Service Fire Protection Manager, MU103, Mundells, Welwyn Garden City, Hertfordshire, AL7 1FT Tel: 01707 292310 Email: administration.cfs@hertfordshire.gov.uk
3.	Home Office Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY Email: alcohol@homeoffice.gsi.gov.uk
4.	Public Health Hertfordshire County Council, SFAR232, Farnham House, Six Hills Way, Stevenage, SG1 2ST Email: publichealth@hertfordshire.gov.uk
5.	Environmental & Community Protection Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: ecp@dacorum.gov.uk
6.	Planning Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: planning@dacorum.gov.uk
7.	Trading Standards Hertfordshire County Council, Mundells, Welwyn Garden City, Hertfordshire, AL7 1FT Tel: 01707 292429 Email: tradingstandards@hertfordshire.gov.uk
8.	Hertfordshire Safeguarding Children Board Room 127, County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DF Tel: 01992 588757 Email: admin.tscb@hertfordshire.gov.uk
Additional authority for Council premises only	Health & Safety Executive Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7PA Tel: 0151 951 4000 (HSE switchboard)
Additional authorities for vessels only	Canal & River Trust (South East Waterways) 1 st floor North, Station House, 500 Elder Gate, Milton Keynes, MK9 1BB Environment Agency National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY The Home Secretary Home Office, 2 Marsham Street, London, SW1P 4DF
Licensing authority details	Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN Tel: 01442 228000 Email: licensing@dacorum.gov.uk Web: www.dacorum.gov.uk/licensing



Revised April 2017

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Hertfordshire Constabulary

(insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below. *(delete as applicable)*

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Boxmoor Lodge Hotel London Road			
Post town	Hemel Hempstead	Post code <i>(if known)</i>	HP1 2RA

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>
Mr Andrew Charles Rickett
Number of premises licence or club premises certificate <i>(if known)</i>
DAC 007733

Part 2 – Applicant Details

- I am *Please tick ✓ yes*
- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete (A) or (B) below)
 - 2) a responsible authority *(please complete (C) below)*
 - 3) a member of the club to which this application relates *(please complete (A) below)*

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
I am 18 years old or over		<input type="checkbox"/> Please tick ✓ yes	
Current postal address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			

(B) DETAILS OF OTHER APPLICANT

Name	
Address	
Telephone number (if any)	
Email address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	Hertfordshire Constabulary
Address	CSU - Licensing Dacorum Division Combe Street Hemel Hempstead Hertfordshire HP1 1HL
Telephone number (if any)	01442 - 271601
Email address (optional)	dacorumlicensing @herts.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review *(please read guidance note 2)*

See attached document, Boxmoor Lodge Hotel - grounds for review.

Please provide as much information as possible to support the application
(please read guidance note 3)

Please use additional pages if needed

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

--

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 168 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature	 PS 795
Date	26/2/2020
Capacity	Community Safety Unit Sergeant

Contact name (where not previously given) and postal address for correspondence associated with this application. (please read guidance note 6)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email your email address (optional)			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Boxmoor Lodge Hotel Review:

Supporting Evidence:

- 1) the prevention of crime and disorder;
- 3) the prevention of public nuisance.

The police were called to the premises on 27th July 2019, there was a report that a male was being aggressive and was smashing glasses. On police attendance the male was arrested for causing criminal damage, he was released with no further action.

The officer involved in this enquiry were sympathetic towards the frustrations of the offender and brought this to our attention to ensure that Boxmoor Lodge Hotel were operating responsibly.

Prior to meeting with the local residents (one of whom was the male above) the Premise Licence was studied and it was noticed that there was some ambiguity with the wording of two of the conditions in:

*Annex 3: Conditions attached after a hearing by the licensing authority
Licensing Act 2003 Sub-Committee 21st September 2005*

Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

The management will endeavour to hold all other events involving live and recorded music inside the main building.

In conversation with DBC it appeared that the Premises were interpreting these Conditions in such way that further events could be held in the marquee without the need for further permission due to the endeavour clause.

In the evening of 4th September 2019, in the company of Richard Mabbit, DBC and Vincent Lampey – Police Licensing Officer went to meet some local residents in of Laurel Bank in the home of *redacted*.

Prior to this meeting Vince had made contact with both Paul O'Day, Environmental Health (EH) and Olivia Stapleford, Planning Department of DBC. The EH Department were of the view that there is no on-going issues and asked that the local residents be reminded that the residents need to report future issues through the appropriate channels. Paul O'Day (EH) declined to attend.

With regard to Planning the premises has appealed against the notice to remove the marquee. The appeal process is not in the control of DBC. The timescale and outcome is not known. Olivia Stapleford (Planning) also declined to attend.

At the beginning of the meeting Richard and Vince explained licensing conditions and what would constitute a breach.

From their perspective the issues were noise, from people and music being played beyond the licence, as well as the marquee being used way beyond the eight times a year a specified on the licence and these issues had been on-going for 15 years, one of the residents of Laurel Bank who was most affected, *redacted* had moved house.

Vince reminded them that they needed to make calls to EH, fill in diary sheets, return them in good time to enable them to act. Vince also reminded them that EH are intelligence led and the nature of the events at Boxmoor Lodge the premises would not be advertising publicly. Vince asked that any further call to EH were also made to 101 so the police had a record. They were also told that they had the right to call the licence into review and/or to go directly to a Magistrates Court concerning the noise nuisance.

Vince concluded that the premises needed a visit and the conditions on the licence concerning the use of the marquee needed to be clearer.

On the 20th September 2019 Vince, in the company of Richard Mabbitt visited the premises Mr Rickett, the DPS was not present. Vince made an appointment to see him on Tuesday 24th September 2019 at 11:30.

On 24th September 2019 Vince met with *Redacted* and Andrew Rickett with Richard Mabbitt at the Hotel.

The issue of disturbances to the local neighbours was raised. Vince made it clear that the present situation could not continue as it had resulted in an incident on 27th July where a neighbour had caused Criminal Damage because he was at the end of his tether.

The premises held the view that the music was in the main building and so the restriction on the licence does not apply. I expressed a different view that due to the marquee not being sound proofed the noise nuisance came from the marquee, especially as there are no doors to close off the marquee. They raised the possibility of exploring sound proofing the marquee.

I said that I was of the view that there was a need to put in an application to vary their Premise Licence so that the conditions were clear and they kept to them. The existing condition states that they are restricted to eight events a year with live or recorded music. However, in 2019 by their own admission they will have held forty events.

They tried to argue that the condition should be for live music only but I pointed out that it said both live and recorded music, if they had an issue with the wording they should have raised it with the licencing committee at the time. My opinion is they will be in breach of their licence if they continue as is!

They wanted to know what number of events the police would allow them to have. I declined to give an exact number but said I doubted that it would be as high as the existing number of forty as they were restricted to eight.

I requested a list of events already booked for 2020 (this was received).

