

APPENDIX A

Applicants name	Artisan Bar and Restaurant Limited
Name and address of premises	Artisan Bar and Grill London Road Cow Roast Tring Hertfordshire HP23 5RF
Ward	Aldbury and Wigginton

1. **Background**

- 1.1 This is a new application for grant of a premises licence.
- 1.2 This premises has a premises licence already in place though it has been closed for several years, during which time it had become derelict. A total refurbishment has now taken place, substantially increasing the licensed area to include a second floor and land around the premises which includes a garden area, car parking and a further area to the rear of the premises. Due to the substantial nature of the changes, in accordance with statutory guidance, the applicants were advised to submit a new premises licence application rather than vary the existing licence. Any changes to this licence would need to go through a variation application process.

2. **Application**

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

Plays, Films, Performance of Dance

Both indoors and outdoors

Sunday to Wednesday 09:00 until 23.00

Thursday to Saturday 09:00 until 00:00

Outdoor activities will finish by 22:00

Indoor Sporting Events

Sunday to Wednesday 09:00 until 23.00

Thursday to Saturday 09:00 until 00:00

Live Music

Both indoors and outdoors

Sunday to Wednesday 09:00 until 22.00

Thursday to Saturday 09:00 until 23:00

Outdoor activities will finish by 22:00

Recorded Music

Both indoors and outdoors

Sunday to Wednesday 08:00 until 00:00

Thursday to Saturday 08:00 until 01:30

Outdoor activities will finish by 22:00

Entertainment similar to Live and recorded music and performance of dance

Outdoors (sporting events shown outside)

Monday to Sunday 09:00 until 22:00

Late Night Refreshment

Both indoors and outdoors

Sunday to Wednesday 23:00 until 00:00

Thursday to Saturday 23:00 until 02:00

(Note: corrected hours, application form states 08:00 as start time, Late Night Refreshment is not licensable until 23:00)

Sale by retail of alcohol:

For consumption both on and off the premises

Monday to Wednesday 11:00 until 23:00

Thursday & Friday 11:00 until 01:00

Saturday 10:00 until 01:00

Sunday 10:00 until 23:00

Sale of alcohol will only be made to outside areas between the hours of 11:00 and 22:30.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

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

Hours premises open to the public:

Sunday to Wednesday 08:00 until 00:00

Thursday to Saturday 08:00 until 02:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

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

- 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 30 November and 28 December 2023. During that time 12 valid representations were received, 11 of which were from residents living in the locality of the premises and citing concerns around the potential for public nuisance created by the later opening hours proposed. The twelfth representation was received from Public Health Hertfordshire County Council seeking further information on the applicant's provisions to prevent underage sales and this representation is set out at Annex E1. One resident formally withdrew their representation on 29th December 2023.

The applicants requested a meeting with residents to discuss their concerns in respect of the application and this took place on 5th January 2024. As a result, and at the time of publication of the report 1 further representation has been withdrawn. All other representations received from residents are set out at Annexes D1 to D9.

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

Hertfordshire Constabulary – no response

Hertfordshire Fire & Rescue – no response

NHS Herts – representation received – attached at Annex E1.

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 The minimum statutory requirement for advertising the application is the display of a blue notice clearly 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. The online notice was checked by a Licensing officer, and the public notice was checked by an unannounced visit to the premises by the Licensing Enforcement Officer on 14th December 2023. It is not a legal requirement of this legislation for the applicants to notify other parties, that is a matter of personal preference.

- 4.2. The existing application is not being considered as part of this hearing, paragraph 1.2 has been provided for background information. The proposed grant application must be considered on its own merits.
 - 4.3. It should be noted that where hours granted by planning permission are shorter than those applied for in the premises licence application, the provisions and restrictions in the planning permission will always take precedence, and the Licence applicants would need to apply to Planning to amend those restrictions.
 - 4.4. The location of the premises (i.e. in an area of outstanding natural beauty) will have been considered during the planning process, in relation to the 'amenity' of the area. The Licensing application will consider the 'activities' taking place on the premises.
5. **Local policy and National guidance is set out at Annex F.**

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.

I/We Artisan Bar & Restaurant Ltd
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Artisan Bar & Grill, London Road, Cow Roast,			
Post town	Tring, Hertfordshire	Post code	HP23 5RF
Telephone number at premises <i>(if any)</i>	03333 660000		
Non-domestic rateable value of premises	£ NA		

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

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

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

Please tick ✓ yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
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	Artisan Bar & Restaurant Ltd
Address	New Bury Farm Mill Road, Slapton, Leighton Buzzard, Buckinghamshire LU7 9BT
Registered number <i>(where applicable)</i>	13341367
Description of applicant <i>(for example, partnership, company, unincorporated association, etc.)</i>	Limited Company
Telephone number <i>(if any)</i>	03333 660 698
Email address <i>(optional)</i>	

Part 3 – Operating Schedule

When do you want the premises licence to start?

