

APPENDIX A

Applicants name	Tornadoes Sports Education and Leisure
Name and address of premises	Tornadoes Sports Education and Leisure Sports Pavilion Miswell Lane Recreation Ground Miswell Lane Tring Hertfordshire HP23 4EX
Ward	Tring West and Rural

1. **Background**

- 1.1 This is a new application for grant of a premises licence.
- 1.2 The club that used the sports facilities on this site previously held a Club Premises Certificate issued under the Licensing Act, enabling it to supply alcohol to its club members and signed in guests. The club surrendered this Certificate on 22 June 2023.

2. **Application**

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

Sale by retail of alcohol:

For consumption both on and off the premises

Monday-Sunday	11:00 until 23:00
New Year's Eve until 00:30	

Hours premises open to the public:

Monday-Sunday	07:00 until 23:30
New Year's Eve until 01:00	

- 2.2 The application is set out at Annex A.
- 2.3 A plan of the premises is set out at Annex B
- 2.4 A map of the local area is set out at Annex C

3. Details of Representations

3.1 Consultation took place between 25 July and 22 August 2023. During that time 15 valid representations were received, relating to the potential increase in noise, nuisance, and an increase in crime and anti-social behaviour should the premises licence be granted. These representations are set out at Annexes D1 to D15.

3.2 The following responses were received from the eight responsible authorities consulted:

Hertfordshire Constabulary – no response
Hertfordshire Fire & Rescue – no response
NHS Herts – no representations
Environmental and Community Protection – no representations
Planning – no response
Trading Standards – no representations
Local Safeguarding Children’s Board – no response
Licensing authority – no response

4. Observations

4.1 On and off sales – on sales are defined as consuming the alcohol in the same location as the point of sale – so for example, where alcohol purchased in the premises is proposed to be consumed in an outdoor space that is not included in the licensed area on the plan, then consumption in those areas would need to be treated as ‘off sales’. Guidance in respect of outdoor spaces is set out in paragraph 8.35 of Statutory 182 guidance, and, for convenience, also included in Annex E of this agenda.

4.2. Parking is not a relevant consideration under Licensing Act legislation, which covers licensable activity. There are no controls in the Licensing Act that enable the licensing authority to enforce in cases of parking problems in residential streets, and the licence holder cannot be held responsible for the parking of visitors to the premises, who would have personal responsibility for doing so in suitable places.

4.3. The impact on wildlife is also not a relevant consideration in the Licensing Act, which focusses on the promotion of the four licensing objectives as they relate to the impact on the public and local communities where licences are granted. There are already controls to protect wildlife in place under other pieces of legislation – local policy and national guidance specifically confirms that the licensing authority should not duplicate other regulatory regimes.

4.4 The minimum statutory requirement for advertising the application is the display of a blue notice in a prominent position at the premises,

and notice of intention published in a news publication or circular once during the consultation period, a maximum of ten working days after submission of the application to the Council. It is not a legal requirement of this legislation for applicants to consult with other parties, that is a matter of personal preference.

5. **Local policy and National guidance is set out at Annex E.**

ANNEX A – APPLICATION FOR PREMISES LICENCE

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

Revised April 2017



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Tornadoes Sports Education & Leisure
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tornadoes Sports Education & Leisure Sports Pavilion Miswell Lane Recreation Ground Miswell Lane			
Post town	Tring	Post code	HP23 4EX
Telephone number at premises (if any)	01442 913765		
Non-domestic rateable value of premises	£ 4900		

Part 2 – Applicant Details

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

Please tick ✓ as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> <i>please complete section (A)</i> |
| b) a person other than an individual * | |
| i. as a limited company/limited liability partnership | <input type="checkbox"/> <i>please complete section (B)</i> |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> <i>please complete section (B)</i> |
| iii. as an unincorporated association or | <input type="checkbox"/> <i>please complete section (B)</i> |

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

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

Please tick ✓ yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
Surname				
First names				
Date of birth	/	/	I am 18 years old or over	<input type="checkbox"/> Please tick ✓ yes
Nationality				
Current residential address if different from premises address				
Post town		Post code		
Daytime contact telephone number				
Email 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"/> Mrs <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"/> <small>Please tick ✓ yes</small>
Nationality			
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email 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)			

(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	Tornadoes Sports Education & Leisure
Address	c/o The Home Office Pennyroyal Court Station Road Tring Herts HP23 5QY
Registered number (where applicable)	Charity 1191595 Company 12475256
Description of applicant (for example, partnership, company, unincorporated association, etc.)	Incorporated Charity & Company Limited by Guarantee
Telephone number (if any)	01442 913765
Email address (optional)	communications@tornadoes.org.uk

Part 3 – Operating Schedule

When do you want the premises licence to start?

D	D	M	M	Y	Y	Y	Y
0	1	0	9	2	0	2	3

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

D	D	M	M	Y	Y	Y	Y

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

The Sports Pavilion at Miswell Lane, comprises full clubhouse facilities, bar, kitchen, changing rooms with showers (home & away teams and match officials).

The clubhouse is situated at the East end of the Miswell Lane Recreation Ground football pitch adjacent to the rear gardens of some of the houses in Osmington Place.

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)

Please tick ✓ all that apply

Provision of regulated entertainment (please read guidance note 2)

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

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

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

In all cases complete boxes K, L and M

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
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 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 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			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur					
Fri			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					
Sun					

G

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

I

Late night refreshment Standard days and timings <i>(please read guidance note 7)</i>			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment <i>(please read guidance note 5)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
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 box ✓) (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	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) On New Years Eve each year we may hold a Party and for that we'd look to sell Alcohol until 00:30 and close the building by 01:00		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

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)*

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L

Hours premises are open to the public Standard days and timings <i>(please read guidance note 7)</i>			State any seasonal variations <i>(please read guidance note 5)</i>
Day	Start	Finish	
Mon	07:00	23:30	<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 <i>(please read guidance note 6)</i></p> <p>On New Years Eve each year we may hold a Party and for that we'd look to sell Alcohol until 00:30 and close the building by 01:00</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	23:30	
Sat	07:00	23:30	
Sun	07:00	23:30	

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

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

Tornadoes Sports Education & Leisure (TSEL) is a membership based organisation across each of its different sports and sections. In taking on the facility at Miswell Lane, we will promote the 4 licensing objectives by making them a condition of membership and thus access.

We are conscious that we have the responsibility for upholding good standards of conduct & behaviour generally through our members and now specifically at Miswell Lane. Signage will be displayed within the clubhouse that specifies how we expect our members to behave both inside and once outside the facility. Anyone who fails to uphold those standards will have their membership suspended for a period of time.

We have already invested in improving the facility itself, with a fully commissioned Fire Alarm System and are soon to add CCTV and intruder alarms to complement the existing intruder prevention and general facility safety measures.

We have begun the process of engaging with our neighbours on Miswell Lane, Windmill Way and Osmington Place. We are keen to form a "Miswell Sports Ground Community Group" that will provide the ongoing forum for us to reassure them that we take our responsibility as custodians of Miswell Lane Recreation Ground seriously and will be proactive in making sure any issues arising are addressed quickly and effectively.

b) The prevention of crime and disorder

Through our membership of circa 700 playing members, 1,400 parents / guardians and 125 coach volunteers we are already the 2nd largest "educator" in the town. Our primary measure to prevent crime and disorder at Miswell Lane is to enlist our membership to be responsible for looking after "their" facility.

We have already agreed with the Parks Officer that we can enclose the rear of the building thus eliminating an existing source of anti-social behaviour. We are in the process of adding CCTV to the facility and will be prominently displaying the warning that CCTV is in operation.

We will be operating a primarily cashless payment system and will create very public awareness that there is no cash held on site overnight. Our bar itself will have all alcohol locked away out of opening times and, we will have a "no glass outside" policy in place from the outset of our licenced activities.

We are conscious that we have the responsibility for upholding good standards of conduct & behaviour generally, through our members and now specifically at Miswell Lane. Signage will be displayed within the clubhouse that specifies how we expect our members to behave both inside and once outside the facility. Anyone who fails to uphold those standards will have their membership suspended for a period of time.

c) Public safety

As part of the recommissioning of the facility, Dacorum Borough Council completed a full suite of Health & Safety related inspections and have provided us with all those reports.