On the 11th October 2019 Vince sent an e-mail outlining what was discussed:

At our meeting with Mark Hicks and Richard Mabbitt on the 24th September at the Hotel, the issue of disturbances to the local neighbours was raised. I made it clear that the present situation could not

continue as it had resulted in an incident on 27th July where a neighbour had caused Criminal Damage because he was at the end of his tether.

I look forward to hearing from you with regard to possible solution to the noise nuisance issues that we discussed sound proofing the marquee.

I also look forward to receiving an application to vary the Premise Licence to re-write the first two conditions on Annex 3 that were attached by a Sub-Committee on 21st September 2005, they are:

- Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

- The management will endeavour to hold all other events involving live and recorded music inside the main building.

The third condition, is appropriate and should be kept.

As I said, I am of the view that the conditions need to be clear, unambiguous and adhered to. It is clear, with the on-going issues, that the conditions are required.

I have the Resident's Meeting for the evening of 28th October in my calendar.

On the 28th October 2019 Vince attended an evening Residents' Meeting at the premises.

Mr Rickett expressed the view that he had undertaken control measure on the sound equipment to reduce the nuisance to the neighbouring properties this gave Vince the impression that no further action was required.

Vince expressed the view that the Premise Licence as is, is not fit for purpose. He requested that a variation to the licence is applied for and should reflect what is actually happening. Having had the opportunity to read the minutes of the Licensing Hearing in 2005, the number of events in the marquee was suggested by Andrew Rickett as 8-10.

Vince said any change would need to be accompanied with a rationale. He also said that the rather open 'endeavour' clause does not mention the marquee. He also noted that soundproofing the marquee was raised as a possibility by Andrew Rickett but not actioned.

He made it clear that if the premises continues to operate beyond its licence in 2020, they will be taken to review and he awaited an application to vary the Premise Licence.

On the 16th January 2020 a Written Warning was sent because despite having telephone conversations and an e-mail exchange with Mr Rickett there was no application to vary the Premise Licence so it is fit for purpose.

On the 12th February 2020 Vince received an e-mail from Mr Rickett, attached was a letter dated 20th January 2020. He suggests that we arrange a hearing with a Licensing Committee and in the mean time he will continue to run his business as he has since 2005. With this view the police feel that

they are left with no option other than to bring the Premise Licence into review to bring the present situation to a solution.

From our records there were no applications for a Temporary Event Notice for any year from 2005 – 2018. With regard to 2019 there were 5 TENs granted, the first on 30th November and the last on 31st December. From the police's view this premises has been operating beyond its licence for many years.

Appendix 2

Representation 1

From:

Redacted

Redacted

Redacted

Redacted

Redacted

We wish to make a representation in support of the following licence review application:

Application ref. no: M050632

Application type: LA2003 s.51: Premises licence - Review application

Date received: February 2020

Premises name: Boxmoor Lodge Hotel

Premises address: Boxmoor Lodge, London Road Hemel Hempstead Hertfordshire, HP1 2RA

We make this representation in relation to the following grounds:

Noise levels

The rear of the marquee and lawn behind it is adjacent to our back garden. On occasion where events have been held at the Hotel, the noise level coming from the marquee (music and people) has been in our opinion unreasonable, this can be heard from inside our house late at night and has disturbed our children sleeping. The noise insulation in the marquee is not sufficient and restrictions need to be put in place to limit or stop people gathering behind the marquee late at night. We moved here 7 months ago and are really concerned that this will be even louder and disturb our children more in the summer months when we need to leave the windows open at night.

Car parking

We have noticed on several occasions an increase in the amount of cars parked opposite our house and the surrounding area during event nights at the Hotel. Not only is this a private road that allows for a small amount of resident only parking, but the people returning to their cars are often extremely loud causing a nuisance outside our bedroom window which wakes us.

Representation 2

Dear Mr Byiers

As I stated in my e mail I have never seen any crime or disorder at Boxmoor Lodge or anything that could be said to be a public nuisance.

My address is *Redacted*

I trust this will allow my comments to be considered when making your decision.

Yours sincerley

Redacted

On Wed, Mar 25, 2020 at 7:39 AM Licensing Mailbox <Licensing@dacorum.gov.uk> wrote:

Dear *Redacted*,

Thank you for your e-mail, in order for your comments to be considered as a representation against the review, they need to be related to at least one of the four licensing objectives stated below;

The Prevention of Crime & Disorder

The Protection of Children From Harm

The Prevention of Public Nuisance

Public Safety

If you have any further comments, please feel free to contact us again.

If you can provide a **postal address** for yourself, and comments related to the above objectives, they will be counted as a formal representation against the review.

Best Regards,

James Byiers

Licensing Technical Officer

Corporate & Contracted Services

From: Redacted

Sent: 20 March 2020 21:51

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

Subject: Ref Number M050632

I am writing in support of Boxmoor Lodge Hotel. My wife and I have used this hotel for 25 to 30 years for birthdays, Christmas & New Year events.

Last year we held two events there for our 50th wedding anniversary. I also held my retirement party there in 2003

I am the chairman of the Herts area of the Jaguar Drivers Club and we hold our monthly meetings at the Hotel and our Christmas dinner.

It also a popular venue for weddings, wakes and birthday parties.

In all the years I have used the hotel I have never had any problems with the staff or other clients of the hotel and the food has always been excellent

be it a table for four or a function for fifty.

I do not know any other venue in the area that can provide what Boxmoor Lodge Hotel provides.

Redacted

Representation 3

Dear Team

I attach my letter of support for Andrew Rickett and continuance of his licence.

May I politely point out that the letter inviting comments asks mail to be returned to The Civic Centre, postcode HP1 1HH.

We all know that is no more but get that wrong, what else may be wrong?

Also, I believe the licence covers Boxmoor Lodge, Hotel and restaurant (including the marquee).

I intend to attend any hearing to support the applicant. I ask that you let me know as soon as possible when that might be to enable me to make the necessary arrangements.

Yours sincerely

Redacted

Redacted

Redacted

Redacted
Redacted
Redacted
Tel *Redacted* mob: *Redacted*
E-mail: *Redacted*

25 March 2020

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

Submitted by email as an attachment

Dear Sirs

Re: Boxmoor Lodge London Road Hemel Hempstead HP1 2RA Premises Licence Review

Having become aware of the forthcoming licence review I wish to submit this letter in support of continuance and as a defence against the challenges being made by those opposing continuance.

Boxmoor Lodge (which includes Boxmoor Lodge Hotel, restaurant and marquee) has had a tremendous reputation for over 30 years. The property has always been well managed by Andrew, and his late mother Patricia Rickett (members of the same family owning the premises for the past 70+ years), who has continued to add to that reputation, not only for its visitors but also in taking cognisance of the neighbours occupying the comparatively recent construction of new builds now surrounding the perimeter of the premises.

Those new builds were granted by Dacorum Borough Council. The partners have always been aware of their responsibility to existing and new neighbours. Andrew Rickett in particular is equally aware of the responsibility to those new neighbours. When buying those desirable residences, new neighbours were well aware of the existence of the Hotel and its environs.