D D M M Y Y Y Y
1 7 / 1 2 / 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)

Restaurant and Bar serving quality food and drinks with entertainment

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

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	23:00	Please give further details here (please read guidance note 4) Outdoor activities will finish by 22:00	Both	<input checked="" type="checkbox"/>
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	00:00	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	09:00	00:00			
Sun	09:00	23:00			

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"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	09:00	23:00	Please give further details here (please read guidance note 4) Outdoor activities will finish by 22:00		
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	00:00	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	09:00	00:00			
Sun	09:00	23:00			

D

Boxing or wrestling entertainments Standard days and timings <i>(please read guidance note 7)</i>			Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment <i>(please read guidance note 5)</i>		
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 <i>(please read guidance note 6)</i>		
Sat					
Sun					

E

Live music Standard days and timings <i>(please read guidance note 7)</i>			Will the performance of live music take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	09:00	22:00	Please give further details here <i>(please read guidance note 4)</i> Singing waitresses & open mic nights & live PA's Outdoor activities will finish by 22:00		
Tue	09:00	22:00			
Wed	09:00	22:00	State any seasonal variations for the performance of live music <i>(please read guidance note 5)</i>		
Thur	09:00	23:00			
Fri	09:00	23:00	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 <i>(please read guidance note 6)</i>		
Sat	09:00	23:00			
Sun	09:00	22:00			

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"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	08:00	00:00	Please give further details here (please read guidance note 4) Outdoor activities will finish by 22:00		
Tue	08:00	00:00			
Wed	08:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	08:00	01:30			
Fri	08:00	01:30	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	08:00	01:30			
Sun	08:00	00:00			

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"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	09:00	23:00	Please give further details here (please read guidance note 4) Outdoor activities will finish by 22:00		
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	00:00	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	09:00	00:00			
Sun	09:00	23:00			

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 Sporting events shown outside		
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	09:00	22:00		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09:00	22:00	Please give further details here <i>(please read guidance note 4)</i>		
Wed	09:00	22:00	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	09:00	22:00	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>		
Fri	09:00	22:00			
Sat	09:00	22:00			
Sun	09:00	22:00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	08:00	00:00	Please give further details here (please read guidance note 4)		
Tue	08:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	08:00	00:00			
Thur	08:00	02:00			
Fri	08:00	02:00	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 (please read guidance note 6)		
Sat	08:00	02:00			
Sun	08:00	00:00			

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"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	11.00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5) Sale of alcohol will only be made to outside areas between the hours of 11:00 and 22:30 A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. An additional hour every Christmas Eve. An additional hour every Boxing Day. To reflect existing New Year's Eve/Day hours.		
Tue	11.00	23:00			
Wed	11:00	23:00			
Thur	11:00	01:00			
Fri	11:00	01:00	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)		
Sat	10:00	01:00			
Sun	10:00	23:00			

K

<p>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)</p>
<p>NONE</p>

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5)</p> <p>A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.</p> <p>A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</p> <p>An additional hour every Christmas Eve. An additional hour every Boxing Day. To reflect existing New Year's Eve/Day hours.</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	02:00	
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	08:00	00:00	

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)

The Designated Premises Supervisor will ensure a designated and appropriately trained person is on site at all times the premises is open to the public

There shall be a 1 hour 'drinking up' time which allow appropriate dispersal, use of lavatories etc.

The premises will operate a challenge 25 policy for any guest purchasing an alcoholic beverage from any of the bars and notices will be displayed to promote this.

b) The prevention of crime and disorder

The premises shall install and maintain a comprehensive CCTV System that holds up to 31 continuous days. A suitably trained member of staff will be available when the premises is open to the public to download any footage required by an authorised officer.

c) Public safety

The Licence holder shall ensure that the premises have up to date Health and Hygiene and Fire certificates

There shall be a Fire Alarm in the trading areas together with emergency lighting.

The premises will provide a local taxi company as a way to ensure smooth and quiet dispersal from the building

d) The prevention of public nuisance

The Licence holder shall ensure customer departure is managed so as not to cause any public nuisance.

The premises with display notice signs at all building exit points and in the main car park instructing guests to leave the premises quietly to avoid disturbing local residents

e) The protection of children from harm

There shall be no unaccompanied children in the premises at any time.