We have added fire extinguishers already are adding CCTV and solar powered lighting to the exterior of the building to mitigate some of the risk arising from being in a pitch dark field during the winter months.

d) The prevention of public nuisance

Many of our neighbours are Tornadoes members and as a Membership based facility, with CCTV in place, we will be able to identify anyone failing to uphold our good standards of conduct & behaviour. We will be explicit about choice of language, noise when leaving the facility and, parking with consideration in all the streets around us.

e) The protection of children from harm

As a primarily Junior Sports Club historically, we are already substantially focused on Child Welfare & Safeguarding across all of our sports and sections. Every volunteer in Tornadoes holds an in date DBS certificate and within the charity we have a Lead Safeguarding Officer. Each of our Sports and Sections then also has a Child Welfare Officer.

We are in the process of developing specific policies for Child Welfare within the Miswell Lane facility that will cover anything not already covered by the policies we already have in place from our National Governing Bodies.

Specifically, with regard to Alcohol itself, we will conduct training for all members involved with our bar operations and maintain a log of those that have undertaken relevant training in relation to the sale of Alcohol. In much the same way as we already do for DBS, First Aid, Safeguarding & Coaching, our bar personnel training will be kept on file and therefore readily available to Police / Council / other bodies on request.

Within our bar area, we will prominently display Challenge 25 signage and ensure that our bar personnel actively utilise this protocol. A written log will be maintained of any refusals and will then be readily available to Police / Council / other bodies on request.

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.

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.

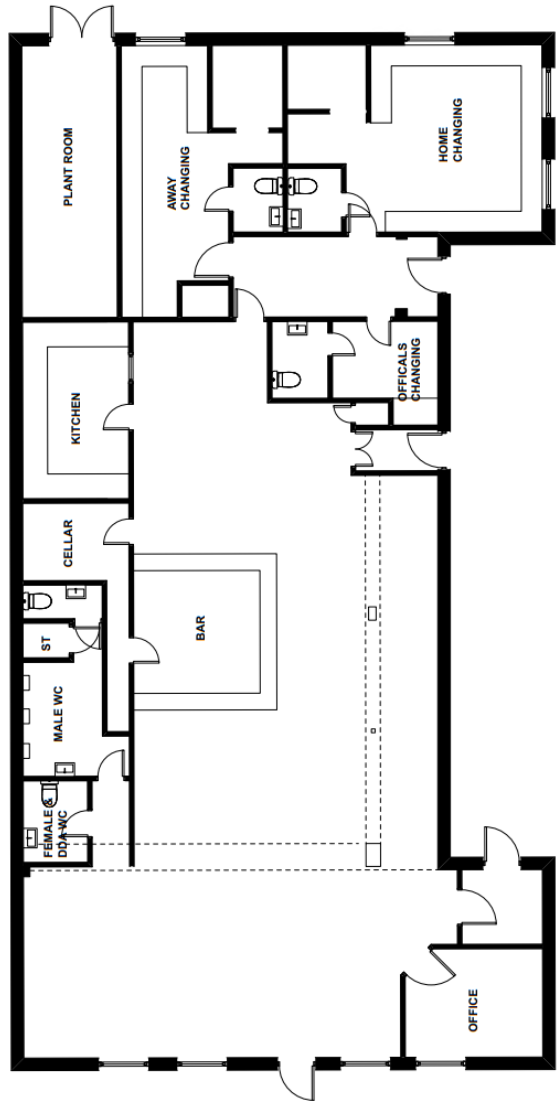
Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am 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	<i>Stephen Bailey</i>
Date	19/07/2023
Capacity	Trustee, Director & Chairman

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.

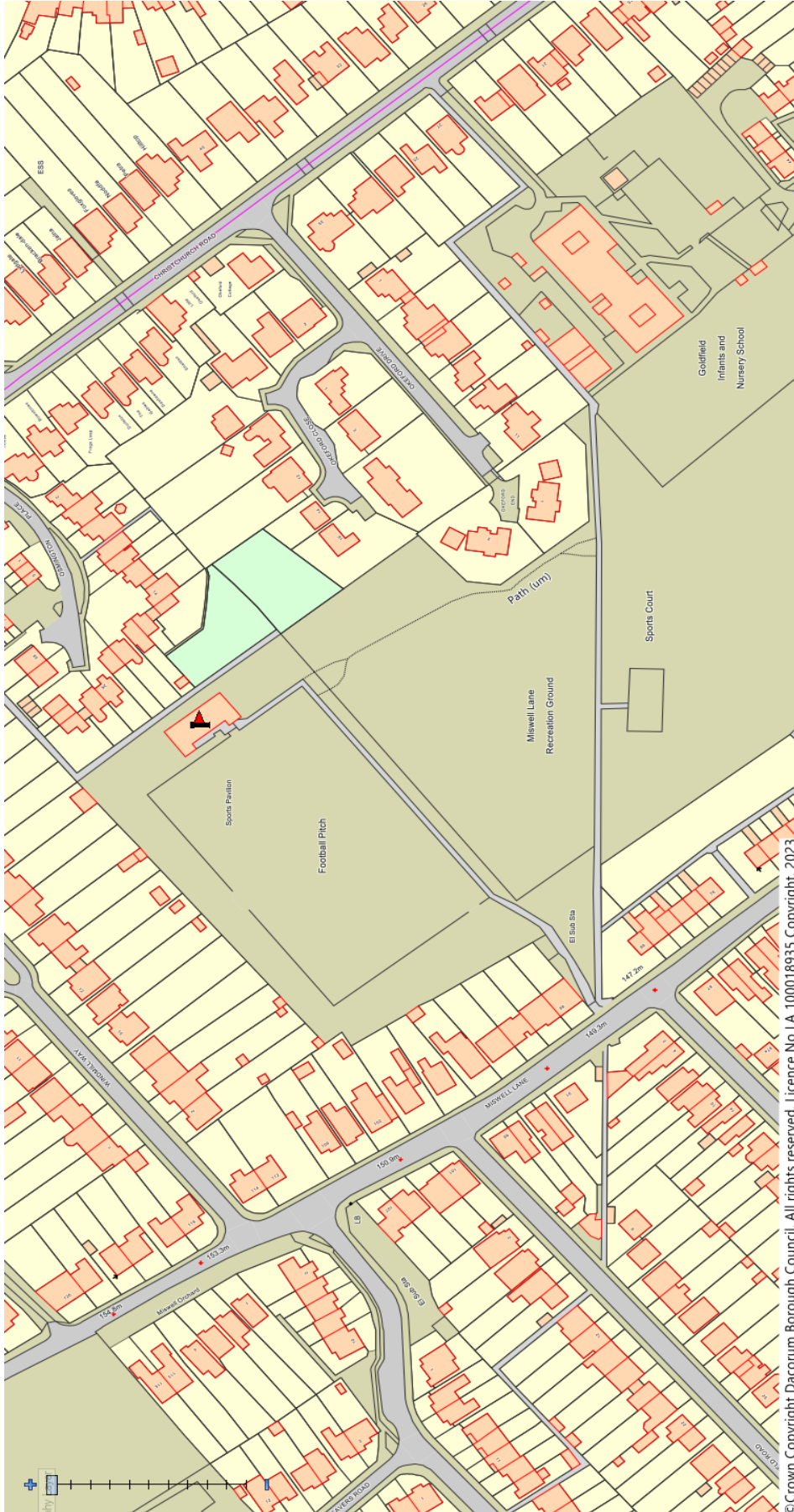
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email your email address (optional)			

ANNEX B – PLAN OF PREMISES



ANNEX C- LOCATION OF PREMISES



ANNEX D - REPRESENTATIONS

From: xxxxxxxx
Sent: 03 August 2023 13:36
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Tornadoes Sports Education & Leisure - Sports Pavilion, Miswell Lane Recreation Ground

Dear Sir

The above application is to sell alcohol seven days a week until 23.00 with the premises open until 23.30. In reality, that means that we will be disturbed every night of the week until 11.45 as people leave and make their way home. Our premises xxxxxxxx (location with held). During the day there is often a lot of noise from matches etc which I would never object to. However, as pensioners I think it is unreasonable to expect us to be disturbed every night until so late.

