

APPENDIX A

Applicants name	Berkhamsted Golf Range Limited
Name and address of premises	Berkhamsted Golf Range Spring Garden Lane Berkhamsted Hertfordshire HP4 3GY
Ward	Northchurch

1. **Current Licence**

1.1 This is a new application.

2. **Application**

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

Playing of Live music (Indoors)

Monday to Sunday 12:00 to 01:30 (24 events per calendar year).
(Golf range opening hours 07:00 to 22:00)

Playing of recorded music (indoors and outdoors)

Monday to Sunday 23:00 to 01:45 (24 events per calendar year)
(Golf range opening hours 07:00 to 22:00)

Late Night refreshment (outdoors)

Wednesday to Sunday 23:00 to 01:00 (24 events per calendar year)
(Golf range opening hours 07:00 to 22:00)

Sale by retail of alcohol – for consumption on the premises

Monday to Sunday 11:00 to 02:00 (24 events per year)
(Golf range opening hours 07:00 to 22:00)

Hours premises open to the public

Monday to Sunday 07:00 to 02:00 (24 events per calendar year)
(Golf range opening hours 07:00 to 22:00)

The original application is set out at Annex A.

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

A map of the surrounding area is set out at Annex C.

Amendment to application

Following discussions with Hertfordshire Constabulary the application was amended as follows:

Live Music – Removed from the application.

Recorded Music – Removed from the application.

Late Night Refreshment – Removed from the application.

Sale by Retail of alcohol – revised hours: 11:00 to 22:00.

Opening hours of the premises – revised hours 07:00 to 22:30.

Correspondence relating to this amendment is shown at Annex D.

3. Details of Representations

- 3.1 A total of 13 representations were received during the consultation period from residents living in Berkhamsted and Northchurch, and a further representation was also received from Northchurch Parish Council.
- 3.2 All the representations related to the proposed activities undermining the Licensing objective for Public Nuisance.
- 3.3 Following the amendment submitted by the applicant, 5 representations, including those made by Northchurch Parish Council, were withdrawn. At the time of publication of the report the remaining 8 representations are set out at Annexes E1 to E8.

4. Observations

4.1 Dacorum Borough Council Statement of Licensing Policy

Licensable Activities:

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

events, although other regulatory schemes may be utilised to remedy any issues that arise.

Licensing Objectives

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

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

Each objective has equal importance.

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

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

Public Nuisance

5.13. The Licensing Authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

5.14. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a

way that causes unreasonable inconvenience, upset or distress to others.

5.15. The Authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

5.17. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

4.2. Statutory Section 182 Guidance

Each application on its own merits

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

Public Nuisance

2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion

of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time.

More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, [such as live music]. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in the Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Steps to promote the licensing objectives

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and

the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

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

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

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

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

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

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

Imposed conditions

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

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

Proportionality

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

16. Regulated entertainment

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

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

Recorded music

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

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

Annex A Initial application (before amendment)

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

I/We Berkhamsted Golf Range 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			
Spring Garden Lane			
Post town	Berkhamsted	Post code	HP4 3GY
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 15,750 (B - £190)	

Part 2 – Applicant Details

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

Please tick ✓ as appropriate

- a) an individual or individuals * *please complete section (A)*
- b) a person other than an individual *

- i. as a limited company/limited liability partnership *please* *complete section (B)*
- ii. as a partnership (other than limited liability) *please complete* *section (B)*
- iii. as an unincorporated association or *please complete section* *(B)*
- iv. other (for example a statutory corporation) *please* *complete section (B) c)*
- a recognised club *please complete section (B)*
- d) a charity *please complete section (B)*
- e) the proprietor of an educational establishment *please* *complete section (B)*
- f) a health service body *please complete section (B)*
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales *please complete section (B)*
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 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 *please complete section (B) and Wales*

* 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"/> <i>✓ yes</i> <small>Please tick</small>
Nationality				
Current residential address if different from premises address				
Post town		Post code		
Daytime contact telephone number				