Please tick ✓ to indicate agreement

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> <i>[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).</i> 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>Tony Flynn</i>
Date	10/11/2023
Capacity	Company Secretary

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)

Tony Flynn - Group Financial Controller
 Artisan Bar & Restaurant Ltd
 New Bury Farm
 Mill Road, Slapton

Post town	Leighton Buzzard, Buckinghamshire	Postcode	LU7 9BT
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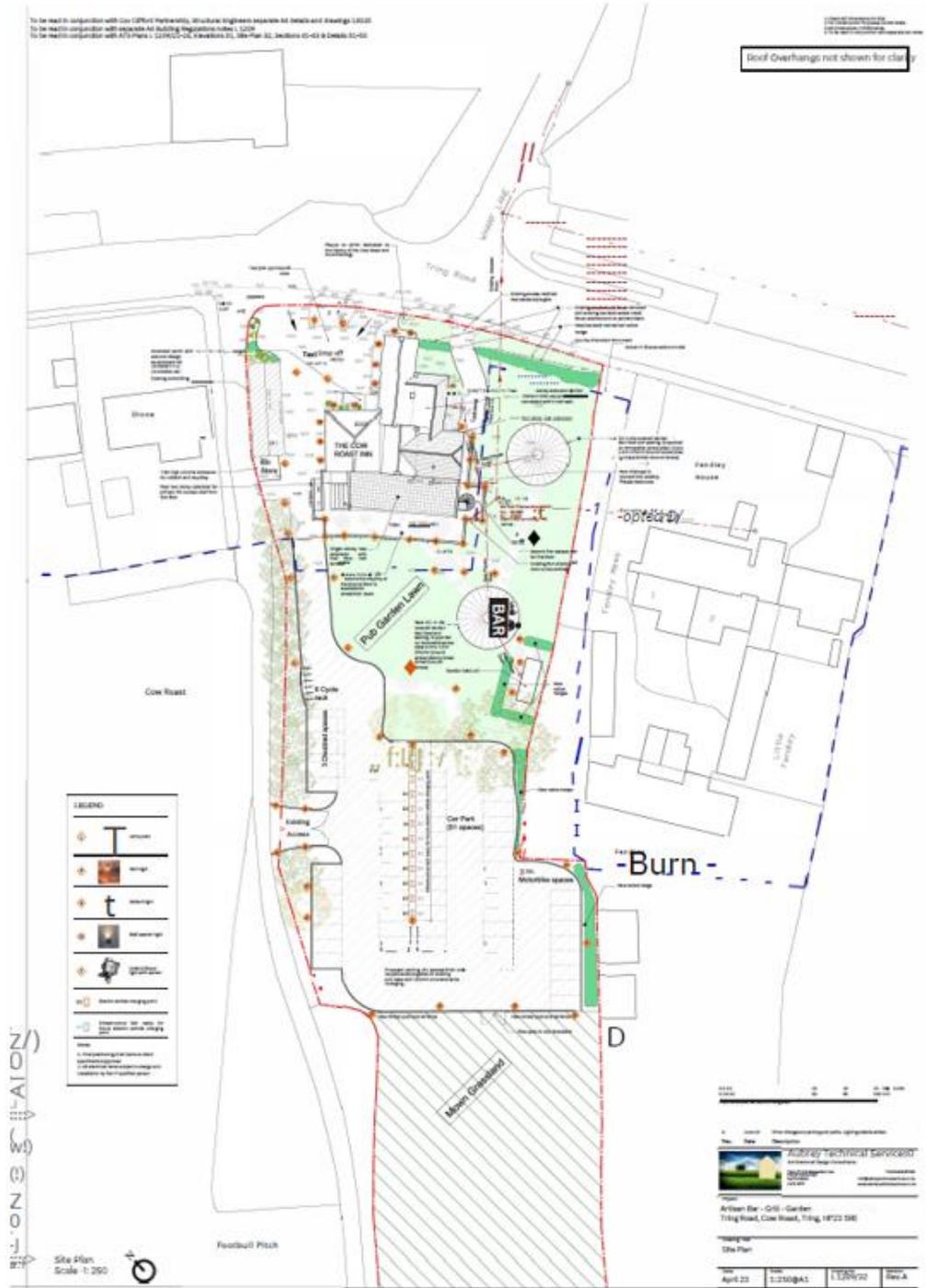
Telephone number (if any)	03333 660000 or via mobile 07956 868322
----------------------------------	---

If you would prefer us to correspond with you by email your email address (optional)