Could the licence be granted for an earlier closing time for all nights apart from Fridays and Saturdays? My husband is almost seventy and suffering from COPD - disturbed rest every night of the week will not do him any good. I note that the application says that "We have begun the process of engaging with our neighbours on Miswell Lane, Windmill Way and Osmington Place." We have learned of this application from a neighbour, no information has been received from the Tornadoes.

I hope you will be able to take my views into account when considering this application.

Yours faithfully

From: xxxxxxxxxx

Sent: 03 August 2023 14:25

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

Subject: Application for alcohol license by Tornadoes Sports Education & Leisure

Dear Sirs,

As a resident of xxxxxxxx very close to the proposed premises I would like to strongly object to the application dated 25th July 2023. My reasons for this objection are listed below.

1. Noise late at night. It is inevitable that local residents will be disturbed by late night noise. In the summer potentially large groups will be outside the building. It was within the last 3 years that local police had to regularly attend the recreation ground to break up relatively small groups of teenagers who were frequently causing noise disturbance to local residents. These increased numbers fuelled with alcohol would increase the noise level to a very high degree. I do not for one second believe the club will be able to control the level of noise from an indoor let alone an outdoor drinking facility.

2. Purpose. The Tring tornadoes are primarily an organisation to introduce sports to children. Why does a club with a focus on children require a late night alcohol license?

3. I have over many years worked with and seen companies and organisations who claim to "take their responsibilities very seriously" Never in my 50 years in commerce have I met an organisation that did more they pay lip service to this mantra. It will get noisy, it will get unruly, it will upset residents and the club for all their assurance will be powerless to stop it. Putting up a few signs telling people to behave will NEVER work. The staff even if they have the courage to ask people to be quiet will be ignored. The staff even if they have the courage to ask people to moderate their language will be ignored.

4. There are no shortage of licenced premises in the area, adding another will only take away trade from existing local business especially that as a members club they will aim to undercut the local public houses to generate trade and increased usage this in turn will cause nightly misery to anyone within earshot. This application is in my opinion primarily driven by money and the club sees this as a way to increase revenue. To pretend it is for the benefit of the community is patent nonsense.

Yours sincerely

From: xxxxxxxxxxxx

Sent: 07 August 2023 18:14

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

Subject: Application no M057162, type LA2003 s.17: Premises licence - Tring Tornadoes Sports Education and Leisure

To whom it may concern

RE: Application no M057162, type LA2003 s.17: Premises licence - Tring Tornadoes Sports Education and Leisure

Firstly I would like to say that I am very supportive of sports education, for not only the mental health and wellbeing benefits but also as a way to give our youth a sense of purpose and involvement in our local community.

However, as a resident of xxxxxxxxx (location with-held), I would like to formally object to the application for a licence to provide alcohol at the Sports Pavilion, Miswell Lane Recreation Ground for the following reasons:

1. A charity for the public benefit: Tornadoes Sports Education and Leisure is about education and training and primarily for children and young people up to the age of 18. The facility in Miswell Lane is specially for this young community and therefore an alcohol licence cannot be justified. It asks the question what is the purpose of the licence. I note the club's income has decreased from £129,000 in 2021 to £85,000 in 2022. If it is to generate income to supplement its subscriptions and the intention is to hire out the facility, then the club, although able to impose potential sanctions on its own members, will be unable to have any control over general public.

2. Public safety/prevention of public nuisance/protecting children from harm:

Whilst I commend the statutory measures undertaken on health and safety and very much welcome the introduction of CCTV, there are severe concerns that an alcohol licence will lead to further anti-social behaviour which residents have had to and continue to tolerate. I personally was followed and intimidated by youths in masks whilst out walking my dog after requesting they stopped throwing litter and damaging the bins.

Residents are constantly having to pick up litter down the path to the football pitch, collect plastic water bottle up after matches. Some residents have experienced abuse with litter being thrown into their gardens. This has the potential to be exacerbated with alcohol.

3. Opening hours - Having a facility open/serving until 2330 will generate significant noise and light pollution on the residents that back onto the facility. Match days the use of colourful language is bad enough, but then moving into the afternoon and evening with further noise, possible music and parties will be a further nuisance to local residents.

Parking is currently a severe problem on match days and could get worse with late night opening hours. The situation is dangerous. Cars are parking in Osmington Place and up Christchurch Road. I attach pictures of just this weekend gone 5 August. It is not just a nuisance but a public safety issue.

4. Engaging with the neighbours: There has been no formal engagement with the neighbours to go through the plans and development of the club. We have in fact requested a meeting which is being held on Monday 7 August.

Having been heavily involved in sport I would like to make clear that this objection is not to do with the prevention or obstruction of sport. I do believe that all sports clubs in Tring need to get together and utilise existing facilities better. The cricket club is 3 minutes away from the recreation ground. It has a fully licensed bar and catering facilities. The ground does not back right onto to residents; it has a car park. Why not get clubs together to make better use of this great facility?

As I know being a member of the hockey club, small sports clubs are struggling to survive, often being swallowed up by larger clubs in other regions. It would be good to see all clubs in Tring unite, to help save costs themselves, protect their clubs and help sustain a wonderful sporting community for generations to come.

With kind regards

Additional comments from xxxxx

From: xxxxxxxx

Sent: 21 August 2023 19:31

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

Subject: Re: Application no M057162, type LA2003 s.17: Premises licence - Tring Tornadoes Sports Education and Leisure

Dear Ms McDonald

I do apologise for not replying sooner but I have been away on leave.

Thank you for your comments on the parking which I will now refer to the appropriate agencies.

Please would you be so kind and include these additional comments to my objection to the licence application.

There is no safe departure from the venue to a taxi pick up point. The venue, due to its location in a recreation area, is not easily accessible by car, and there no parking, drop off, pick up provision for a taxi.

In addition, following a meeting with residents last week, at the residents request, we had no proactive discussions with the club despite encouraging them to collaborate. The chairman's ambitions for the club greatly exceed the capacity of the venue. He talked about 600 members across their community.

It appears they want to turn the facility into a pub; sky sports, table tennis, darts league etc.

The management have no idea on how many people the pavilion will hold (paramount for health and safety) and don't know what they want to use the licence for. They haven't as yet consulted their membership.

The venue is also right next to a protected woodland (blanket TPO which is an environment for nesting birds, badgers etc) which will also be disturbed.

I cannot stress enough the disruption to residents due to noise, light and anti social behaviour.

Many thanks indeed

ANNEX D4
XXXXXXXXXX

XXXXX

XXXXXX

Licensing Officer

Dacorum Borough Council

8th August 2023

Hemel Hempstead.

Dear Licensing Officer,

Re: Application for Alcohol Licence at Sports Pavilion, Miswell Lane Recreation Ground, Tring.

I would like to express my opposition to the above application on the following grounds:

1.The Sports Pavilion has attracted various break-ins, criminal damage and disorder over the years as a result of the attraction of stored alcohol on the premises which are unmanned for most of the time. This history is witnessed by the addition of metal bars at the windows, replaced doors and the police notice warning of CCTV monitoring. There is also a problem with groups of youths meeting there who seem to encourage each other to undertake activities such as climbing on the roof. I imagine that the amount of alcohol stored would increase with the extended licensing hours requested, and this would exacerbate the problem.

2.The effect of the opening hours requested, 11.00am until 11.00pm 7 days/week, can only add to the potential for alcohol-related public disorder, particularly when visiting and leaving the premises and on match days. We have already had an example of this when, in 2017, a brawl began behind the goal adjacent to the pavilion/spectator area, involving both players and spectators, and resulting in the police and ambulance services being called. The premises are surrounded by housing on 3 sides, who largely support the sporting/football activities at the ground but should not have to suffer the public nuisance effect which is likely to arise.