Email address <i>(optional)</i>	
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"/> <input checked="" type="checkbox"/> yes <small>Please tick</small>
Nationality			
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address <i>(optional)</i>			
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	Berkhamsted Golf Range Ltd
Address	Spring Garden Lane, Berkhamsted, HP4 3GY
Registered number <i>(where applicable)</i>	15935704

Description of applicant (for example, partnership, company, unincorporated association, etc.)	Limited Company
Telephone number (if any)	
Email address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start? D D M M Y Y Y Y
ASAP PLEASE / /

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

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

Berkhamsted Golf Range (BGR) is a family-owned business that is being reopened following a long period of closure. It has new golf driving bays with updated look and feel, offering the local community a destination for golf practice. BGR will offer lessons and will work with local golf professionals and clubs to integrate into the golfing community. The applicant has invested in a café space for patrons to sit and enjoy some food and drink whilst watching other golfers. The range has a very large car park for 80+ cars which is situated on privately owned land. BGR will employ local people for both maintenance of the driving range, to work in the café and as coaches / instructors for local golfers, making it an asset to the local community.

The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.

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) anything of a similar description to that falling within (e), (f) or (g) h)
- (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			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 <i>(please read guidance note 7)</i>			Will the exhibition of films 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 type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>		
Tue					
Wed			State any seasonal variations for the exhibition of films <i>(please read guidance note 5)</i>		
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 <i>(please read guidance note 6)</i>		
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					

Tue			State any seasonal variations for indoor sporting events <i>(please read guidance note 5)</i>
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 <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"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>		
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 (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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	0130	Please give further details here (please read guidance note 4) The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.	Both	<input type="checkbox"/>
	Tue	1200		0130	
Wed		1200		0130	State any seasonal variations for the performance of live music (please read guidance note 5)
	Thur	1200		0130	
Fri		1200		0130	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	1200		0130	
Sun		1200	0130		

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	2300	0145	Please give further details here (please read guidance note 4) The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.	Both	<input checked="" type="checkbox"/>
Tue	2300	0145			
Wed	2300	0145			
Thur	2300	0145			
Fri	2300	0145			
Sat	2300	0145			
Sun	2300	0145			
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
			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)		

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			Both	<input type="checkbox"/>	
			Please give further details here (please read guidance note 4)		

Tue			
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)
Thur			
Fri			
Sat			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)
Sun			

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.	Both	<input type="checkbox"/>
	Tue				
Wed		2300		0100	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)
	Thur	2300		0100	
Fri		2300		0100	
	Sat	2300		0100	
Sun		2300	0100		

J

Supply of alcohol Standard days and timings <i>(please read guidance note 7)</i>			Will the supply of alcohol be for consumption: (Please tick box ✓) <i>(please read guidance note 8)</i>	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol <i>(please read guidance note 5)</i>		
Mon	1100	0200	<p>The golf range standard opening times will be 0700 – 2200.</p> <p>The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.</p> <p>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 <i>(please read guidance note 6)</i></p>		
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200			
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor:

(Please see declaration about the entitlement to work in the checklist at the end of the form)

Name	Ryan Smith
Date of birth	12 / 06 / 1987
Address	21 Grove Road, Tring, Hertfordshire
Postcode	HP23 5HA
Personal Licence number <i>(if known)</i>	To be issued on completion of training and added to licence

Issuing licensing authority <i>(if known)</i>	Dacorum Borough Council
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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 <i>(please read guidance note 9)</i>
N/A

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>																					
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Tue</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Wed</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Thur</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Fri</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Sat</td> <td>0700</td> <td>0200</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	0700	0200	Tue	0700	0200	Wed	0700	0200	Thur	0700	0200	Fri	0700	0200	Sat	0700	0200	<p>The golf range standard opening times will be 0700 – 2200.</p> <p>The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.</p> <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>
Day	Start	Finish																				
Mon	0700	0200																				
Tue	0700	0200																				
Wed	0700	0200																				
Thur	0700	0200																				
Fri	0700	0200																				
Sat	0700	0200																				

Sun	0700	0200

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)

As the applicant, I will ensure that I fully uphold all of the four licensing objectives, at all times. I have take into consideration (1) Statement of Licensing Policy (2) Section 182 Guidance.