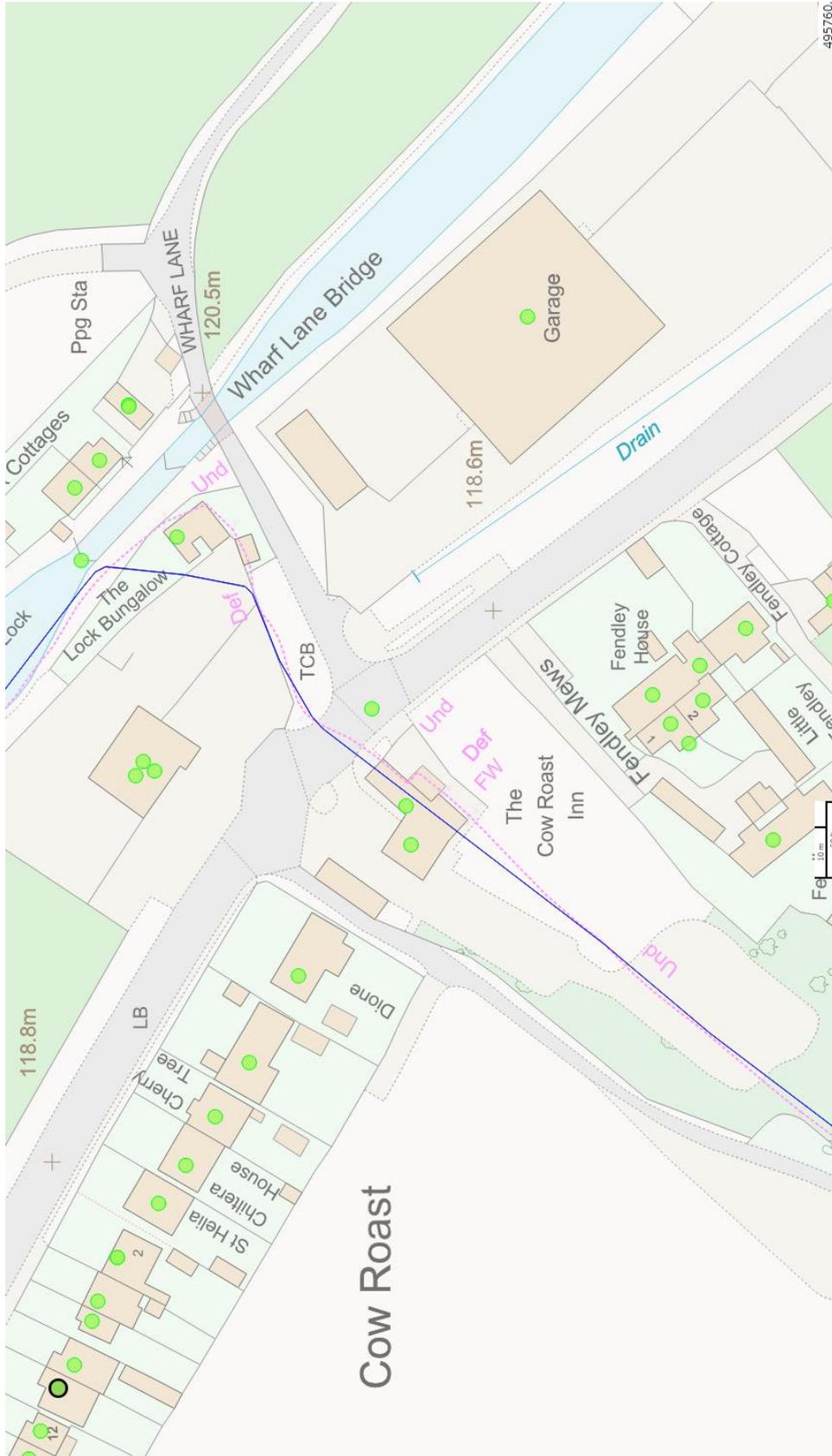
tony@interguidegroup.com

ANNEX B – PLAN OF PREMISES

Full-site-plan



ANNEX C- LOCATION OF PREMISES



495760

**ANNEX D – REPRESENTATIONS
APPENDIX D1**

From:
Sent: 11 December 2023 10:18
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application ref. no: M057969

Application ref. no: M057969
Application type: LA2003 s.17: Premises licence - New licence application
Date received: 30 November 2023
Premises name: Artisan Bar and Grill Premises address: Tring Road Cow Roast Tring
Hertfordshire HP23 5RF

I am writing to object to the licencing application for the above property. My objection is based on my concern that this new licence may increase the possibility of public nuisance for the many dwellings nearby, including my own.

Cow Roast is a small hamlet and the premises in question borders residential properties. The immediate area is low lying and open and carries sound easily.

The outdoor constructions (including a bar a toilets) are within meters of residential properties and whilst music and entertainment will finish by 22:00, to have patrons continuing to drink outside until 02:00 will certainly cause a public nuisance to residents, particularly in the summer when windows will be open.

In addition, the traffic leaving the premises at 0200 will be disturbing, and of more concern the clean up process which will involve emptying bottles into outdoor bins in the early house of the morning.

For all the residents on Cow Roast this proposal will cause noise nuisance, but particularly to the houses boarding the pub. Additionally, I would be concerned about the possibility of an increase in low level disorder when guests are leaving the premises. As such, I feel that 0200 (with an additional hour on certain weekends/holidays) is very much a concern and should be revised.

I would be grateful if these concerns could be taken into consideration during the application process.

Many thanks

Cow Roast
Tring
HP23 5RG

ANNEX D2

From:
Sent: 16 December 2023 18:06
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: New Licence Application M057969

*****DOES THIS EMAIL LOOK SUSPICIOUS? Remember to check the sender email address*****

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.