3. I fully support the aims of the applicant, Tornados, to provide sporting opportunities, such as football and netball, to children and teenagers of all ages. It is a valuable activity, but I fail to see how the sale of alcohol from 11.00am to 11.00pm, 7 days per week, in the clubhouse which they may use, and the resulting behaviour, sets a good example to these youngsters. I trust that the licensing committee will seek a more reasonable solution such as that agreed with previous tenants.

Kind Regards

From: xxxxxxxx
Sent: 10 August 2023 14:29
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Licence application for the premises below

M057162

Application type: LA2003 s.17: Premises licence - New licence application Date received: 25 July 2023

Premises name: Tornadoes Sports Education & Leisure

Premises address: Sports Pavilion, Miswell Lane Recreation Ground, Miswell Lane Tring Hertfordshire HP23 4EX

Dear sirs,

I would like to voice my strong objection to the above application. We live xxxxxxxxxxxx (location with-held). We are directly affected for many reasons.

Whilst I have no objection to people enjoying themselves I am concerned that this will cause more problems for us. Over the years we have suffered damage to our property, attempted theft and noise and rubbish disturbances. The police were called on several occasions. We had to install a seven foot fence to protect our property, more often than not it was the greenhouse which suffered as it was used for target practice.

I am not sure what happened but we then went through a quiet spell. Now, although not as bad, we are once again having bottles, cans etc thrown over our fence in the evening especially on match days. We also suffer the noise from revellers who have perhaps had too much to drink shouting and swearing as they leave the football club.

My concern is that if the clubhouse is open to serve alcohol for the period it is requesting we will again have these problems but possibly on a grander scale as the opening hours will be longer. Whilst the licensee might be a responsible individual he cannot police all his customers. The area, which is used during the day by many people young and old and already suffers from litter, including broken glass, which I am aware is not down to the football club, but it is a football club, not a pub.

I hope you will take my objection into account. It is based on our experiences.

Kind regards

From: xxxxx
Sent: 14 August 2023 11:06
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Licensing application M057162. Objection from: xxxxxxxxxxxxxxxxxxxx

Dear Sir / Madam

Re. Licensing application M057162 (Tornadoes Sports Education & Leisure, at Sports Pavilion, Miswell Lane Recreation Ground, Miswell Lane, Tring, Hertfordshire, HP23 4EX)

Objection from: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

I wish to please object to the license application for the following reasons:

Protecting Children from Harm

Miswell Park, one of the few open green spaces in Tring, is extensively used by Children. Their use extends to the football field and surrounds, as well as the lower part of the Park. Children use the park at all times including during the licensing hours Tring Tornadoes have applied for when Tring Tornadoes matches are not being played. The license application is for the sale of alcohol for consumption on and off premises when Tring Tornadoes will not be using the playing area but other children will be. From my direct experience because I use the park extensively with my own children and xxxxxx(location with-held), I know that when a previous licence was held then users of the sports pavilion walked out to drink on the grass, particularly in summer. This will happen again and it directly exposes children to people drinking and corresponding behaviour in an area they play in. The licence application effectively creates a pub garden around the sports pavilion and throughout the upper area of the park and directly affects Children's ability to use the space.

It is completely inappropriate to operate a licensed premises in an open setting extensively used by children who do not have many alternative open play areas in Tring which has an acknowledged shortage of open green play space. Tring Tornadoes are a youth football club and may be able to keep an eye on this issue whilst there are supervised matches going on, but the licence application extends well outside the hours when they will be supervising children who are members of their club and so directly affects children.

Preventing crime and Disorder

Miswell park is unlit and there was at least one case of violence which I was witness to after closing time at the previous venue. The remote location and lack of lighting lend themselves especially well to antisocial behaviour after the venue has shut. I know this from direct experience as I witnessed one fight outside the venue when it held a license previously whilst walking my dog at night and I have heard of others. Despite any assurances you may receive from a potential license holder it is a fact that alcohol and an unlit park at closing time are a dangerous combination.

When the license was held previously I personally witnessed several instances of people urinating in the park both during licensing hours and after closing time. The area particularly lends itself to such behaviour which is intimidating and disgusting. People walk their dogs

and use the park until very late at night and it is not appropriate that alcohol induced bad behaviour should get in the way of people using the playing fields.

In addition, when the clubhouse venue was licensed previously there was also an increased level of litter (including broken glasses- this was despite a 'no glass' policy because it was often caused by people bringing their own alcohol before entering the venue and dumping it beforehand in the unlit park). The park is used throughout the day and evening, especially in summer and creating what is in effect a busy pub in the park is intimidatory to those walking their dogs, playing with their children any generally using the park as it is supposed to be used- as a public recreational area.

Preventing public Nuisance

The clubhouse is surrounded on two sides by residential properties. The noise from the previous tenant when the premises was licensed was considerable and substantially diminished the ability of the residents to enjoy their houses and gardens. This noise was generated both from within the Venue and by users of the venue going home afterwards and this noise extended well beyond closing time at the venue. The neighbours were assured last time a license was held by the premises that signage was displayed telling people to be quiet on exit but the signs made no difference whatsoever (as anyone who has been to a pub knows). This venue is a clubhouse for a youth football club and it is not a suitable location for a licensed premises. There are a considerable number of other licensed premises in Tring. There is no other property or barrier between the clubhouse venue and the back gardens and houses of the surrounding properties and so the noise generated is considerable. No direct contact has been attempted with me by the license applicants despite me being a direct neighbour to the location despite their application stating they have 'begun the process of engaging with our neighbours'.

In summary I object very strongly to a license being granted. The venue is unsuitable in location, presents a danger of exposure to alcohol and alcohol induced behaviour to children, creates a public nuisance and negatively affects the ability of the surrounding householders to enjoy their houses and gardens. Please note that I speak with personal first-hand experience of the damage caused when a license was previously allowed and the examples of bad behaviour mentioned above have been directly witnessed by me and only occurred when the alcohol license was in place.

Please do not hesitate to contact me should you wish to discuss any of the above.

Yours sincerely

From:
Sent: 14 August 2023 11:13
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re. Licensing application M057162; Objection from: J Couzens

Dear Sir / Madam

Re. Licensing application M057162 Tornadoes Sports Education & Leisure, at Sports Pavilion, Miswell Lane Recreation Ground, Miswell Lane, Tring, Hertfordshire, HP23 4EX)

Objection from: XXXXXXXXXX

I wish to please object to the license application for the following reasons:

1.

Miswell Park, one of the few open green spaces in Tring, is extensively used by Children. Their use extends to the football field and surrounds, as well as the lower part of the Park. Children use the park at all times including during the licensing hours Tring Tornadoes have applied for when Tring Tornadoes matches are not being played. The license application is for the sale of alcohol for consumption on and off premises when Tring Tornadoes will not be using the playing area but other children will be. From my direct experience because I use the park extensively with my own children and xxxxxx (location with-held), I know that when a previous licence was held then users of the sports pavilion walked out to drink on the grass, particularly in summer. This will happen again and it directly exposes children to people drinking and corresponding behaviour in an area they play in. The licence application effectively creates a pub garden around the sports pavilion and throughout the upper area of the park and directly affects Children's ability to use the space.

It is completely inappropriate to operate a licensed premises in an open setting extensively used by children who do not have many alternative open play areas in Tring which has an acknowledged shortage of open green play space. Tring Tornadoes are a youth football club and may be able to keep an eye on this issue whilst there are supervised matches going on, but the licence application extends well outside the hours when they will be supervising children who are members of their club and so directly affects children.

2.

Miswell park is unlit and there was at least one case of violence which my husband was witness to after closing time at the previous venue. The remote location and lack of lighting lend themselves especially well to antisocial behaviour after the venue has shut. Despite any assurances you may receive from a potential license holder it is a fact that alcohol and an unlit park at closing time are a dangerous combination.

When the license was held previously there were instances of people urinating in the park both during licensing hours and after closing time. The area particularly lends itself to such behaviour which is intimidating and disgusting. People walk their dogs and use the park until very late at night and it is not appropriate that alcohol induced bad behaviour should get in the way of people using the playing fields.