I believe I have submitted a robust operating schedule for this operation, demonstrating a commitment to due diligence in all areas of the day-to-day management of the premises.

Policies and procedures are being fully implemented for the safe and efficient running of the premises, including:

- Staff training and operations manual
- Refusals log
- Challenge 25
- Signage – consideration to neighbours
- DPS Authorisations

b) The prevention of crime and disorder

CCTV will be operated, and fully maintained at all times the premises is open for licensable activities. Images will be retained for at least 28 days and will be produced on request by any Responsible Authority.

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

A refusals log will be maintained at all times and will be checked and signed off by the DPS at regular intervals. This will be made available for inspection by any Responsible Authority, upon request.

The refusals log shall contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason the sale was refused and the name/signature of the sales person refusing the sale.

c) Public safety

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

The licence holder will ensure that all staff receive appropriate staff training.

The licence holder would ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

d) The prevention of public nuisance

As the Premises Licence Holder, I will ensure that disturbance caused to the general public is kept to a minimum, and signage will be situated in prominent places asking customers to respect our neighbours.

The premises staff will ensure that the frontage of the premises is checked regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2300hours and 0800hours.

e) The protection of children from harm

"Challenge 25":

The Licensee shall adopt a "Challenge 25" policy, where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products, shall be asked for proof of their age.

The Licensee shall prominently display notices advising customers of the "Challenge 25" Policy in both the café area and within the driving range bays.

The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport
- Military ID card

A refusals log will be maintained at all times and will be checked and signed off by the DPS at regular intervals. These will be made available for inspection by any Responsible Authority, upon request.

A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

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> 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 <i>(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 <i>(please see note 15)</i>.
Signature	