Application for Artisan Bar and Grill LA2003 s. 17

Application Ref. no. M057969

Date 15th December 2023

I am Mr ***** my family and I live at ***** which is situated next door to the Artisan Bar and Restaurant (formerly the Cow Roast Inn).

From my property I look directly over the pub car park and beer garden (Picture attached) and the only barrier between the two properties is a hedge.





I am extremely concerned regarding the proposed licencing hours for all activities associated with The Artisan Bar and restaurant due to the public disturbance, crime and disorder and public safety issues this will cause.

The application to have Late night refreshments served both indoors and outdoors Sunday to Wednesday till midnight and then till 2am Thursday to Saturday will cause a direct public disturbance to my property and the surrounding residential properties with noise from people and the noise of vehicles coming and going from the site.

The vehicles will also be shinning their lights directly into my property and other residents' properties when leaving the pub.

The application is requesting Plays, Films, Live Music, Recorded Music, Performances of Dance and Entertainment similar to music or dance be played or performed until 10pm outdoors,

this is totally unreasonable as this will have a very serious impact due to the noise this will generate and be heard in and outside of my home and impacting the tranquility of my own garden during the day and night.

I would like to point out that my children are in bed before 10pm every night. I also go to bed before 10pm during the week as I have to be at work for 6am.

I am also concerned that these activities will generate a large amount of noise within the pub which will inevitably create noise to the surrounding properties. Playing recorded music till 1.30am is too late for a residential area and will be detrimental to my family.

The sale of alcohol both on and off the premises until 1am Thursday, Friday and Saturday, I believe will inevitably lead to a noise disturbance to my property and crime and disorder in the surrounding area.

The Artisan Pub is situated on a busy main road on a blind corner, with a very narrow pavement and I am concerned that people leaving the premises after consuming alcohol may spill onto the road and create an issue regarding public safety

The Application then asks for an additional hour to be added for both opening hours and alcohol sales during the holiday periods and Bank holidays meaning the premises would be open until 3am and serving Alcohol until 2am, this is totally unreasonable and would generate a public nuisance, due to noise, to my property and others just by vehicles and people leaving the site.

I have lived next to Cow Roast Pub for 20 years and have never objected to the pub operating normal hours i.e. 12 noon till 11pm, however I believe that this application is asking for hours and activities that will inevitably have a detrimental effect on

myself and my family due to the public nuisance, crime and disorder and public safety issues.

The Artisan Bar and Restaurant is situated between residential properties and the opening hours of the business should be sympathetic with the people living in the surrounding area.

I moved next to what I thought was a normal Pub with reasonable operating hour i.e. 12noon till 11pm however these requested hours are more like the hours of a nightclub and I am deeply concerned about the impact that these hours of operation will have on the local residents and my family.

kind regards

ANNEX D3

From:
Sent: 18 December 2023 18:11
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Ref No. M057969

This email is in response to the following licensing application:

Application ref. No. M057969
Application type LA2003 s.17: Premises licence - New licence application
Date received 30 November 2023
Premises name Artisan Bar and Grill
Premises address Tring Road, Cow Roast, Tring, Hertfordshire, HP23 5RF

From XXXXXXXXXXXX and XXXXXXXXXXX, XXXXXXXXXXX, XXXXXX, XXXX XXXXX.

Dear Sir/Madam,

We are writing in order to object to the proposed licensing hours which we believe will create a considerable public nuisance by virtue of the noise that will be generated late into the night at this venue. The proposed hours plus an extension of one hour for "drinking up" appear unwarranted for a restaurant and bar. The hours proposed and activities comprising music, dancing and entertainment both inside and outside the property are somewhat akin to that of a night club and entertainment venue. This proposal is incompatible with the area which is rural and relatively quiet at night where sound can carry a long way. Given the location is far from town, the amount of noise from the venue will be exacerbated by the noise from guests entering and leaving the property via their vehicles throughout the evening and night into the early hours. Whilst this might be an appropriate licence for a busy and noisy town based venue it is totally inappropriate for a rural location with many residents living close to the venue.

Yours faithfully

ANNEX D4

From:
Sent: 18 December 2023 19:40
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc:
Subject: Objection to Licensing Application: LA2003 s.17

Objection to Licensing Application: LA2003 s.17: Premises licence - New licence application, The Artisan, Tring Road, Cow Roast, Tring, HP23 5RF

From XXXXXXXXXXXX

Dear Sir/Madam

We write to strongly object to the application to extend the existing license to The Artisan pub as detailed above, on the grounds of preventing public nuisance created from late night and excessive noise. We are really pleased to see the investment made in the pub and we look forward to supporting it when it opens, but the proposed changes to the current license are excessive and unreasonable for local neighbours.

Extending closing time to hours more suited to a nightclub than a pub, would cause unwelcome noise and disruption from music, noise from patrons (even more so from the garden and new upstairs open air terrace) and car doors slamming in the car park when people leave. With an extra hour on top of the license for 'drinking up' it would lead to intrusive noise well into the early hours of the morning for the majority of the week which would be horrendous for us and other residents in Cow Roast.