My understanding is that in the recent past one particular resident has continually made depositions to Andrew Rickett and/or the staff about what he considers to be inappropriate interference to his "right to peace and quiet". Andrew Rickett has, to my personal knowledge and belief, always endeavoured to show reasonable response to such challenges – even offering to convert the marquee to a solid walled extension. I am also fully aware that the original grant of a marquee was agreed by Dacorum Borough Council's Building Regulations officer at the time.

I am ready, willing and able to attend the hearing, supporting Andrew Rickett in his request for continuation of the licence and expand on these comments in greater detail.

Yours faithfully

Redacted

Representation 4

To whom it may concern

I am writing to strongly support the renewal of Boxmoor Lodge Hotel's licence on its current terms. This is for several reasons:

Firstly, Boxmoor Lodge Hotel provides an excellent service to the local community. It provides very convenient accommodation to visitors to Boxmoor. On a personal level, it has been extremely helpful to accommodate friends and family who we have not been able to have stay in our house in an establishment which is walking distance from Boxmoor village. The alternative is to stay at less charming chain hotels which are further afield in the town centre, Bourne End or Apsley. It was particularly helpful to have local accommodation when my late father-in-law, who was wheelchair-bound, came to visit. As well as being a popular venue for regular meetings of local club lunches, the Hotel is a very popular venue for weddings and funerals. The Hotel, therefore, provides a valuable service to the Boxmoor Community.

Secondly, as a thriving business, Boxmoor Lodge provides employment for a substantial number of people, many of whom are local. More than this, the Hotel brings business into the area in two ways. The florists and the jewellers on St John's Road benefit from having a local venue which signposts customers holding events to these shops. The jewellers, Swan antiques and the local pubs benefit from the inflow of tourists from all over the country and overseas visiting Harry Potter World. Without the Boxmoor Lodge the area would lose a valuable source of trade supporting local employment and shops. Without the marquee the viability of this successful, independent business is called into question.

Thirdly, the Boxmoor Lodge has an excellent reputation as a high quality and responsible venue. The only incident involving the police at the venue is the one caused by the principal complainant, where he wilfully disrupted a wedding and caused criminal damage requiring the police to be called. It would be perverse if this person's complaint should be upheld when he was the very cause of the only reported disturbance in the first place! As well as no pattern of police involvement, there is no pattern of noise complaints. In fact the Hotel takes many precautions to ensure it stays on good terms with its neighbours. Their music is successfully buffered by sound insulation in one of their buildings and their protocol for guests being outside of the marquee is managed to avoid disruption to neighbours. The Hotel does not take bookings for children's parties, 18th birthday parties or 21st birthday parties to avoid noisy events. It is hard to see what more the Hotel can do, especially when it is borne in mind that the nearby residents chose to buy a house near a local wedding venue (and longer-standing residents near a pub, when the Swan next door was open), so moved to the area knowing what to expect. That neighbours rarely complain shows that either these expectations are not exceeded or that they are not disturbed. The handful of complaints (a very small number for a business that has operated there for over two decades) there have been about events at Boxmoor Lodge is all the more baffling when neighbours routinely cope with the noise of the nearby mainline railway station and the A41, which can be extremely noisy. Often you cannot hear any music from the marquee when stood immediately outside it because of the constant noise from these sources!

In view of the fact that Environmental Health Officers find no evidence of noise pollution, there is no history of complaints and the Hotel takes a responsible approach to managing events, there are no grounds to change the licence the Boxmoor Lodge Hotel currently enjoys. The only contentious element seems to be the use of 'endeavour' in the terms of the licence. I would suggest that through a discerning approach to which events they hold, the installation of excellent sound-proofing and measures put in place to manage guests when outside the marquee, the Boxmoor Lodge actually exceeds the standard of 'endeavouring'.

As such, for the sake of the Hotel's viability, any correction of ambiguity the use of the word 'endeavour' causes should be corrected in favour of the Hotel being able to hold frequent events in the marquee with the only limit being around how many events may involve music.

Yours faithfully,

Cllr William Allen
Boxmoor Ward

Representation 5

> To whom it may concern

>

> Today I received through the door a letter regarding Boxmoor Lodge Hotel. The letter stated that they were responsible for an increase in crime and unsavoury behaviour and encourages us to write to you to advise you against renewing their premises licence.

>

> I would like to notify you of my situation. I am 47 years old, I live 5 doors up the road from the Hotel in Felcote. I have lived here since I was 5 years old, before the hotel even became a hotel. I have never known any crime or disturbances to be caused by the hotel. On the contrary, when my car has broken down at the bottom of the road, they have helped get me off the road and made sure I was ok. When my friends have stopped by and I have not been in, they have given them free tea and coffee until I returned. They do not hold parties for 18s and they don't do functions on a Sunday out of consideration to their neighbours. By 11pm their functions are at an end.

>

> The houses on Laurel Bank were built long after the hotel was set up. The residents there purchased them knowing they were buying adjacent to a hotel that holds functions.

>

> Furthermore Felden is a rural Hamlet, we no longer have a pub, or a village shop, our only place is the hotel where you will find we all convene, including those who have long moved away, for funerals and special occasions.

>

> I found the tone of the letter (anonymous, but stating it was from our neighbours in laurel bank), to be bullying and factually incorrect and so I urge you to be careful in considering the responses you may receive from people as the information they have been given is far from accurate.

>

> I think Boxmoor Lodge Hotel is a part of our community and has been for many years. If these 'neighbours' put him out of business then there will be many jobs lost and the land will inevitably be sold to the builders for more housing which will upset them even more.

>

> I would be happy to meet or speak with anyone about this matter, I have no reason to be anonymous as I have nothing to hide.

>

> Kind Regards

>

> Redacted

Representation 6

Dear Sirs,

I am advised there is a review of licensing for Boxmoor Lodge Hotel?

I have used the facilities at the hotel for many years including current regular monthly club meetings.

It is ideal for significant social events given its location and being nearby the station it is ideal for access by public transport discouraging drink driving.

It would be a significant loss to the area.

Hopefully this will be taken into consideration.

Regards,

Redacted

Representation 7

> I would like to submit comments regarding the licensing application M050632 for the Boxmoor Lodge Hotel.

> My family have been residents living on Laurel Bank for 19 years. In all of this time we have found the owner, management and staff to be friendly, courteous, respectful, polite and professional. All our interactions have been positive and they take their role in the local neighbourhood seriously. We have never suffered any disturbance from the hotel in all of this time. They also provide important local employment in the community.

> I am unaware of the specific circumstances leading to this application but wanted to highlight our perspective as a neighbouring property to the hotel.

> Many thanks

> *Redacted*

Redacted

Representation 8

Dear Sir/Madam

With reference to the above application, we live on Felden Lane near to Boxmoor Lodge and have not been aware of any undue noise or other nuisance behaviour.

We note the application refers to a single offence of criminal damage. We would request the council to consider whether withdrawal of the licence and closure of the premises is a proportionate response to a single offence.