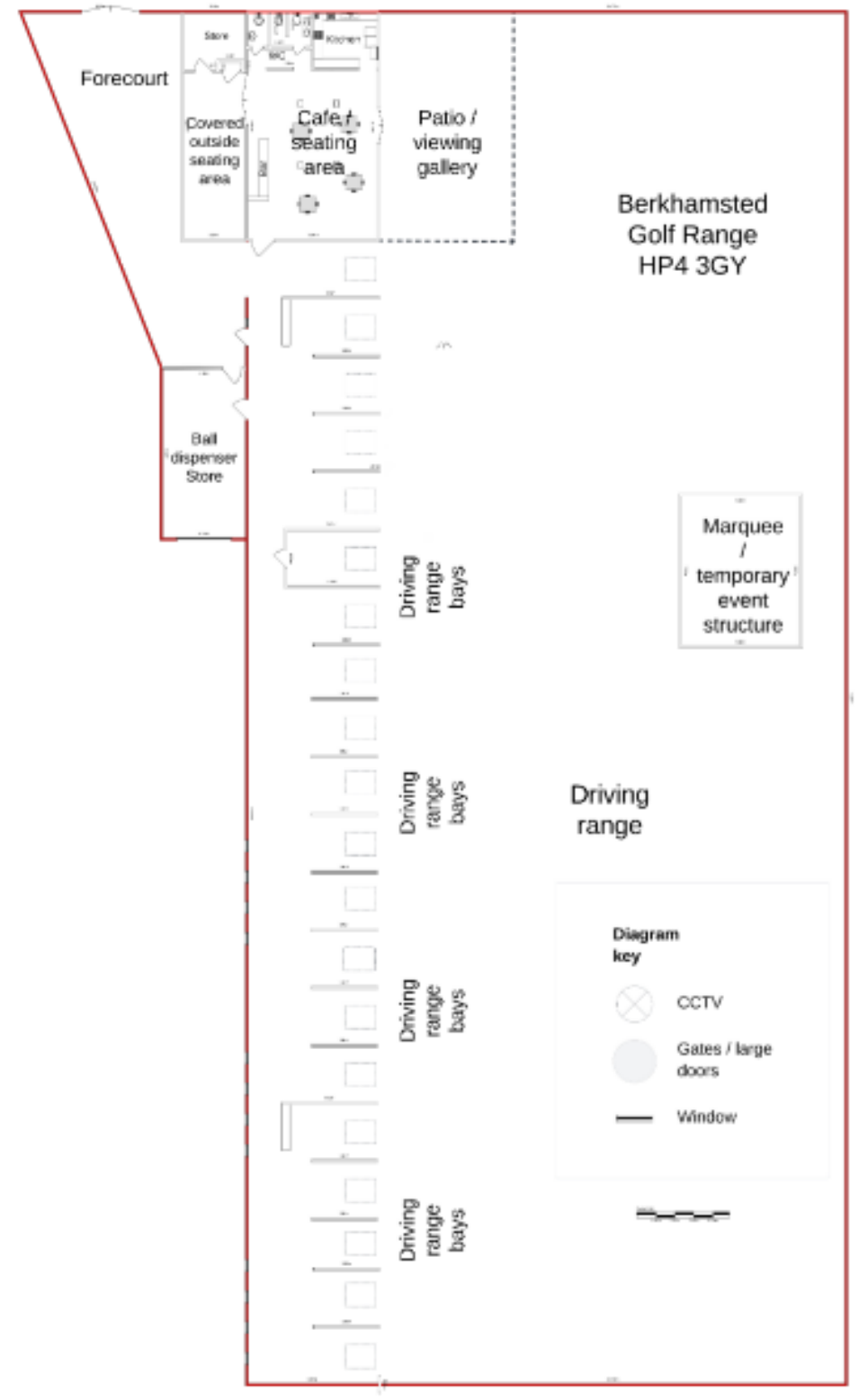
Date	12/12/2024
Capacity	Agent for the applicant

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.