In addition, when the clubhouse venue was licensed previously there was also an increased level of litter (including broken glasses- this was despite a 'no glass' policy because it was often caused by people bringing their own alcohol before entering the venue and dumping it beforehand in the unlit park). The park is used throughout the day and evening, especially in summer and creating what is in effect a busy pub garden in the park is intimidatory to those walking their dogs, playing with their children any generally using the park as it is supposed to be used- as a public recreational area.

3.

The clubhouse is surrounded by residential properties. The noise from the previous tenant when the premises was licensed was considerable and substantially diminished the ability of the residents to enjoy their houses and gardens. This noise was generated both from within the Venue and by users of the venue going home afterwards and this noise extended well beyond closing time at the venue. The neighbours were assured last time a license was held by the premises that signage was displayed telling people to be quiet on exit but the signs made no difference whatsoever (as anyone who has been to a pub knows). This venue is a clubhouse for a youth football club and it is not a suitable location for a licensed premises. There are a considerable number of other licensed premises in Tring. There is no other property or barrier between the clubhouse venue and the back gardens and houses of the surrounding properties and so the noise generated is considerable. No direct contact has been attempted with our property by the license applicants despite me being a direct neighbour to the location despite their application stating they have 'begun the process of engaging with our neighbours'.

In summary I object very strongly to a license being granted. The venue is unsuitable in location, presents a danger of exposure to alcohol and alcohol induced behaviour to children, creates a public nuisance and negatively affects the ability of the surrounding householders to enjoy their houses and gardens. I have personal first-hand experience of the damage caused when a license was previously allowed and indeed, the previous license was for a much shorter opening time period.

Please do not hesitate to contact me should you wish to discuss any of the above.

Yours faithfully

XXXXXXXXXX

(and on the behalf of two children xxxxxxxx)

XXXXXXXXXXXXXXXXXXXX

XXXXXX

XXXXXXXXXXXX

Introduction

Along with a group of neighbors we met with Stephen and a few other senior members from Tornados on August 14th. Stephen proudly presented their large club as a growing corporate entity with 600+ members, plus associated teams. The club also plans to introduce a social membership to open the club house to even more people. Stephen expects that around 1500 people could be interested. Although not stated in their application, they expressed their intentions to us: they want to transform the club into a pub-like space.

He went on to explain the plans for the use of the pavilion for various activities. These details were shared verbally by the club and witnessed by the group, but were not included in the application.

This would include:

- showing football games via Sky Sport and BT Sports channel – as a sports bar would do.
- introducing pool tables
- hosting a darts team
- renting the venue out for parties
- Selling low priced drinks. Attracting customers with very affordable drinks – priced between £3.50 and £4.00 per pint.

If they were to screen football games throughout the season, this could mean games shown every day of the week. We're worried that the club's identity as a charitable football education facility, is being used to hide their intent of creating what is basically a 'sports bar'.

We, as residents, have tried to collaborate. We made some suggestions such as:

- a cutoff time on weeknights to allow us some peace
- a limit on venue hire
- Not showing live sport on TV

Unfortunately, both suggestions were rejected as they want unrestricted operations. We feel deceived by the club. Turning the pavilion into an active pub and sports bar – being allowed to serve alcohol from 11AM to 11PM, 7 DAYS A WEEK, doesn't align with the building's design or location. The tranquil surroundings, situated near residential bedroom windows, include young children, babies, and the elderly.

The increased noise from football practices has already been problematic, making it difficult to put our children to bed due to excessive shouting. Now, this activity appears to be intensifying, causing concern for our family.

Beyond dusk, the area becomes a peaceful spot for reflection and is home to nocturnal wildlife such as badgers, bats, owls. It's not suitable for sports screenings,

parties, and serving inexpensive alcohol to such a large and seemingly open 'social membership'.

We're deeply concerned about the potential impact on our mental and physical well-being if this tranquility is taken away. We urge for careful consideration of these factors.

Public nuisance

- The 'Off license' request is to encourage spectators to consume alcohol off premises in the park area, some of which is not covered by the lease of the building or the pitch. Tornadoes have said they will be encouraging people to take alcohol from the clubhouse to the pitch (to watch the games). This means people would carry drinks over an official public footpath, which is used by children and dog walkers. This path is in frequent use and often busy during game times.
- There is often antisocial behavior in Miswell lane recreation ground. This already can create excessive noise. Adding more people into the mix and a focal point for attention in a dark field, would likely increase this nuisance and no doubt encourage an increase in night time activity / antisocial behavior.
- Sound levels and disruption caused by the club are already regular and high. Players are literally shouting as loud as they possibly can on the pitch. It's very disruptive and frequently provides a nuisance to us and our children. A license would lengthen the hours of the club's activity and take away the 'after dusk' peaceful character of the area.

The prevention of crime and disorder.

- The area regularly suffers from disorder caused by the football club. Parking on Miswell Lane and Christchurch road has become dangerous. Club members regularly and unapologetically break the law, with cars fully parked on the pavement and/or blocking the road. (I have photo evidence of this). The playing of regular sporting events and parties will make this difficult situation much worse and more frequent.
- There is a long history of crime surrounding the pavilion. The pavilion has also suffered from regular damage and attempted break-ins. It's even been set on fire in the past. The storage of alcohol on premises will make this worse. The police have already had to place a wildlife camera at the rear of the property to deter crime. It should unfortunately be noted that Tornadoes own members have been caught (by myself and Steve) damaging the property and climbing on the roof out of club hours. In terms of the club's history, their previous premises were also broken into and damaged several times.

Public safety

- All access routes are far from the pavilion. All are unlit and have uneven ground. At night they are pitch black. Most of Tring is situated to the East of the pavilion this encourages people to enter and exit through two main paths:



Exit 1 (please see map diagram attached)

A narrow footpath that runs between the back gardens of Osmington Place and Windmill way. It's pitch black, extremely uneven and very narrow with multiple obstacles. It is not safe to walk along at night even without consuming alcohol.

At the end of the footpath before it reaches the road, there is a wooded patch where there are 5 houses in Osmington Place. These houses have extremely elderly residents, I believe mostly on their own. They are vulnerable and easily made nervous. We cannot encourage Football Club drinkers to pass these houses. It's not right.

Exit 2 (please see map diagram attached)

A path that runs from the pavilion South East through the recreation ground to an alleyway leading past Goldfields Primary school. This is not a proper path and involves traversing large tree roots that, even in the day, are difficult to navigate. Quite frankly this path is dangerous and a tripping hazard to all. There is a way round this hazard to the right but it's not a formal path and involves treading over a fence that has been trampled down over time.

There is another path that runs to Miswell lane (**Exit 3**). Better ground but still pitch black. Unfortunately this will be the wrong direction for many people going home as there are far fewer houses this side of town.

None of these routes are not suitable for use in the dark – particularly for those who have consumed alcohol. A license that extends to 11pm would

likely result in injuries and antisocial behavior. A dark alleyway or a field are not suitable exit routes after dark for a venue selling alcohol.

The protection of children from harm

- With 600+ members, mostly children under the ages of 18, it's not responsible to serve low cost alcohol in this environment. It is encouraging and normalizing the consumption of alcohol to younger generations who are currently on a good track. An application to stay open to 11:30 is not in line with the attitude and intent of a young person's education sports club. While we are all proud of Tornadoes progression in sports it is clear that an alcohol license has nothing to do with education and sports. The license is to create a pub-like venue for the benefit of the senior members. These efforts should not be confused.
- The Miswell lane recreation ground serves the community, many of those are children. The Tornadoes intend to allow the large social membership to take alcohol off premises to the surrounding areas, not limited to the football pitch. With the ONLY tables and benches in the recreational ground situated next to a children's playground, it's inevitable that this off-license alcohol will end up being consumed there. Close to families and children, with no association with the club and point of sale of said alcohol.
- We have two xxxxxxxx (information with-held). Due to the increasingly regular activity by the club our family is already starting to struggle. When games are played the shouting is relentless. Any child would find it difficult to go to sleep with this type of noise. In addition, one of our xxxxxx has a health condition which causes severe chronic cough and breathing difficulties at night. xxx sleep is badly impacted by noise. An alcohol license that allows drinking after dark would be putting a considerable strain on what is already a difficult situation and likely impact one of our children's health. Allowing the club to host parties and play music after dark behind our home would be a nightmare for our family. Our garden isn't large, xxxxxxxx (location with-held)
- **Please** don't put us through this.