We would also be concerned as to what would replace the hotel. If the licence is withdrawn the premises will presumably lie empty for some time and potentially attract vandalism and other public nuisance.

Yours faithfully

Redacted

Representation 9

Licensing,
Dacorum Borough Council,
Hemel Hempstead.

Application ref. no: **M050632**
Application type: **LA2003 s.51: Premises licence - Review application**
Date received: **28 February 2020**

Premises name: **Boxmoor Lodge Hotel**
Premises address: **Boxmoor Lodge,
London Road
Hemel Hempstead
Hertfordshire
HP1 2RA**

I am writing in connection with the above licencing review. I have been a resident of Boxmoor for over 40 years and I wish to register my support of Boxmoor Lodge Hotel.

In my experience Boxmoor Lodge Hotel is run and operated to very high standards. There being no other premises operating to these standards in the vicinity it provides a valuable service to the community. I am not aware of any problems arising from the operation of this hotel such as those mentioned in the Applicant's description of the application. I understand that the hotel makes every effort to avoid disturbing its neighbours.

The application is being made by Hertfordshire Constabulary in reaction to an offence of criminal damage following a complaint and disturbance which is itself vexatious in that, as I understand it, the criminal damage and disturbance was caused by the complainant himself.

Yours sincerely,
Redacted

Representation 10

I am responding as Secretary of the Probus Club of Boxmoor & District, this application having been drawn to my attention by several of our members. Boxmoor Probus is a club for retired professional and businessmen formed with object of promoting wellbeing and fellowship amongst its members. We have an active membership of around 110, with an average age profile in the late 70's.

The Club strongly supports the Boxmoor Lodge position in this licence review, which seems to be a disproportionate response by Hertfordshire Constabulary to what we believe to have been an isolated incident at the hotel.

As we understand it, the incident occurred when a local resident burst in to complain about the noise from a wedding reception. Apparently he got quite abusive and broke some glasses, and would not leave. This resulted in the police being called. We understand that

the person involved is the principal complainant and it seems perverse that the person who caused the "criminal damage" is the one the police are listening to!

Given that the hotel is largely used by family groups, senior citizens etc. we believe that the potential incidence of crime and disorder is extremely low risk and that all reasonable endeavours are already taken to mitigate the effect of noise on local residents and the environment; for example, we understand that it is the hotel's policy to avoid noisy events such as 18th or 21st birthday parties.

Boxmoor Lodge is used regularly by Boxmoor Probus and its members for lunches and family events, and in the wider community is a very popular local venue for family events such as weddings, anniversaries and, sadly on occasion, funerals. It is in walking distance of Boxmoor village and is readily accessible for local residents. All this activity provides a valuable source of employment for local people, and through its hotel function, brings trade to local shops and businesses. It provides quality food and accommodation at reasonable prices, and is a resource which would be hard to replace.

In the circumstances, we strongly feel that there is no need to review the current licensing of the Boxmoor Lodge premises, and that hotel should be allowed to continue with its valuable services to the community.

I trust that our views will be fully taken into consideration.

David Norris
Secretary
Probus Club of Boxmoor & District
Redacted

Representation 11

23rd March 2020 Application reference: M050632 To whom it may concern We have three major objections to The Boxmoor Lodge being granted a premises license. These are as follows:

- We have lived in Laurel Bank since 2013. We understand that the issue of noise nuisance has been ongoing since before we moved in and has largely gone unanswered by other departments within the council. However, since the police intervened, there has been a properly documented account of all subsequent nuisances which we would recommend reviewing and understanding that this profile is not a new occurrence. Many of the residents (ourselves included) have young children. Noise nuisance from events including loud music and drunken chanting (at times with foul language) have proven distressing to children. Requests to turn down music have been acknowledged, but as with all such requests of this nature are a) at the discretion of the owner, and b) temporary as the volume starts to escalate again a short while later. We have held a number of meetings with the owner where he has made various disingenuous promises, but later backtracked. This has been a continuous pattern of irresponsible behaviour which has resulted in mistrust from the other residents and a feeling that their time has been wasted. The residents are all educated professionals who have made reasonable points and attempted to find a compromise. This has not been reciprocated. The owner had gone on to make some incredulous claims about neighbouring trees which border No. 17 Laurel Bank (which they do not in fact own) were the cause of higher levels of noise. His approach and entirely without the consultation or support of the neighbours was to get these trees cut down. There is no scientific evidence to support his claims, so we can only conclude that this was a malicious act designed entirely to vex the owners of No. 17. This tactic did work as the owners sold the house at a lower value in order to leave rapidly. We are still in contact with the previous owners and they would be willing to testify to this. The new owners however are similarly unimpressed with the current situation.
- As a hotel, the premises are within their rights to serve alcohol. We and our neighbours

have witnessed partygoers with full drinks well after the permitted hours. We are also not unaware of the techniques used to subvert the licenses, but would suggest that this is further evidence of the owner's lack of responsibility and care in relation to the surrounding neighbourhood. Again, drunken shouting and chanting is not pleasant for us or more importantly our children. We have not been directly affected by any of the incidents requiring police attention but understand that such occasions are not infrequent. • The Boxmoor Lodge has limited on site parking. Partygoers tend to park on double yellow lines down Felden Lane which constrains the flow of traffic and makes the turn in and from London Road more hazardous as a result of having to move in to the opposite lane so close to a corner. We also see a number of additional cars being parked within Laurel Bank which is both a private road and a narrow one. This leads to pavement parking and compromises the safety of road users and residents alike. From neighbours who have challenged people parking in Laurel Bank, we understand that the owner has actually encouraged this behaviour. Overall, we would have no objection to a responsible and properly managed venue operating events that do not negatively impact the surrounding areas, but despite a long history of promises, it is clear that The Boxmoor Lodge does not value or respect the relationship with their neighbours. We have been told on a number of occasions that their justification for the belief that they can do as they please stems from the fact that "they were here first". Is this really the sort of business Dacorum Borough Council wishes to promote in the area ?

Redacted

Representation 12

Application Type - LA2003 s.51: Premises licence - Review application

I belong to Boxmoor Probus Group which is a social club for retired men. The club has over 100 members and is a valuable source of support and companionship for its members. For many years we and our wives/partners have enjoyed using Boxmoor Lodge for social events. This is because the marquee at Boxmoor Lodge is one of the few locations within easy reach (walking distance for many) that can provide good food and is large enough to cater for a group of our size. I would be extremely disappointed if this valuable local resource were to be taken away from us without some very good reason.

It seems to me that any nuisance from this venue could easily be mitigated or controlled by co-operation between the local residents and the management of the premises.

Please may I ask that you ensure everything is done to secure that a license is renewed and the future of the lodge, together with it's marquee is secured.

Redacted

Redacted

Redacted

Tel: Redacted

Representation 13

Dear Sirs

Application Number: M050632

Premises name: Boxmoor Lodge Hotel

Applicant:Hertfordshire Constabulary

We understand that the licence for the Boxmoor Lodge Hotel is the subject of review as a consequence of criminal damage caused last Summer during a wedding reception in the Marquee building.