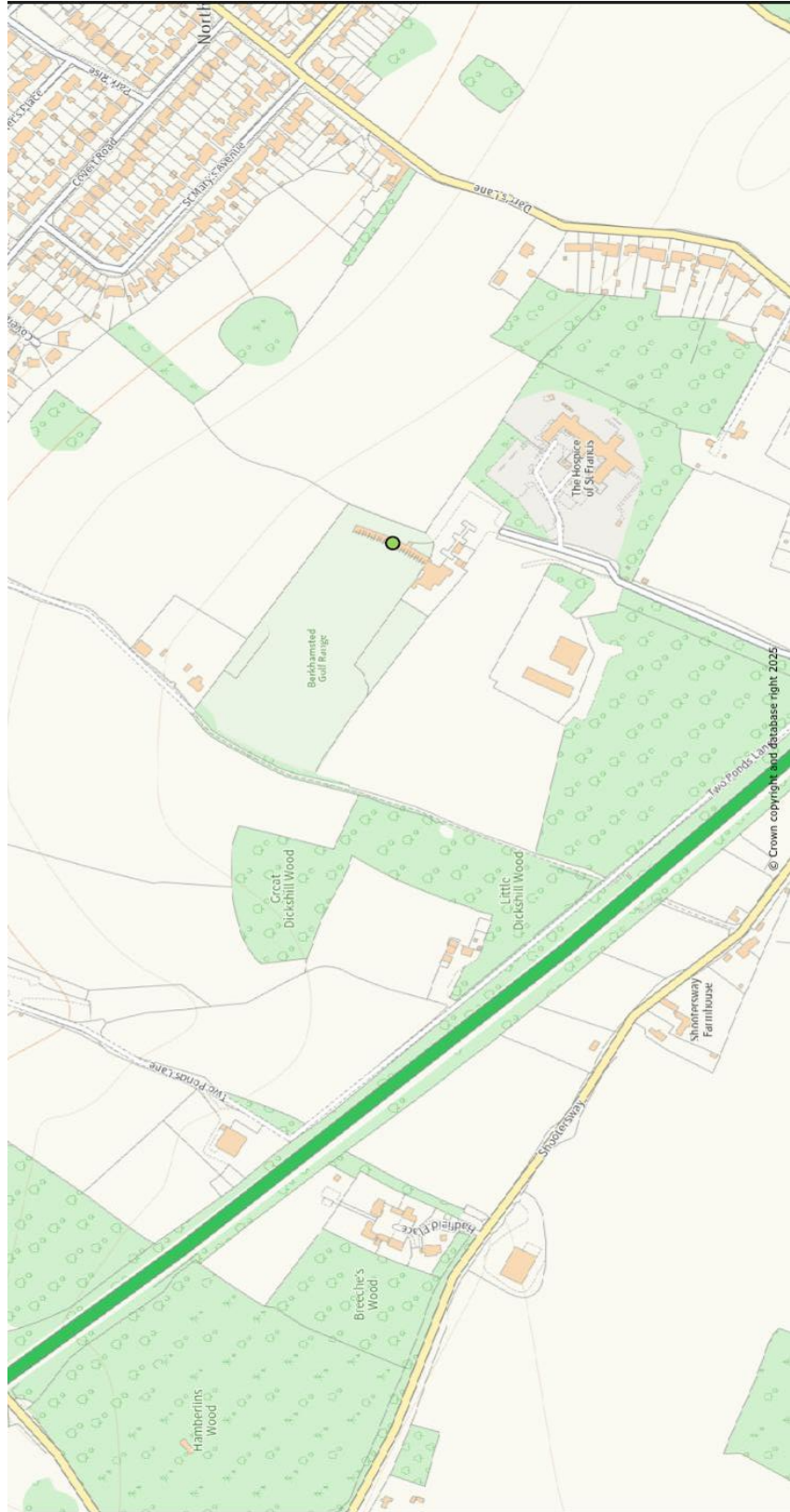
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)			
Simon Voysey Alcohol licensing consultant Licence Leader Ltd			
Post town		Postcode	
Telephone number (if any)	07540 415664		
If you would prefer us to correspond with you by email your email address (optional)			
Simon@licence-leader.co.uk			

Annex B
Plan of premises



Annex C
Map of surrounding area



ANNEX D

**AMENDMENT TO APPLICATION PROPOSED BY APPLICANT
FOLLOWING DISCUSSIONS WITH THE POLICE**

On Mon, 13 Jan 2025 at 14:21, FREEMAN, Hayley 7266
<Hayley.Freeman@herts.police.uk> wrote:

Good afternoon,

Thank you for meeting with myself and Chris today.

As per our conversation, we would recommend the supply of alcohol to finish at either 2130 or 2200hrs and the hours premises are open to the public to be either 2200hrs or 2230hrs depending when you wish to close. This allows for a 30 mins drinking up time. I would add the non-standard timings for bank holidays and Christmas etc separately. I have added the wording from one of my premises to give you an idea. For any other event you can submit a Temporary Event Notice (TEN) which will then supersede the licence timings. We would object to anything past 0100hrs in keeping with all other licenced premises in Dacorum.

Wendy, could you assist with how we go about this? As this was part of the consultation, could we just amend the timings on the application without having to submit anything new?

Kindest Regards

Hayley

Senior Licensing Officer

Rickmansworth Police Station

Email: Hayley.Freeman@herts.police.uk



This information has been exchanged in accordance with the information sharing protocol and has been shared under section 115 Crime and Disorder ACT 1998 in prevention of crime and disorder purposes only. This information must not be disclosed nor shared with any other party than the recipient unless permission has been granted by the author.