Wild life

A licensed premise showing sports matches, and holding regular parties with amplified music would have damaging effects on local wildlife. Currently after dark the area surrounding the pavilion is silent. This has allowed the following animals to thrive here.

Bats:

Bats are a protected animal in the UK under both the "The Conservation of Habitats and Species Regulations 2017" and the "Wildlife and Countryside Act 1981". There are many bats that use the space around the pavilion everyday in the summer months. They most likely hibernate in the vicinity during winter. They feed around the pavilion, field and the surrounding gardens. I have video evidence of this. I also suspect that they are roosting in broken trees behind and to the side of the building and the houses in the area.

Bats are very sensitive to disturbances, including noise. This is because they rely on echolocation to navigate and find food. Noise can disrupt their foraging and roosting behaviors. Noise often has a negative impact on their populations. Any activity will be reported to the correct bodies.

Bats are also disturbed by light, particularly bright artificial light. The Pavilion has recently been fitted with ultra bright LEDs that are likely to be disturbing the bats already. Light pollution can fragment and disrupt natural habitats, making it more difficult for bats to navigate and find suitable roosting and foraging sites.

Badgers:

Badgers are protected by the "Protection of Badgers Act 1992".

There is a large badger set 5-10 meters from the pavilion building. I am happy to pinpoint the gps location and provide photos of the large set with an estimated 8-12 entrances. Any noise after dark, particularly sudden noise (such as cheering at sports or music) would disrupt this protected animal. I am also concerned about members disturbing the badgers as they exit the club. It's also most guaranteed that after dark, the club's activity would disturb these animals, if not managed carefully. An alcohol license that allows night time drinking would encourage this. Again any activity will be reported to the appropriate bodies.

Owls:

There is at least one owl that frequents the pavilion area regularly after dark, possibly living in the woodland next to the pavilion. We see it regularly in the trees directly behind the building and in our garden (behind the building). From its call you can clearly detect a protected species called the "Little Owl". Records show Little Owls declined by an estimated 40% between 1995 and 2010. It's estimated there are 6,000 pairs in the uk today, their environment and habitat should be respected. An alcohol license that allows night-time activity and encourages loud behavior, would most certainly have a dramatic impact on these rare and protected animals.

Conclusion

We appreciate the time that Stephen and other senior members gave us to discuss their plan for the club. We wanted to meet with them to find out the intentions behind the license application and discuss our concerns. We were disappointed these concerns were dismissed and that none of our suggestions were taken on-board.

We commend the work that Tornadoes does for the community and wish them well in all sporting and educational activities, we hope that our xxxxx can play for them one day.. But for the reason stated above we cannot support this application. Without any concessions from their side, and the intention to push for a full and seemingly open license application, our position is that we strongly oppose it.

Representations in connection to a Licensing Application

Application ref. no: M057162

Application type: LA2003 s.17: Premises licence - New licence application

Premises name: Tornadoes Sports Education & Leisure Premises address: Sports Pavilion, Miswell Lane Recreation Ground, Miswell Lane, Tring, Hertfordshire HP23 4EX

Background

Tornadoes Sports Education & Leisure (“Tornadoes”) have applied for a Premises Licence at the Sports Pavilion in Miswell Lane Park. Myself and a number of other xxxxxxxx residents met with the chairman of the Tornadoes at the Sports Pavilion to discuss the application. I gather that this meeting was arranged after an Oslington Place resident spotted the notice on the Sports Pavilion and raised concerns. During this meeting we were informed that following the grant of this licence the Sports Pavilion is intended to be used in connection to the licence for any use that the potentially c1,500 person Tornadoes membership base (estimate provided by Tornadoes during the meeting) demands. The application provides little to no detail on the Tornadoes intended use of the licence. We were informed that the uses in connection to the licence (if granted) may include:

- drinking alcohol after matches have been played in the park;
- spectators drinking alcohol in the park whilst watching the football;
- broadcasting live football matches within the Sports Pavilion whilst serving alcohol;
- hosting courses for coaches whilst serving alcohol;
- darts/other indoor sports matches within the Sports Pavilion whilst serving alcohol;
- and parties where alcohol will be served.

Tornadoes also described their position as “chicken and egg” as they can’t currently confirm exactly how the Sports Pavilion will be used following the grant of the licence (if granted), but that Licensing at Dacorum Borough Council (“DBC”) had encouraged them to submit the licence application in its current form. If granted pursuant to the requests made in the application the licence shall allow Tornadoes to operate a Sports Bar / Pub in the Sports Pavilion in Miswell Lane Park serving alcohol 11:00 – 23:00 seven days a week and until 00:30 on New Year’s Eve.

We have been informed that alcohol is likely to be served at discounted rates to members possibly somewhere around the £3.50 - £4.00 mark per pint. This compares to a usual price of around £6 - £7 at other pubs and bars in the town. If granted, this licence will allow the users to drink more alcohol than they could purchase in a standard pub/bar in the town. I live at xxxxxxxxxxxxxx (address with-held) and the below comprises my representations as to why the applied for Premises Licence should not be granted.

Preventing Crime and Disorder

Break-ins and criminal damage to the Sports Pavilion:

In their application Tornadoes note that the membership base are to be responsible for looking after their facility. Tornadoes already use a football Pavilion facility in Pound Meadow, Tring. This facility has been broken into and damaged on several occasions that I am aware of in the past year or so. The police will be aware of these incidents. It is staggering that Tornadoes can claim that the membership will be responsible for looking after their facility, when the membership have been unable to look after their Pound Meadow facility this year. Unfortunately, Tring currently has youth anti-social behaviour issues that their members are clearly unable to prevent. When these same groups of youths learn that the Sports Pavilion is an alcohol store, there will be relentless break ins and damage to the Sport Pavilion. CCTV is no deterrent to these groups as they simply put their hoods up. The Sports Pavilion has been burnt down and damaged in the past, including criminal damage whilst it has been under Tornadoes' ownership in Summer 2023 which included swastikas being painted on to the roof. Tornadoes cannot control or protect the Sports Pavilion from crime and disorder (including break-ins and damage) and the addition of alcohol will be fanning the flames. The police and fire service will need to be on constant high alert if a Premises Licence is granted to allow the Sports Pavilion to be an alcohol store.

Crime and Disorder in areas near to the Sport Pavilion: The main access that the vast majority of visitors will use for access to and egress from the Sports Pavilion, as is currently used by players on matchdays, is the public right of way between Christchurch Road and Miswell Lane Park. This is a narrow unlit alleyway allowing access on foot / push bike only. As it is unlit and near to a park where groups of youths gather, this narrow and unlit alleyway is already rife for anti-social behaviour. This includes urinating and defecating, littering, the smoking of cannabis, graffiti, damage to Osmington Place residents' fences and criminal damage by way of egging Osmington Place residents' properties. The following are police crime reference numbers from Hertfordshire Constabulary and dates for egging incidents suffered and reported by my neighbour at no.xxxxxxxx: (location with-held).

Date	Reference number
31.10.2021	HC0740
12.11.2021	HC0642
13.11.2021	HC0692
30.11.2021	HC0612
11.12.2021	HC0533
17.01.2022	HC0657
25.07.2022	HC0745

The above of course only includes those incidents that were reported. That neighbour is relieved to have moved away from the area.

My understanding is that when anti-social behaviour of this type takes place in this location it is very difficult for the police to manage the situation as the perpetrators can run into the park and leave the park via several other exits some distance from the Sport Pavilion. Serving alcohol at the Sports Pavilion will only add to the crime and disorder in the alleyway. Even if the Tornadoes members are not any of the youths causing the issues currently ongoing in this alleyway (as listed above), the serving of alcohol til late at the Sport Pavilion will add a further group and increase the potential for crime and disorder to take place in this alleyway (or the park) when these two groups come together. From a Public Safety perspective, I would also urge anyone considering this application to walk through this

narrow and unlit alleyway at 11pm or later (the time that the Tornadoes wish to serve alcohol til on any given day) to see how intimidating it already is for any person. I am a 6ft male and it is not a nice experience. To add a further group of intoxicated persons using this access late and night will be a horribly intimidating prospect for many. My partner will already refuse to walk this alleyway alone after dark for the reasons above and it is sadly the type of space that could lend itself to heinous crime and disorder late and night.