We also understand that the incident took place in the middle of the afternoon and the criminal damage was committed by a resident from Laurel Bank, not an attendee at the wedding reception.

We have lived in Laurel Bank for over 21 years and have never had cause for complaint in respect of noise from people or music during events in the Marquee or elsewhere within the Boxmoor Lodge. As far as we are aware the owners of the Hotel have always been careful to ensure that noise and music from events in the Marquee building is contained within the sound proofed area and ceases at midnight.

We have dined in the hotel and attended a number of events in the Marquee over a period of 20 years.

We have never had any cause for concern that the premises are a source of nuisance for noise, crime or general disorder

We therefore have no objection to renewal of the premises licence for the Boxmoor Lodge Hotel.

Redacted
Redacted
Redacted
Redacted
Redacted
Redacted

Appendix 3

Dear Licensing,

The following information is in connection with the recent Premises Licence review application for Boxmoor Lodge Hotel, London Road, Hemel Hempstead, HP1 2RA.

The Planning and Planning Enforcement team have been involved at this site for a number of years and have recently issued an enforcement notice requiring the removal of the marquee. This is because the marquee does not benefit from planning permission. It previously had a number of temporary permissions which historically, were renewed at the end of the temporary period. The last permission for the marquee expired in June 2015.

Due to this lack of permission, the marquee has no planning conditions attached to it, which could prevent its use beyond certain hours and could not control whether entertainment was provided within it or not.

The planning enforcement team received a number of complaints/correspondence with local residents in the lead up to the service of the enforcement notice in June 2019. The complaints focused on noise and lack of planning enforcement action over the years with regards the marquee.

The enforcement notice was appealed to the Planning Inspectorate (appointed by the Secretary of State) and a decision is due before 31 March 2020 on this matter. If the notice is upheld, the marquee will need to be removed within 12 months of the date of the decision. If the notice is quashed, planning permission may be granted for the marquee (with or without conditions).

Many thanks,

Olivia Stapleford
Assistant Team Leader – Planning Enforcement

Dacorum Borough Council

Redacted

Redacted

A: The Forum | Marlowes| Hemel Hempstead | HP1 1DN |

Appendix 4



Licensing Act 2003 Premises Licence

Premises Licence Number:

DAC 007733

Version Reference:

041262

Part 1 – Premises Details

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

Boxmoor Lodge Hotel
London Road
Hemel Hempstead
Herts
HP1 2RA

Telephone number 01442 230770

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol
The provision of late night refreshment
Performance of live music
Playing of recorded music

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

For consumption both on and off the premises

Mondays	11.00 hours until 00.00 hours
Tuesdays	11.00 hours until 00.00 hours
Wednesdays	11.00 hours until 00.00 hours
Thursdays	11.00 hours until 00.00 hours
Fridays	11.00 hours until 00.00 hours
Saturdays	11.00 hours until 00.00 hours
Sundays	12.00 hours until 23.30 hours

New Year's Eve 11:00 hours until 23:00 hours New Year's Day

Hotel room service, 24 hours a day

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment

24 hour room service for guests

Performance of live music

Indoors and in Marquee only

Mondays	11.00 hours until 23.30 hours
Tuesdays	11.00 hours until 23.30 hours
Wednesdays	11.00 hours until 23.30 hours
Thursdays	11.00 hours until 23.30 hours
Fridays	11.00 hours until 23.30 hours
Saturdays	11.00 hours until 23.30 hours
Sundays	12.00 hours until 23.30 hours

Events in marquee limited to eight per year

Playing of recorded music

Indoors and in Marquee only

Mondays	11.00 hours until 23.30 hours
Tuesdays	11.00 hours until 23.30 hours
Wednesdays	11.00 hours until 23.30 hours
Thursdays	11.00 hours until 23.30 hours
Fridays	11.00 hours until 23.30 hours
Saturdays	11.00 hours until 23.30 hours
Sundays	12.00 hours until 23.30 hours

Events in marquee limited to eight per year

The opening hours of the premises

Mondays	07.00 hours until 00.30 hours
Tuesdays	07.00 hours until 00.30 hours
Wednesdays	07.00 hours until 00.30 hours
Thursdays	07.00 hours until 00.30 hours
Fridays	07.00 hours until 00.30 hours
Saturdays	07.00 hours until 00.30 hours
Sundays	07.00 hours until 00.00 hours

New Year's Eve 11:00 hours until 23:00 hours New Year's Day

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

Supply of alcohol for consumption both on and off the premises

Part 2

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

Mr Andrew Rickett
Moor End Farmhouse
London Road
Hemel Hempstead
Herts
HP1 2RE

Telephone number: 01442 230770
Email address: andrewrickett@aol.com

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mr Andrew Charles Rickett
Address: Oakland Felden Lane Felden Hemel Hempstead HP3 0BA

Telephone number: 01442 214530

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Licence number: DAC 007622
Issuing authority: Dacorum Borough Council

Signed:



On behalf of **Steven Baker**
Assistant Director (Chief Executive's Unit)

Date issued: 1 September 2016

NOTES

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

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

Annex 1: Mandatory Conditions

Condition A1.

No supply of alcohol may be made under this licence:

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

Condition A2.

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

Condition A3.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition A4.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Condition A5.

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

Condition A6.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Condition A7.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2: Conditions consistent with the Operating Schedule

GENERAL - ALL LICENSING OBJECTIVES

The premises shall be cleared and closed to the public 30 minutes after the cessation of the sale of alcohol.

The Licence holder shall provide and maintain regular staff training.

THE PREVENTION OF CRIME AND DISORDER

Staff shall monitor guest behaviour in order to minimise the risk of drunken or anti social behaviour.

Toilets shall be checked on a regular basis.

PUBLIC SAFETY

Toughened glass shall be used for all drinking receptacles.

A Health & Safety audit shall be undertaken by management.

There shall be a Fire Safety plan in place at the premises.

THE PREVENTION OF PUBLIC NUISANCE

The Licence holder shall display signs asking customers to leave the premises quietly.

THE PROTECTION OF CHILDREN FROM HARM

The pond at the premises shall be covered

Children must be supervised by an adult.