This is a pub in a quiet, residential ANOB; it is not situated in the middle of a busy town, so there is no surrounding noise from late night activities to blend in with. We live next door to the pub and extending the hours past midnight would cause a significant disturbance to the peace. We have young children, neighbours have children and there are retired people in the area whose lives and sleep and wellbeing would be disturbed and negatively affected by excessive and continuous late night noise and disturbance.

Yours faithfully

From:
Sent: 19 December 2023 12:31
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc:
Subject: Re: Application MO57969

Dear Kim,

I do apologise, it seems you have not received the full email as I intended. Please see below, which includes my name and address. Do let me know if you have any difficulties is reading this full representation.

Best wishes,

XXXXXXXXXXXXXXXX

Re: Artisan Bar and Grill, Cow Roast, Tring, HP23 5RF

Application ref. no: MO57969

I am pleased to see that the pub at Cow Roast will soon be reopening after years of standing empty. However, I wish to object to certain points in the licence application relating to the premises on the following grounds:

1. The applicant has not followed the correct process.

Dacorum's website states that "an applicant will be required to advertise their application both on the premises and in a local newspaper to make both residents and businesses aware" and "public notices, printed on blue paper at least A4 in size, will be displayed at or near any premises which is the subject of a licence application, and will briefly set out the details of the application".

This application was made on 30th November 2023. However, local residents were not made aware until 11th December 2023 when we received a note through the door to inform us of the application, and to say that the public notice is in a window of the premises that is not accessible from the pavement (see attached). This has not given local residents the full 28 days to make representation.

2. Operating schedule (Grounds for objection: Public safety and preventing public nuisance).

The application requests a license for indoor and outdoor plays, films, indoor sporting events, live music, recorded music, performances of dance and entertainment similar to dance commencing at either 08.00 or 09.00. I have significant safety concerns about the premises being open in the mornings, especially at weekends. The local area is already busy at this time with vehicles arriving to the hockey club, dog training school, archery to name a few. There is also Nuyard Timber opposite, which regularly has deliveries causing hazards and delays on the A4251. Visibility when pulling out onto this stretch of road is already challenging. Further traffic to this area would only increase the risk of accidents. In addition, if the premises is open for business at 08.00 there will be considerable noise much earlier than that as staff prepare for opening. This will disrupt local residents' sleep, especially at weekends. I note that the Planning application for the Artisan Bar and Grill states that it will be open for 10.00, not 08.00.

The licence application suggests that outside noise (e.g. music, entertainment) will only be up to 10pm. However, the venue has large bi-fold doors at ground and first floor level which will no doubt be open in summer so will mean noise for local residents until up to 02.00. In addition, the venue has flimsy, round pavilions in the garden so indoor noise from those will be heard easily by residents.

3. Late night refreshment (Grounds for objection: Public safety and preventing public nuisance).

The application requests that this to be served both indoors and outdoors until 00.00 Sunday – Wednesday and until 02.00 Thursday - Saturday. I strongly object to this late license on noise grounds. I fully accept that normal licensing laws must apply; indeed, the Cow Roast Inn was a working pub when I bought our house, and I am looking forward to having a local pub again. However, opening until 00.00 or 02.00 will mean significant noise from patrons in the pub garden, leaving the pub, cars starting and taxis arriving in the early hours of the morning, disturbing the sleep of local residents. I believe that the measures that the applicant has put in place to promote the licensing objectives do not mitigate this issue:

- Section 3.3 “The premises will provide a local taxi company as a way to ensure smooth and quiet dispersal from the building”. Taxis arriving and departing picking up patrons who have been drinking to the early hours are extremely unlikely to be quiet and will be disruptive to residents' sleep.

- Section 4.1 “The licence holder shall ensure customer departure is managed so as not to cause any public nuisance”. This lacks in detail and realistically is not achievable.

- Section 4.2 “The premises will display notice signs at all building exit points and in the main carpark instructing guests to leave the premises quietly to avoid disturbing local residents”. It is completely unrealistic to expect this to have much of an effect on noise levels as patrons use the garden or leave the premises.

4. Purpose of the venue is unclear (Grounds for objection: Public safety and preventing public nuisance).

The description of the application is a “restaurant and bar serving quality food and drinks”. However, this is somewhat at odds with the request for a license until 02.00. Quality restaurants do not tend to serve food indoors and outdoors until the early hours of the morning. The Planning application relating to Artisan Bar and Grill puts the emphasis on a quality dining venue, and a pivotal reason for the Planning consent was that the premises would be used as a pub/restaurant as it was previously. Therefore normal pub hours would be more appropriate, ie. until 23.00. By requesting a license until 02.00, it is clear that the intention is to make The Artisan a club. Cow Roast is a completely inappropriate location for late night drinking, entertainment and noise as it is neither completely isolated nor in a city centre location.

