

## APPENDIX A

**Applicants name** Mr Garry Russell

**Name and address of premises** Redz Bar  
25 High Street  
Hemel Hempstead  
Hertfordshire  
HP1 3AA

**Ward** Hemel Hempstead Town

### 1. Current Licence

- 1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.
- 1.2 A previous premises licence lapsed upon the dissolution of the company which held the licence in February 2014. That licence authorised the following activities:
- |   |                                |
|---|--------------------------------|
| Live music, Recorded music, Provision of facilities for dancing |                                |
| Monday to Thursday  | 19.00 to 02.00                 |
| Friday to Saturday  | 19.00 to 04.00                 |
| Sunday  | 19.00 to 01.00                 |
| Performances of dance   |                                |
| Thursday to Saturday  | 20.00 to 00.00 (twice monthly) |
| Late night refreshment  |                                |
| Monday to Thursday  | 23.00 to 01.30                 |
| Friday to Saturday  | 23.00 to 03.30                 |
| Sunday  | 23.00 to 01.00                 |
| Supply of alcohol (on-sales)                                    |                                |
| Monday to Thursday  | 19.00 to 01.30                 |
| Friday to Saturday  | 19.00 to 03.30                 |
| Sunday  | 19.00 to 00.30                 |
- 1.3 The premises was also licensed as a sexual entertainment venue in 2012, but never operated under that licence, which was not renewed upon expiry in 2013.

### 2. Application

- 2.1 An application has been made for the grant of a new premises licence under section 17 of the Licensing Act 2003. This is set out at Annex A.
- 2.2 Authorisation is sought for the following licensable activities:
- |                             |                      |
|-----------------------------|----------------------|
| <u>Live music (indoors)</u> |                      |
| Monday to Thursday          | 18.00 to 23.00 hours |
| Friday to Saturday          | 18.00 to 00.00 hours |
| Sunday                      | 12.00 to 23.00 hours |
| Non-standard timings:       |                      |
| Bank Holiday Mondays        | 12.00 to 23.00 hours |

<u>Recorded music (indoors)</u>	
Sunday to Thursday	12.00 to 01.30 hours
Friday and Saturday	12.00 to 03.30 hours

<u>Performances of dance (indoors)</u>	
Sunday to Thursday	19.00 to 01.30 hours
Friday and Saturday	19.00 to 03.30 hours

<u>Entertainment of a similar description to music and dance (indoors)</u>	
Sunday to Thursday	19.00 to 01.30 hours
Friday and Saturday	19.00 to 03.30 hours

<u>Supply of alcohol (for consumption on the premises)</u>	
Sunday to Thursday	12.00 to 01.30 hours
Friday and Saturday	12.00 to 03.30 hours
Non standard timings: if New Year's Eve falls on a weekday	
	12.00 to 03.30 hours

<u>Hours the premises may open to the public</u>	
Sunday to Thursday	12.00 to 02.00 hours
Friday and Saturday	12.00 to 04.00 hours
Non standard timings: if New Year's Eve falls on a weekday	
	12.00 to 04.00 hours

2.3 A plan of the premises and map of the area is set out at Annexes B1-B2

### **3. Details of Representations**

3.1 Three representations have been received from persons living in the vicinity of the premises, all citing concerns in respect of public nuisance. These representations are set out at Annexes C1-C3.

3.2 A further representation has been received from Environmental Health, also citing concerns in respect of public nuisance to local residents. This representation is set out at Annex D.

3.3 The following responses were received from responsible authority officers in respect of the application:

Police: No relevant representations.  
 Planning: No relevant representations.

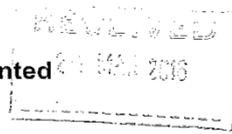
### **4. Observations**

4.1 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex E.

# Annex A Application for grant of premises licence

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Revised October 2012



## 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 GARRY RUSSELL  
*(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			
25 HIGH STREET HEMEL HEMPSTEAD HERTS HP1 3AA			
Post town	HEMEL HEMPSTEAD	Post code	HP1 3AA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 9,900.