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

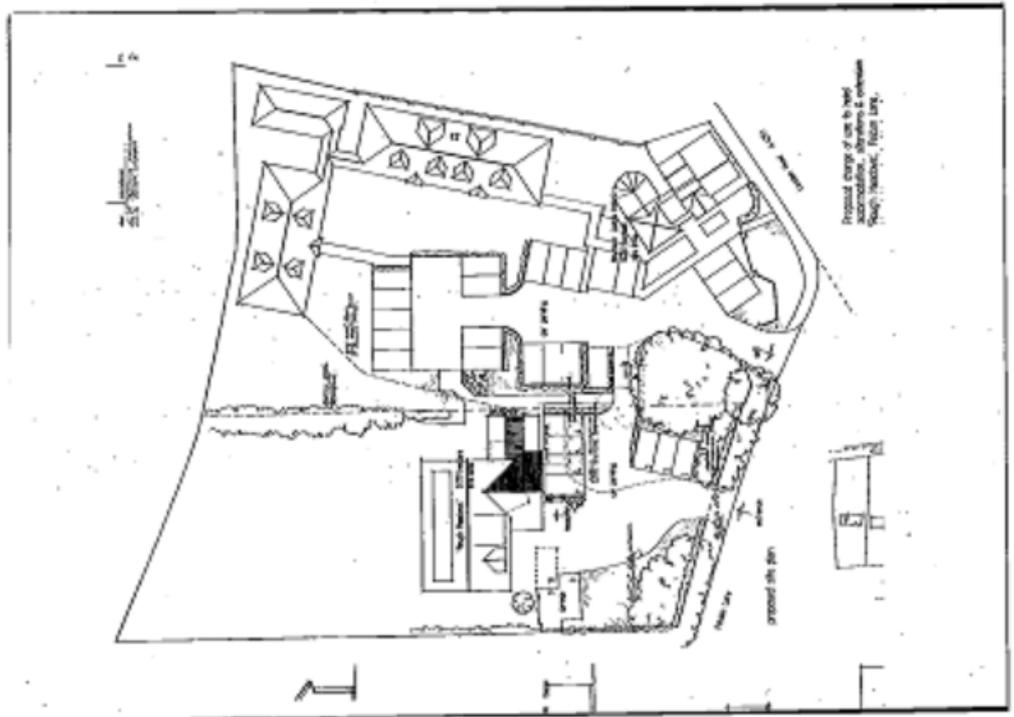
Licensing Act 2003 Sub-Committee 21st September 2005

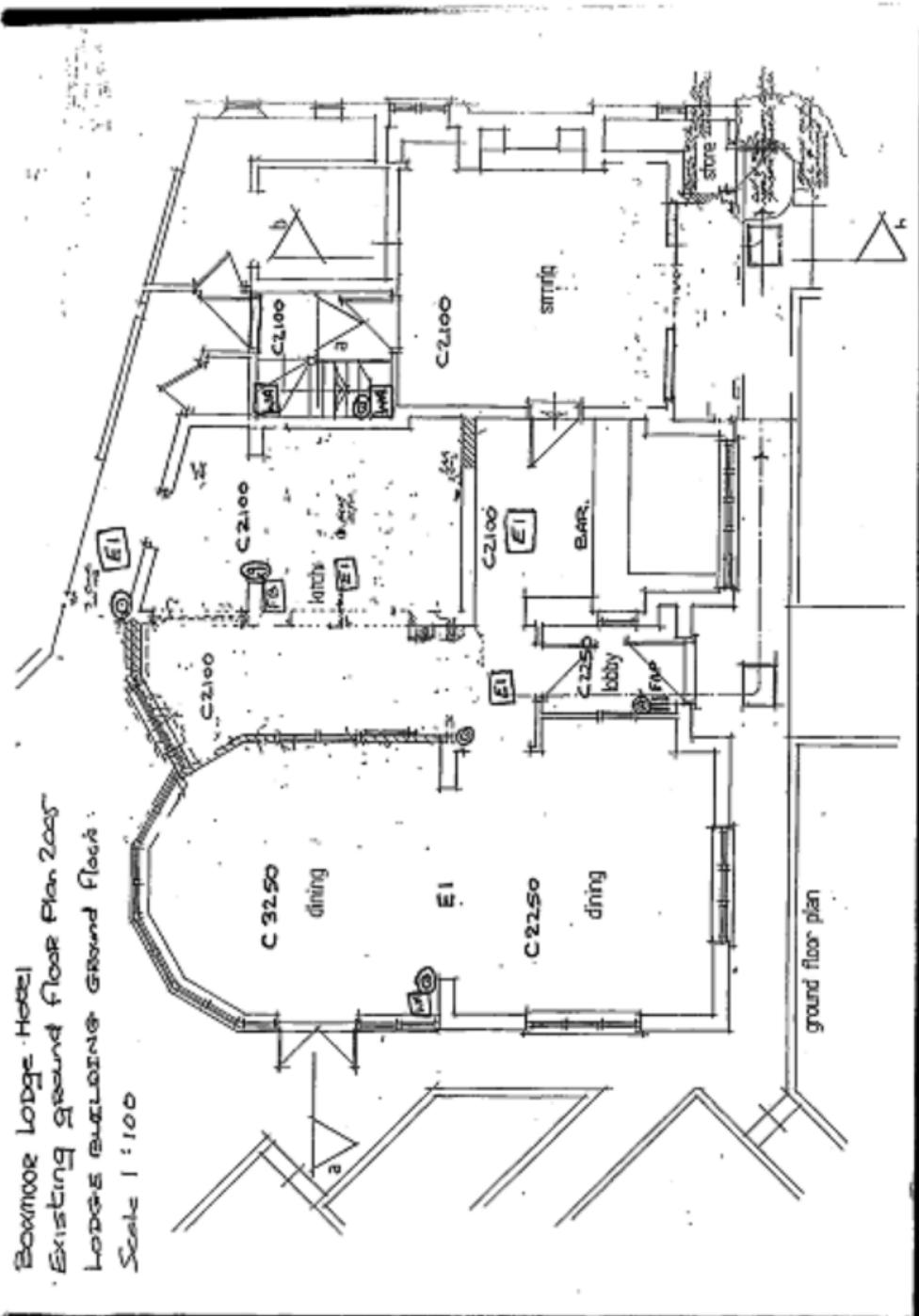
Events involving live and recorded music in the marquee are limited to eight per year, with live and recorded music to cease at 23:30 hours.

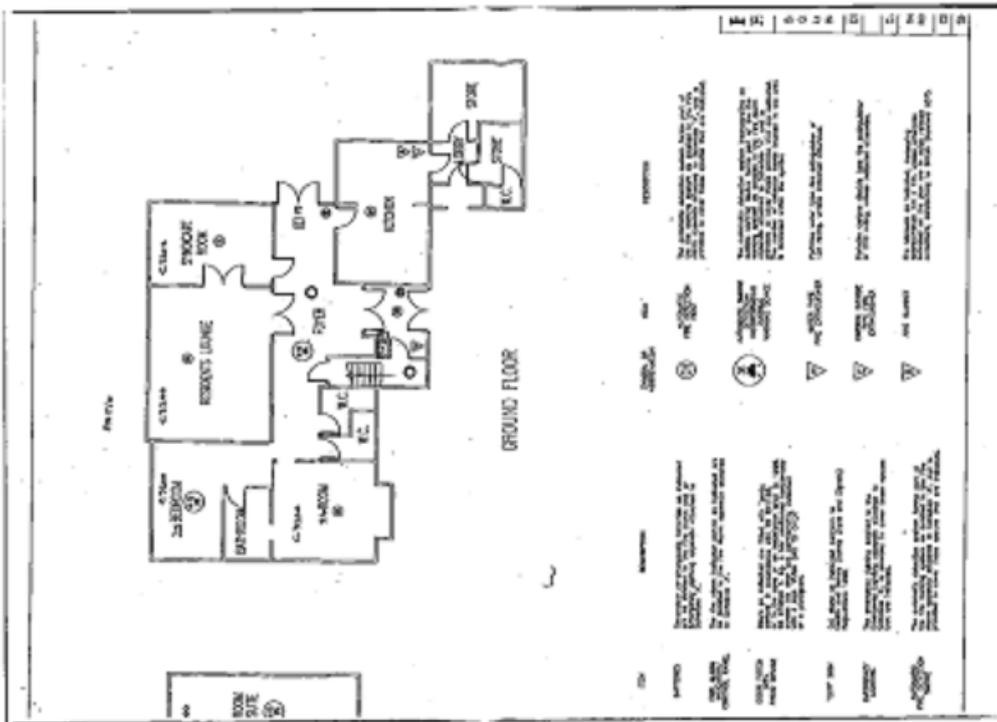
The management will endeavour to hold all other events involving live and recorded music inside the main building.