From: Simon Voysey <simon@licence-leader.co.uk>

Sent: 13 January 2025 15:53

To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>

Subject: Re: FW: FW: [M060130] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – Berkhamsted Golf Range

Hi Sally

I was just replying to your other email but will tag that in here.

Happy for you to share the amendment. It seems that the reps are centred around the later hours and the events, which have now been removed from the application.

So yes to removing LNR, stop alcohol at 10pm (which would mean a 1030 close).

We'll remove live and recorded music altogether (recorded music will be possible until 11pm anyway).

All events that are outside of these hours will be dealt with with a TEN.

Police have said the latest they will accept for a TEN would be 1am.

I hope this goes some way to allaying the fears of local residents.

The Police are on board and happy for us to proceed on this basis, so we'd like to avoid a hearing if at all possible.

Happy to speak by phone if that's easier.

Kindest
Simon

**ANNEX E
REPRESENTATIONS**

ANNEX E1

From:

Sent: 06 January 2025 11:05

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

Subject: Application Ref : M060130 - Application Type LA2003 s.17: Premises licence - New licence application

Dear Sir/Madam

Whilst we have no objections to the golf range being reopened with a licenced bar we do object to granting of a late licence to consume alcohol to 2am. We feel this would lead to increased noise and light pollution affecting the Hospice.

Will the building be sound-proofed and would this be for indoor events only? Would events that could not take place inside be moved to an outside marquee, if this were the case this would be awful for patients to be able to hear music but also singing, shouting, potential rabble noise of people under the influence etc.

In this open space where the Hospice and Golf range is situated the noise from music and crowds will travel. Also New Years eve events will this mean Fireworks?

You then have the actions of people under the influence of alcohol wandering through the Hospice grounds causing disruption and triggering the intruder alarms. The potential distress to end of life patients, relatives and staff would be unacceptable. The Hospice would need to look at security gates to stop this happening and suggest this cost should be born by the applicant.

The increased late night traffic on what is a poorly maintained and unlit access road will increase the risk of accidents.

If this was just the Golf Range then I would say great but it's the events and the 2am licence that has been applied for that worries me.

Estates Manager, (Hospice of St Francis)

Tel: 01442 869550 Ext 212

Working Hours: Monday to Friday 7am-12:30pm

Registered Charity No. 280825

ANNEX E2

From:
Sent: 08 January 2025 11:08
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application M060130 neighbour response

To whom it may concern,

I am writing in response to the above application at Berkhamsted Golf Range.

As a neighbour, living on *****, we are concerned about noise nuisance that could be caused by this late licence.

Noise travels incredibly easily in the valley of Northchurch and it is a quiet residential area. It's worth noting that we clearly hear the moto x activity which is quite far the other side of the driving range to us. We hear outdoor music from fields on the other side of the valley and last summer a wedding was held in a private garden on the edge of Ashridge which disturbed us late into the night.

My concern is the plans to hold events in a temporary structure (I'm assuming a marquee) which obviously will do nothing to prevent any music or live entertainment noise from travelling.

I support the reopening of the facility which will be great for the community and holding events but I think allowing this until 2am, essentially outdoors, will cause a nuisance to the community. I think after 10pm people should be drinking indoors so neighbours are not disturbed.

It's also worth noting the proximity to the hospice, a fabulous, peaceful, local resource. I do think that a late licence, for essentially outdoor events, is a little distasteful and inappropriate next to the hospice. I think it's incredibly important to preserve the peaceful environment for patients, especially late into the night.

I would also like to add my disappointment on the lack of consultation with this. My neighbours and I have only become aware of this from spotting a notice in the Pea Lane area whilst walking. If we hadn't spotted this we would not have known this was a possibility. I don't think public consultation has been sought widely enough.

Regards,

ANNEX E3

From:

Sent: 08 January 2025 15:13

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

Subject: New Licence application M060130 Berkhamsted Golf Range

I am writing on behalf of Berkhamsted Citizens Association formed 100 years ago as the Civic Society representing the residents of Northchurch and Berkhamsted. We have some 500 members.