This alleyway is also only an estimate of 10 metres from my xxxxxxxx bedroom window and I do not want xxx to be experience hearing or seeing the increased number of anti-social behaviour incidents that the applied for Premises Licence would bring.

I am concerned that the police do not have sufficient resources to adequately manage the items discussed above and that a Premises Licence will be a further drain on their resources.

Public Safety

In addition to the safety in the alleyway item mentioned above it is concerning from a public safety perspective that this licence is being applied for in a building located in a public park. An on and off licence would allow Tornadoes to serve alcohol which may then be taken anywhere into the park. The only seating areas in Miswell Lane Park are adjacent/near to the children's play areas. It is therefore foreseeable that alcohol is purchased in the Sport Pavilion before being consumed next to areas where children are playing. It is also alarming that if the licence is granted it will allow for alcohol to be littered / discarded throughout this public park and the various risks this poses. The proliferation of alcohol in a public park poses a significant risk to public safety.

As the alleyway between Christchurch Road and Miswell Lane Park is the main access (on foot only) the local residents expect that, if a licence is granted, more cars will be parked illegally on the Christchurch Road "S bend" near to the alleyway. This is currently experienced by local residents on match days. It is dangerous for pedestrians and drivers and accidents are expected. Parking on the bend is also often over the pavement which causes significant safety risks for those with prams or wheelchairs as they attempt to navigate around the cars. This problem will increase significantly if a Premises Licence is granted and is of great concern to me as the father of a newborn. A significant accident is only a matter of time away already.

Prevention of public nuisance

Except for the occasions where groups of youths are causing issues, the part of the park where the Sports Pavilion is located is on a usual evening a peaceful place. On match days the residents can hear the "buzz" of a football match being played, and this is welcomed.

Unfortunately, if the Premises Licence is granted the local residents will no longer enjoy peaceful evenings and can instead expect to be kept up late at night by live entertainment and all the usual noise that would be associated with a sports bar. Tornadoes intend to broadcast live sports matches in the Sports Pavilion and just the broadcast of football matches could be seven days a week football involving the top English teams tends to be on every evening/night. Premier League/European Competition matches alone are broadcast til 10pm Monday – Friday in most weeks. If you then add music, parties and darts/other sport matches taking place in the Sport Pavilion to the above, it is clear that the noise late at night whilst the events are ongoing and as people leave the events will mean that the peaceful

and quiet park is a distant memory. These are all extremely noisy activities. This will have a detrimental effect on my family's mental health as we are already working people with a newborn and dealing with the usual impact that having a newborn has on sleep deprivation.

If the licence is granted the residents also expect a significant increase to the amount of litter (including plastic cups) in the park, in the alleyway between Christchurch Road and the park, and in our gardens. In our garden (xxxxxxx)(location with-held), littering of items being thrown over the fence into our garden is already a difficult issue that my family have to deal with.

Protection of children from harm

Tornadoes, as I understand it, is a predominantly a kids/youth club that may have a small number of adult teams. I am unsure why the club is seeking to obtain a Premises Licence of this nature and can only assume that a late night "sports bar" style Sports Pavilion serving alcohol at discounted rates will cause more harm to the children membership of the club, than good. I propose that the vast majority of the playing members should not be introduced to alcohol, or an environment that where alcohol is a central theme, given that they will be underage.

Summary It is wholly inappropriate to seek to run a sports bar/pub in a park. Added to that is the unsatisfactory access or parking and the further issues that brings. The Tornadoes are an incorporated charity that provide an excellent service in the local community for those wishing to play sport, but please make no mistake, this Premises Licence application is for alcohol to be served seven days a week till late at a sports bar/pub located in a public park. For the reasons given above, a Premises Licence granted on the basis of this application will provide more detriment for the community of Tring, than any benefits and I politely implore DBC to reject the application.

From: xxxxxxxx
Sent: 21 August 2023 17:23
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: MO57162 - preventing public nuisance

My details:
xxxxxxxxxxxx
xxxxxxxxxx
xxxxxx
xxxxxxxx

Tornadoes sports Education & Leisure have applied for an alcohol sales licence for alcohol to be supplied for consumption both ON and OFF the premises.

We would like to register our objection to the licence application on the grounds that it would materially increase the risk of **public nuisance** in the location and immediate surroundings.

The location forms a significant part of the green space in Tring, being attached to Miswell Lane Park, which is an area of use for families, school children, and nature lovers on a daily basis. Whilst we understand and support the football clubs' ambition to redevelop the club house and use the football pitch more regularly, we see the application for an alcohol licence to be unwarranted, unnecessary, and completely out of alignment with the location and its general intended use.

Sale of alcohol within the park area will inevitably create increased anti-social behaviour and conflicts with the spaces intended use as a sporting and recreational area. Furthermore the application for "takeaway drinks" will lead to more plastic litter in what is a pleasant park area.

The local cricket and rugby clubs have social memberships and clubhouses - but distinctly these are professionally run bars, in private locations, with adequate parking. The location in question here is in close proximity to residential housing, has precisely zero parking provision, and is an area of peaceful nature & family use.

The sale of alcohol we firmly believe is therefore completely out of character for the location and we would like our objection registered.

The application details numerous statements around how the club will mitigate poor conduct, noise, behaviour, littering, parking issues, etc etc - all of which merely amount to best efforts undertakings on their part to minimise such public nuisance, but in themselves clearly highlight through their own submission that their plans will increase the risk of such antisocial behaviour.

The police already have to come to the park on a regular basis to deal with low level crime such as drug taking & anti-social behaviour. We applaud the clubs decision to install CCTV and redevelop the clubhouse - these steps are in a positive direction, but we don't see the rationale for then going backwards and increasing the risk of poor behaviour with alcohol sales.

Yours sincerely,

xxxxxxx

From: xxxxxxxx
Sent: 21 August 2023 18:53
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: M057162 - New Licence Application for Sports Pavilion, Miswell Lane Recreation Ground

Dear Sir,

I am writing to object to the new licence application for the Sports Pavilion in Miswell Lane (Ref No M057162).

I believe that this licence is completely unacceptable for this site on the grounds of preventing public nuisance.

On match and training days there are significant numbers of additional cars parked on the local streets, which already makes it more difficult for local residences and cars are not always parked with consideration.

As you will be aware, noise at this type of facility travels a large distance over open ground, and I strongly believe that should this licence be granted, the extra noise will impact a large number of residences around the Recreation Ground, including my home which xxxxxxxxxxxxxxxxxxxxxxxxxxxx(location with-held).

A licence for alcohol sales would make both of these issues much worse. Whilst I wholeheartedly support the work that Tring Tornados do with junior members, I do not believe that a licence (for alcohol sales and live music) is necessary for them to continue the development of junior football teams.

I do not believe that there are many neighbours of the Miswell Lane Recreation Ground who are Tornados members, and I would like to see the statistics on this. The number of additional cars parked in the surrounding streets would suggest that there are not too many local members.

Please let me know if you need any further details from me. My details are below:

xxxxxxxxxxxxx
xxxxxxxxxxxxx
xxxxxxxxxxxxx
xxxxxxxxxxxxx
xxxxxxxxxxxxx

Best regards
xxxxxxxxxxxxx

From: xxxxxxxx
Sent: 21 August 2023 21:45
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Representation Re: M057162

Dear Licensing Team,

I write further to the application by Tornadoes Sports Education and Leisure for a license for Miswell Lane Sports Pavillion. Your reference M057162.