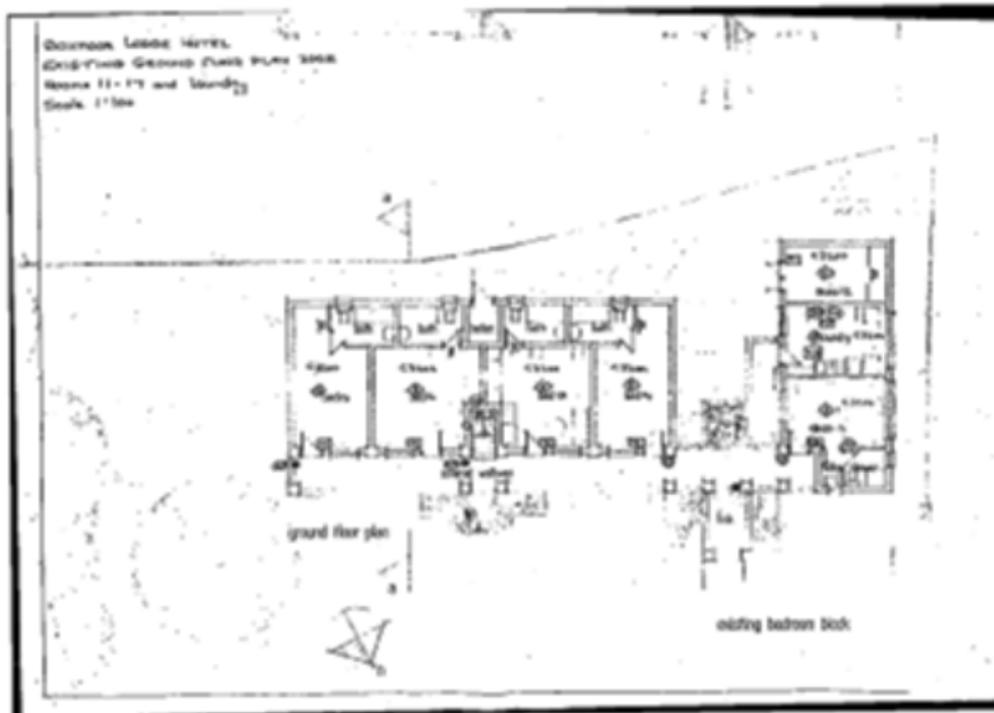
On evenings where entertainment takes place the management will monitor noise emissions from the premises to ensure no nuisance is caused to local residents.