We wish to object to the proposed extended hours which would generate a great deal of noise and generate extra traffic in the very narrow access in Spring Garden Lane. Our major concern is that Hospice of St Francis shares the access road and is also very close to the golf range. The Hospice is a specialist palliative care unit. We understand the owners desire to generate extra income but it is entirely the wrong location.

The application should be refused.

Chairman Townscape Group Berkhamsted Citizens Association

Annex E4

From:
Sent: 14 January 2025 16:26
To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>
Cc:
Subject: MO60130 LA2003 s.17: Premises Licence - New licence application

Dear Sally

I hope this email finds you well?

I am writing on behalf of the Hospice of St Francis in Spring Garden Lane and the late night licensing request from the Golf range.

As you can imagine upon receiving this application we were alarmed and worried about noise pollution, not only late night/early morning music but the noise that would come from revellers and how this would affect us at the Hospice.

Our patients are our first concern and with music, singing, conversations from a venue where the sound will travel. Our patients are end of life patients and this would not be acceptable.

I am also concern about revellers wandering through the Hospice at the early hours of the morning which again is not acceptable to patients, families and staff.

The increased late night traffic on what is a poorly maintained and unlit access road will increase the risk of accidents.

I believe the Hertfordshire police have also opposed the late night licence and the events which is great news for us but it also states that The Golf range could apply for a Temporary Events Notice – what does this mean? Does this mean that they could hold a late night event with music and a late bar if this was approved?

Would the surrounding neighbours be advised of the “TENS” application?

We would not want this at all, again it would refer back to the noise pollution and the care of our end of life patients.

Whilst we have no problem with this business running as a Golfing range with kids parties etc during the day and early evening till 10.30pm we certainly do not want to agree to anything that may leave a loophole for the above concerns like a “TENS” Temporary Events notice.

If you could please keep us posted with any further updates it would be very much appreciated.

Best wishes,

Cashier, Finance Admin and Estates Admin
Telephone 01442 869 550

Less than 20% of our funding comes from the NHS.

Gifts in Wills truly make a real difference. Please remember us in yours if you can.



#YourPrecious

STFRANCIS.ORG.UK



Our Care

Support Us

Events

Our Shops

Education

The Hospice of St Francis, Spring Garden Lane, Off Shootersway, Berkhamsted, HP4 3GW

Tel: 01442 869550

Registered Charity No. 280825



ANNEX E5

From:
Sent: 14 January 2025 17:40
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: I wish to object to the granting of a license

Regarding:

Berkhamsted Golf Range Spring Garden Lane Northchurch Berkhamsted
Hertfordshire HP4

I wish to object about every element of an alcohol or premises or entertainment license for this premises. The reasons for my objection are:

This premises is right next to the Hospice of St Francis and any application to:
Have events
Serve alcohol
Play music
Should be refused due to this location being next to the hospice

This premises is in a wooded and residential area and for this reason, none of the above activities should be permitted.

This premises is on an already reasonably busy road, with deer, foxes, badgers, many birds and cats around and any further traffic to this premises due to the granting of this license will have an impact on all of this wildlife.

This premises is very, very close to ancient woodland and hedges and no further traffic to this premises should be permitted due to the impact upon this very old flora and fauna.

I do not believe any other business in Berkhamsted has events until 2am and to grant a license to this business to have events, music and alcohol until this time would be absolutely dreadful, and would set a most dreadful precedent

There are already problems with traffic and pollution in Northchurch and we must not create any more

No resident of Northchurch wants to hear music from this site and I am sure the hospice will feel the same.

I cannot understand why a license for alcohol and events would even be considered for this site!!!

ANNEX E6

From:
Sent: 14 January 2025 22:44
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Application ref. no: M060130

Dear Sirs / Madam

I am writing to you in reference to the application detailed in the title and at the base of this email.