I am grateful for the opportunity to make representation about this application and request that you take these points into account when considering it.

Kind regards,

From:
Sent: 19 December 2023 15:54
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Artisan Bar and Restaurant

To Whom It May Concern,

Application ref. no: M057969
Application type: LA2003 s.17: Premises licence - New licence application
Date received: 30 November 2023
Premises name: Artisan Bar and Grill
Premises address: Tring Road Cow Roast Tring Hertfordshire HP23 5RF

As a resident of the small hamlet of Cow Roast, I would like to point out a few concerns regarding the Licence application for the Artisan Bar and Grille at Cow Roast.

- . The Licence application has not been displayed where it can clearly be viewed by the public (It is on a window behind the work area protected by Harris Fencing, so no access for the public)
- . Application for late night opening hours till 01.00 in the mornings on Thursday through to Saturdays.
(As a small community, these opening hours will cause a noise pollution and possibly violence due to the fact that no hamlet, village or town within a minimum of 10 mile radius has a licence to serve alcohol after normal pub closing. I feel that this will attract older teenagers and young adults to the venue with the sole purpose to carry on drinking alcohol and not have food like we were informed the premises would be mainly used for. I for one would not eat after 20.00 hours. When the public house was opened before, the police were called several times to deal with fights and screaming and shouting and this was when people would be leaving at 23.30. Therefore, I believe that granting a licence to serve alcohol will only bring the same trouble as before, or maybe worse as younger adults will travel for mile to carry on with their alcohol intake. I am not against people having fun and enjoying themselves, but there needs to be some concerns and control for the local residents.
- . There will be no manager living in the premises, as the upstairs has been converted into eating areas and an outside balcony.

I hope that you take my concerns on board while considering the licence application. I do know that as a community we are not very pleased with these opening hours. While we want to have a thriving community and a pub is part of this, we need to know that we will be safe from overzealous activities.

Kind Regards,

ANNEX D7

From:
Sent: 24 December 2023 11:51
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Fwd: Artisan Bar and Restaurant

To Whom It May Concern,

Application ref. no: M057969
Application type: LA2003 s.17: Premises licence - New licence application
Date received: 30 November 2023
Premises name: Artisan Bar and Grill
Premises address: Tring Road Cow Roast Tring Hertfordshire HP23 5RF

As residents of the small hamlet of Cow Roast, we would like to point out a few concerns regarding the Licence application for the Artisan Bar and Grille at Cow Roast.

- Application for late night opening hours till 01.00 in the mornings on Thursday through to Saturdays.
(As a small community, these opening hours will cause a noise pollution and possibly violence due to the fact that no hamlet, village or town within a minimum of 10 mile radius has a licence to serve alcohol after normal pub closing. We feel that this will attract older teenagers and young adults to the venue with the sole purpose to carry on drinking alcohol and not have food like we were informed the premises would be mainly used for. We all agree we would not eat after 20.00 hours. When the public house was opened before, the police were called several times to deal with fights and screaming and shouting and this was when people would be leaving at 23.30. Therefore, we believe that granting a licence to serve alcohol will only bring the same trouble as before, or maybe worse as younger adults will travel for mile to carry on with their alcohol intake. We are not against people having fun and enjoying themselves, but there needs to be some concerns and control for the local residents.
- There will be no manager living in the premises, as the upstairs has been converted into eating areas and an outside balcony.

We hope that you take my concerns on board while considering the licence application. I do know that as a community we are not very pleased with these opening hours. While we want to have a thriving community and a pub is part of this, we need to know that we will be safe from overzealous activities.

Kind Regards,

ANNEX D8

From:
Sent: 27 December 2023 14:50
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application Ref: M057969

Dear Sirs

We write in relation to the above application.

Having looked at the licenses applied for we are concerned that on some nights the pub will be opened until 2am and have music going until 1.30am. We would object to this being in a residential area the impact it would have on noise and when people are leaving the pub so late.

Yours faithfully

From: >

Sent: 27 December 2023 16:13

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

Subject: Application Reference MO57969

Re: Artisan Bar and Grill, Cow Roast, Tring HP23 5RF
Application Reference No. MO57969

Firstly, we would like to comment that we are extremely pleased that the historic Cow Roast Inn is being renovated and given a new lease of life as the “Artisan” at Cow Roast. We are looking forward to its opening.

Unfortunately, we wish to object to some points being requested in the recently submitted licence application on the following grounds:

1. The application was made on the 30th November. However, residents were not made aware of this application until sometime later, namely 11th December, when a note was put through our door informing us of the application and stating that although the notice was in “a window of the premises” this was “not accessible from the pavement”. We were not therefore given the full 28 days to submit our comments.