Annex 4: Plans

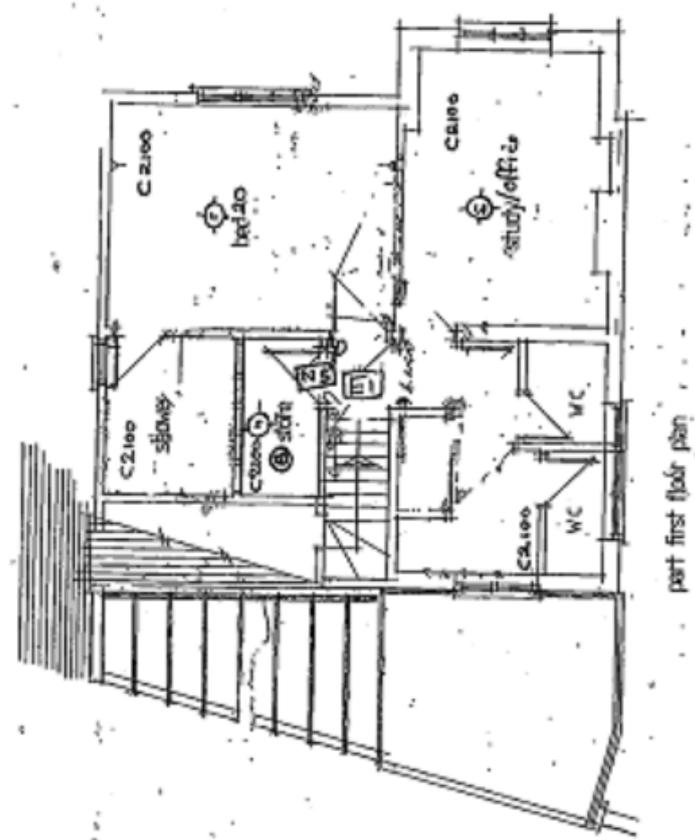




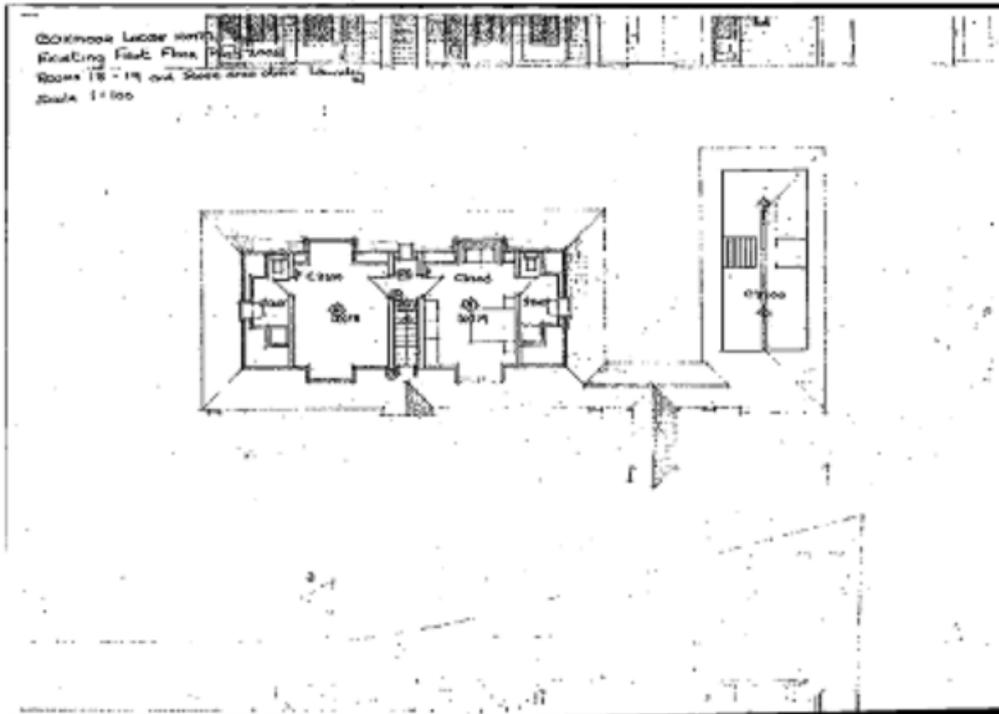


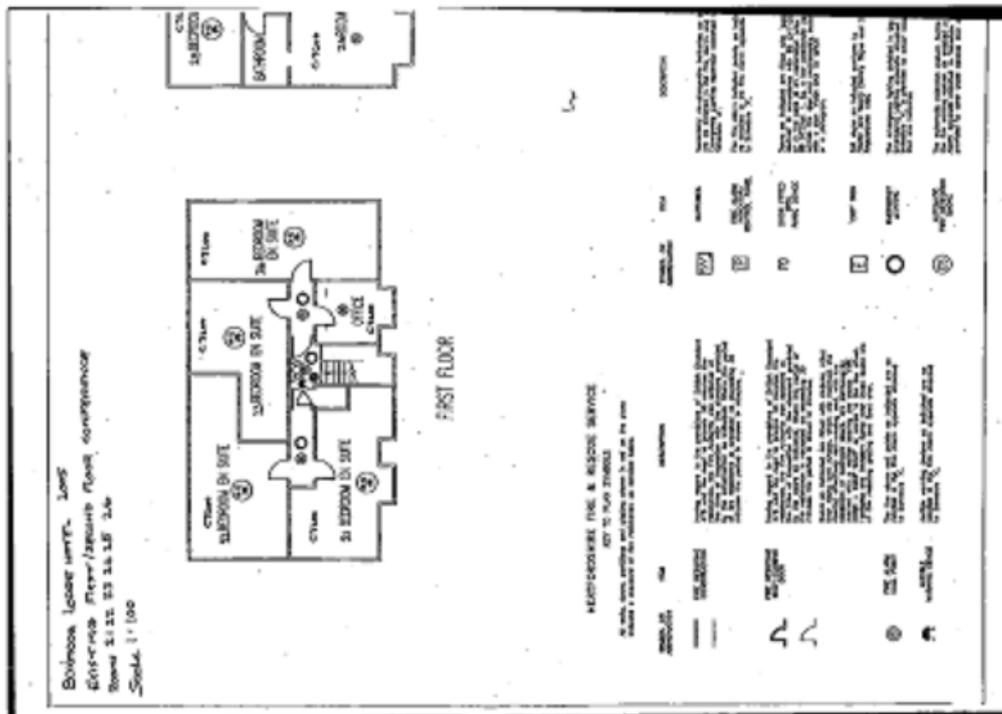


BOXMOOR LODGE HOTEL
EXISTING GROUND FLOOR PLAN 2005
LODGE BUILDING FIRST FLOOR
Scale 1:100

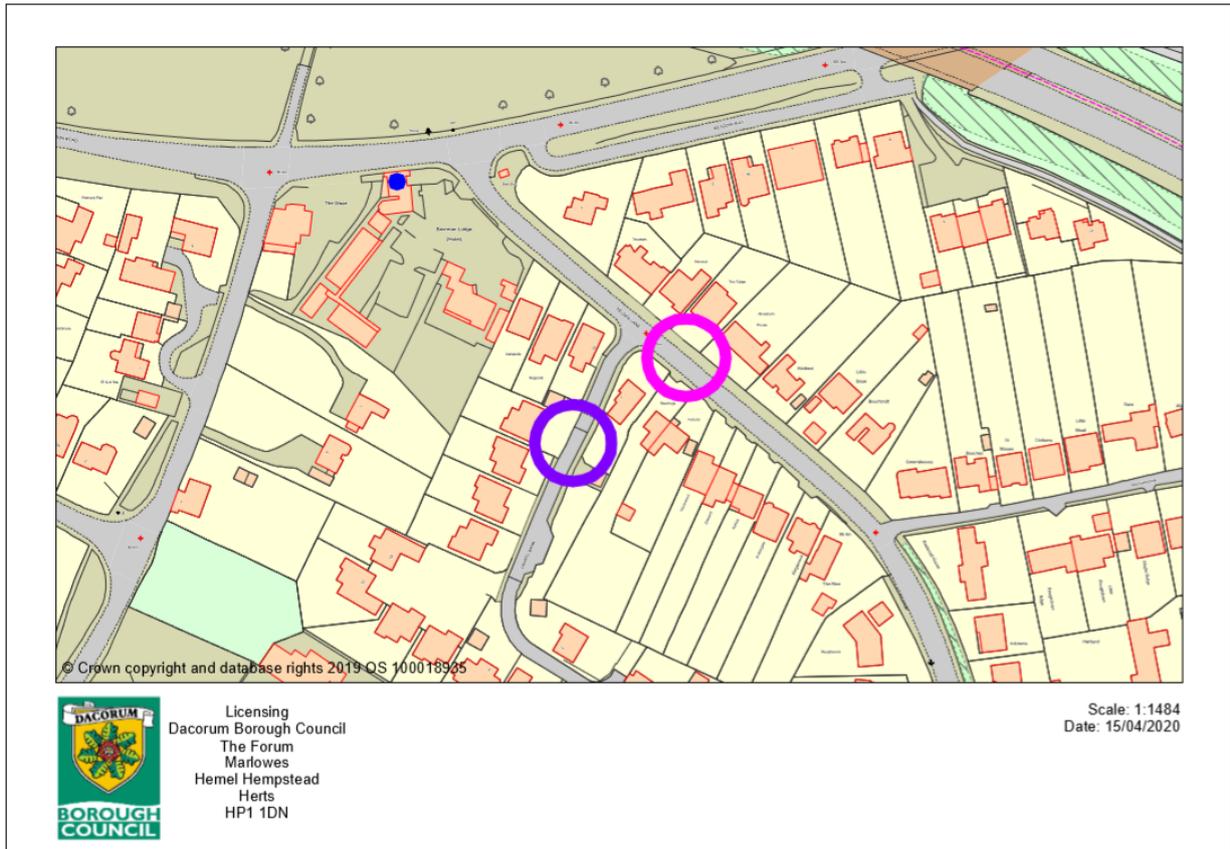


part first floor plan





Appendix 5A - Location of nearest representations



Key:



Boxmoor Lodge



Approximate location of 3 representations in support of the Police review (Representations 1, 11 and 13)



Approximate location of 2 representations in objecting to the Police review (Representations 5 and 8)

Appendix 5B - Location of all representations