I would like to start by saying that the principle of the sports pavilion being licensed is not my main area of concern. What does primarily concern me is the proposed hours of operation. Broadly speaking I can see the potential benefit to the community of the sports facilities being better used than they have been for the last year or more and indeed generally trying to create more community interest in the facilities. To that end I could understand how some daytime, well managed, drinking alongside some of the clubs matches could be of benefit. However the request for licensing to 11PM, 7 days a week holds itself out to be a wholly different operation by essentially siting a pub in the middle of what is currently a quiet residential area. It is difficult to understand how running a 'Junior' sports club is compatible with running a pub in a park.

Whilst the application is drafted and holds itself out to be about use by the members of the club itself (that being one of the main control mechanisms they offer on behaviour) the club (when questioned by a fellow neighbour) has also not ruled out hosting parties and events at the sports pavillion which seems incompatible with what is noted in their application.

In addition the application claims that the club have engaged with local residents, however this seems sorely lacking with few residents having any knowledge of the application just a few days before the deadline for representations. Indeed, we are at the access point for vehicles to the sports field and do often see representatives of the club coming and going and none have mentioned it to us.

The reason for drawing these points to your attention is it generally shows a lack of candour in the preparation of their application and should generate further questions on the validity of other aspects of their submission.

Turning to concerns around public nuisance and noise I would query how additional refuse would be handled. The park is often already littered (especially at weekends) and it seems likely to be an issue which is further exacerbated by permitting drinking on the park area outside the pavillion. Use of the outside space in addition to the pavillion also raises concern about noise pollution coming from the area, especially late at night when there will be children sleeping. I would also note the proximity of the pavillion to an Infants school (Goldfield) and the potential for increased anti social behaviour to be generated in proximity to the school. All in all, I would question whether use of the facilities at the sports pavillion as a bar would lower the enjoyment of the recreation ground for other users and prove to be deleterious to their enjoyment. In particular I do not see how a license late into the evening (11PM) in particular is compatible with the general enjoyment of the area by others, including existing residents of the area.

--

Kind Regards,
XXXXXXXXXXXXXXXXXX

From: xxxxxxxx
Sent: 21 August 2023 22:35
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc: xxxxxxxx
Subject: Objection to Licensing Application

Reference:

Premises address:

M057162

LA2003 s.17: Premises licence - New licence application 25 July 2023 Tornadoes Sports Education & Leisure Sports Pavilion, Miswell Lane Recreation Ground, Miswell Lane

Dear Sir / Madam,

As a local resident, I have significant two concerns with this licensing application:

1. The late closing time of 11pm will expose nearby residents to excessive noise at night as customers leave the bar and move away onto Miswell Lane. The license may also encourage public nuisance as customers loiter around Miswell Recreation ground having consumed too much alcohol.

I'm always sensitive to people on the Recreation Ground late at night and in the dark as our house was broken into in 2018 and the burglar entered via the Rec.

I would accept a much reduced license allowing alcohol to be consumed for a few hours around a football match which are usually in the afternoons at the weekend. A bar closure of 7pm would be reasonable.

2. The license will increase the number of cars parking on Miswell Lane, as a resident it is often difficult to park close to my house on a Saturday or Sunday when football matches are played. A license could further increase this problem.

I make the further observations that no one making the application has engaged with me to garner views on determining a reasonable licensing application. It would also seem inconsistent for a primarily junior sports club to be linking alcohol with sport.

Could you please confirm receipt of this objection.

xxxxxxx

From: xxxx
Sent: 22 August 2023 10:09
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: M057162

Good Morning Ms McDonald

Thank you for getting back to you and I am happy to provide you with more information.

In relation to **Prevention of public nuisance:** The pavilion is a small hut on the side of the park, the park is not lit at night and when there are people in the park the noise carries and disturbs the neighbourhood. Having people in there watching sport and drinking will create a noise and a nuisance to the local neighbourhood. In addition, there is no parking, already when there are matches people park with little consideration to local residents however local residents accept this as it is for a limited time, having this now 12 hours a day, 7 days a week without a plan for parking is wrong. The park has a lot of wildlife in it and as it is providing take outs there is nothing stopping people drinking in the park late a night disturbing the local wildlife and leaving litter.

I understand why the club may want an alcohol licence but i do not understand why it is from 11am to 11pm, 7 days a week with live music and live sports TV.

The application makes a lot of statement around local residents being members yet i do not know of any. I don't think they can say that without justification.

Happy to discuss

Thanks
xxxx

From: xxxxxx
Sent: 22 August 2023 11:34
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc:
Subject: Re: Application Ref.: M057162

CAUTION: This message was sent from outside of Dacorum BC. Please do not reply to, click links or open attachments UNLESS you recognise the source of this email and know the content is safe. Please report all suspicious emails.

Ms McDonald, good morning.

Thank you for your prompt response.

I appreciate the clarity provided regarding the framework for objections. I would like to further elaborate on my concerns in line with the Licensing objectives:

1. **Crime and disorder:** Crime Reports and Statistics have long-established that introducing alcohol sales can lead to an increase in anti-social behavior and potential alcohol-related incidents. It is reasonable to be concerned that mixing sports enthusiasts, potentially passionate about their teams, with alcohol might lead to confrontations or other types of disruptive behaviors that require Police intervention. This change could transform a currently peaceful sports area into one where residents (including children in the adjacent playing fields) may feel threatened or unsafe.
2. **Public Safety:** Given the limited public transportation options available, there is a valid concern over the potential increase in drink driving incidents. As the venue is in a somewhat isolated location, patrons may choose to drive home after consuming alcohol, posing a significant risk to public safety.
3. **Prevention of public nuisance:** The introduction of alcohol might lead to louder and more prolonged noise disturbances, especially during evening hours when residents expect peace. This goes beyond the current noise from sporting events, as alcohol can amplify noise levels through louder conversations, laughter, or even disputes.
4. **Protection of children from harm:** The proximity of the football club to residential areas housing many families

indicates that children would frequently be in or near this environment. Children might be exposed to alcohol-induced behaviors which could range from inappropriate language or actions to outright dangerous situations. The presence of a bar might also encourage loitering or gathering of inebriated individuals near play areas or routes children use, which is not conducive to their well-being.

In terms of the specific points raised in your email:

- **Point 4:** As outlined above, introducing alcohol sales to an area primarily used by children and young adults for sports and recreational activities could deter them. The presence of inebriated individuals might make families and children uncomfortable, leading to reduced usage and overall community engagement.
- **Point 5:** My objection isn't against the right of the football club to apply for a license, but the potential consequences it might have on the community, especially in terms of public nuisance and children's safety.
- **Point 6:** My concerns primarily focus on the potential risks associated with drink driving due to the lack of public transportation and the implications this might have on public safety.
- **Point 8:** Excessive drinking can lead to a variety of disturbances, from increased noise levels to potential confrontations, all of which would have negative impacts on residents, especially during late hours.

In conclusion, whilst I recognise the rights of premises to apply for licenses, I believe it's imperative to consider the broader implications and potential risks for the community. I sincerely hope these elaborated concerns align better with the Licensing objectives, and I appreciate your time and understanding.

Regards

xxxxxxx

ANNEX E – LOCAL POLICY AND NATIONAL GUIDANCE

Local Policy

5. Crime and disorder

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

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

Public safety

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

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

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.

5.20. The Licensing Authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

5.21. The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature.

Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.

5.23. The Licensing Authority will only look to impose further restrictions beyond those set out above prohibiting access to premises by children if it considers it appropriate to do so, to protect the child from a relevant type of harm.

5.26. Where a large number of children are likely to be present at a licensed premises, the Licensing Authority will expect an appropriate number of suitably-trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.

8. Representations and Reviews

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.

9. Applications

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

10. Licensing hours

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

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

11. 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, generally this will mean within the premises, or in the nearby vicinity

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.

28. Fire Safety

28.3. The Licensing Authority expects all premises licence and club premises certificate holders to adhere fully to the requirements of the (Fire Regulatory Reform 2005) Order, in particular with regard to ensuring that a suitable fire risk assessment has been undertaken and any applicable measures implemented.

NATIONAL GUIDANCE

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of

disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public Safety

Ensuring safe departure of those using the premises

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

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

2.18 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

Public Nuisance

2.21 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

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.

Protection of children from harm

2.27 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives.

2.31 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.32 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

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.