2. Operating Schedule – Grounds for objection: Public Safety and preventing public nuisance.

The planning application for the Artisan Bar and Grill stated that it would be open from 10am therefore we cannot see a need for a licence to allow, from 0800 hrs indoor, outdoor plays, films, indoor sporting events, live music, recorded music, performances of dance and entertainment similar to dance. Staff would be needed much earlier than 0800hrs and noise, disturbance and the additional traffic would be a disturbance to local residents, most notably at weekends and bank holidays.

The operating schedule states Live music will cease outside by 22.00, however with “garden pods” and large bi fold doors both on the ground floor and the first floor any “internal” live music will most certainly be heard far beyond the premises after this time. It is also noted that “recorded music” could be played until 01.30 Thursdays to Saturdays. This would have a detrimental impact on local residents sleep.

3. Late Night Refreshment – Grounds for objection: Public Safety and preventing public nuisance.

The application is requesting this to be served indoors and outdoors until 00.00 Sunday – Wednesday and until 02.00 Thursday – Saturday. With an additional hour added even further into the early morning hours every Thursday, Friday, Saturday, Sunday and Monday for every Bank Holiday

weekend together with an additional hour for every Christmas Eve and Boxing Day. We strongly object to this late licence hours on noise grounds. Local residents will have their sleep disturbed even later than these times as patrons make their way home whether by foot, by car or taxi. The additional hour over Bank Holidays and Christmas would even further disturb sleep and the peace and relaxation local residents desire during holiday times.

Whilst various measures are being described to mitigate the nuisance to local residents, i.e. signs and local taxis, the reality of the noise and disturbance caused by people leaving premises at midnight, 1am, 2am, 3am and beyond after a night of celebration is not one easily controlled.

4. Purpose of the venue is unclear – Grounds for objection: Public safety and preventing public nuisance.

The request for a licence until 02.00 appears unnecessary as the Artisan is portraying itself (as per its planning application, with one of the approval reasons being it would continue as a pub/restaurant) as a “restaurant and bar serving quality food”. Patrons do not usually fine dine until well into the early hours of the morning and I am sure no chefs would still be cooking until such times. If the Artisan Grill and Bar is to operate as per its planning application then normal licensing hours should suffice. The extreme operating hours, together with all the activities listed in the operating schedule (such as live music, entertainment similar to music or dance etc) appear not in keeping with a “restaurant and bar serving quality food” and suggest a move towards a club atmosphere and an events location. Such operations would be totally inappropriate within the small Hamlet of Cow Roast situated within the AONB, Green Belt. Surrounded by countryside and opposite the tranquil Grand Union Canal with its peaceful moorings and wildlife. Such extreme licensing hours appear more appropriate in a bustling, never sleeping city centre location. Cow Roast falls relatively silent late at night with the only noise being the much reduced local traffic. The area is dark with only one street light and the dimmed restricted lighting of local businesses. Any late night/early morning licence will generate the necessary lighting both indoor and outdoor and be an intrusion within the dark skies of the AONB. Before this licence is decided we would respectfully request some sort of Environmental noise and light survey to be undertaken after approximately 8pm in order to understand how the issue of this licence could impact the quality of life of local residents.

Thank you.

Your sincerely.

**ANNEX E – REPRESENTATION FROM RESPONSIBLE AUTHORITY
ANNEX E1**

From: Audrey Tonge <Audrey.Tonge@hertfordshire.gov.uk> **On Behalf Of** Public Health
Sent: 18 December 2023 16:17
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Subject: RE: [M057969] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – The Cow Roast Inn

Thank you for your email re the above alcohol license application. Public Health have the following representation.

Regarding the protection of children from harm, Public Health requests the applicant provided further detail to demonstrate how they will ensure that alcohol sales are not made to anyone under the age of 18 years e.g. by adopting PASS or Challenge 25, and to confirm that all staff will be appropriately trained and supported to enforce this policy and check ID and hold a refusal log.

Kind regards

Audrey Tonge

Support Officer | Administration Team | Public Health
Hertfordshire County Council

County Hall, Pegs Lane, Hertford, Herts SG13 8DE :Postal Point CHO231

T: 01992 556460(26460) E: audrey.tonge@hertfordshire.gov.uk

Space.



[Our vision](#) is to create a cleaner, greener and healthier Hertfordshire, guided by our RISE values

We improve
Residents' lives

We work with
Integrity

We act
Sustainably

We champion
Equality & fairness

ANNEX E – LOCAL POLICY AND NATIONAL GUIDANCE

Local Policy

1. 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

5.10. 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.

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

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

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

10.8. 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.

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.

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.

Beer gardens or other outdoor spaces

8.36, 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.

Regulated entertainment

Types of regulated entertainment

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment took effect on 6 April 2015.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- be provided exclusively for the members of a club or for the club members and their guests, or

Overview of circumstances in which entertainment activities are not licensable

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

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review.

Recorded music

16.33. Recorded music remains licensable:

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

Licence conditions

Live Music or recorded music

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

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

Beer gardens

16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.