I would request that my concerns are noted as follows:

- with insufficient buildings for such events the noise from music is unlikely to be contained and the noise pollution is likely to be amplified by the geography of being based on a valley. The noise pollution will therefore be excessive.
- the only way to access the events site is via car. Events will cause significant additional traffic in already congested and pot-hole ridden roads. This will accelerate road surface decay and increasing exhaust pollution. Very bad!
- the late night license to 2am seems excessive given the village pub closes at 11. The noise pollution until 2 am will undoubtedly be an issue for local residence
- the number of weekends also seems excessive as this equates to almost one event every other week across the year which could well manifest as every weekend over the summer which would quite simply be unbearable for local residence.

I hope that these important considerations are taken into account and the proposal is reconsidered.

Best

From:
Sent: 14 January 2025 23:22
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Cc:
Subject: Objection to application ref. no: M060130

Application ref. no: M060130
Application type: LA2003 s.17: Premises licence - New licence application
Date received: 18 December 2024
Premises name: Berkhamsted Golf Range
Premises address: Spring Garden Lane, Northchurch, Berkhamsted, Hertfordshire,
HP4 3GY

I'm writing to make a representation regarding the above licence application on the grounds of public nuisance.

Granting this licence would allow the owner to host parties and weddings in temporary structures at the premises, e.g. marquees with limited sound-proofing. My concern is that while the premises appear to be fairly isolated, the noise generated will be easily heard from my house and my neighbours' houses in the valley below where the streets back onto the fields adjacent to the premises. Noise will easily travel the 300 metres or so to my house and significantly interfere with my enjoyment of my property for long periods of time.

This is backed up by scientific evidence:

- A typical sound system for a wedding or party plays at approximately 100dB. The distance from the premises address to the nearest houses is approximately 200 metres and to my property is approximately 300-400m.
- The doubling rule proposes that 100dB would be heard at around 50dB over a 300-400 metre distance across mostly clear open fields and calm conditions.

That's a significant increase on the average background noise I experience currently in my quiet, leafy garden, which is typically 35dB. Noise playing through the night until 2am would be highly disruptive for me and my young daughter, especially on a summer evening or night when the windows tend to be open.

I know the sound will be heard as I can already hear the noise of the motorbikes at Chiltern Young Riders Motocross which is in a similar vicinity but almost twice as far away from me as Berkhamsted Golf Range. Thankfully the Motocross is open infrequently and only during the day.

The licence application has requested up to 24 of these events per year. So assuming most would be held in fine weather between late Spring and early Autumn, that could equate to approximately one per week during the warmer months.

Please do not grant this licence as it will disrupt an entire community across St Mary's Ave, Covert Road, The Limit Park (retirement park), not to mention the residents at the Hospice just a few yards away who are mostly there for some peaceful end of life care.

Regards

ANNEX E8

From:
Sent: 15 January 2025 13:29
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Objection to application M060130

Good afternoon

I wish to register my objection to the license application for the Berkhamsted Golf Range in Spring Gardens.

The golf range is situated extremely close to residential properties in the surrounding area and noise travels very clearly across the valley and the immediate vicinity.

I live in ***** and can routinely hear the traffic from the A41 and the motorbikes from the motocross centre, both of which are much further away. Depending on the weather and cloud cover, the noise can reverberate across and down the valley and can be extremely loud and antisocial.

The golf range has operated before during the day without having any functions/parties and this has not been a problem.

I object to a music license for outdoor events and indoor entertainment and one-off events as the noise will cause a regular public nuisance for many surrounding properties on a regular basis.

I also believe that the isolated nature of the location will attract underage drinking and illegal behaviour such as the selling of drugs etc and would not easily be policed.

This application is clearly trying to change the nature of the facility from a driving range to a nightclub and given its proximity to a hospice where families will be saying goodbye to loved ones, it is entirely inappropriate and in bad taste.

Yours sincerely