### 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  please complete section (B)
    - ii. as a partnership  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 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 checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)	
Surname	RUSSELL
First names	GARRY
I am 18 years old or over	<input checked="" type="checkbox"/> Please tick ✓ yes
Current postal address if different from premises address	[REDACTED]
Post town	[REDACTED] Post code [REDACTED]
Daytime contact telephone number	[REDACTED]
Email address (optional)	[REDACTED]

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			
I am 18 years old or over		<input type="checkbox"/> Please tick ✓ yes	
Current postal address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please body corporate). please give the name and address of each party concerned.

Name	
Address	
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association, etc.)	
Telephone number (if any)	
Email address (optional)	

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
22	04	2016

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

Day	Month	Year

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

- Bar premises located in the basement of 25A High Street HPI 3AA. Accessible by stairs leading from main high street. With safety flooring and hand rails provided.

Fire exit is situated up a back flight of stairs also with hand rail and leads to side communal alleyway located at the side of the premises.

Fire detectors are located throughout, with appropriate extinguishers located. Fire safety/exit signs in place and well highlighted.

- Toilets are also located on street level up back staircase.

- CCTV coverage throughout the premises and recorded.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment** Please tick ✓ yes
- 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

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
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 5)		
Sat						
Sun						

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Sat				
Sun				
			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 5)	

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18:00	23:00	Please give further details here (please read guidance note 3) Performance of a variety of live bands mainly on a Sunday late afternoon, and we may hold an open mic session throughout the week or early evening at weekends.	Both	<input type="checkbox"/>
Tue	18:00	23:00			
Wed	18:00	23:00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	18:00	23:00			
Fri	18:00	00:00		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 (please read guidance note 5)	
Sat	18:00	00:00		Performance of live music starting at 12:00 on bank holiday Mondays throughout the year. To finish at 23:00.	
Sun	12:00	23:00			

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	01:30	Please give further details here (please read guidance note 3) A jukebox will provide music throughout the day, finishing 1/2 hour before closing for the 'wind down' period. A DJ will play recorded music on Friday/Saturday nights finishing 1/2 hour before closing for 'wind down'.	Both	<input type="checkbox"/>
Tue	12:00	01:30			
Wed	12:00	01:30		State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	12:00	01:30		If New Year's Eve fell on a weekday and opening hours were later, at 04:00. Recorded music would stop 1/2 before closing as is on a Friday/Saturday night.	
Fri	12:00	03:30		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 5)	
Sat	12:00	03:30			
Sun	12:00	01:30			

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	19 <sup>00</sup>	01 30	Please give further details here (please read guidance note 3) -The ladies nights that are permitted will include forms of dancing - conforming to the xii permitted within the local government misc act -	Both	<input type="checkbox"/>
Tue	19 <sup>00</sup>	01 30			
Wed	19 <sup>00</sup>	01 30	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	19 <sup>00</sup>	01 30			
Fri	19 <sup>00</sup>	03 30	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 5)		
Sat	19 <sup>00</sup>	03 30			
Sun	19 <sup>00</sup>	01 30			

Anything of a similar description to that falling within e, f or g Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Will this entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon	19 <sup>00</sup>	01 30	- Weeknight entertainment may include karaoke, quiz nights, open mic nights, comedy nights, speed dating. - Possible ladies nights - xii permitted as stated in local government miscellaneous ACT.	Both	<input type="checkbox"/>	
Tue	19 <sup>00</sup>	01:30		Please give further details here (please read guidance note 3) - Entertainment will not affect public opening times / sale of alcohol. music sound limiter will continue to be in place at all times. ladies nights will commence 20:00 onwards.		
Wed	19 <sup>00</sup>	01:30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Thur	19 <sup>00</sup>	01:30				
Fri	19 <sup>00</sup>	03:30	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 5)			
Sat	19 <sup>00</sup>	<del>01:30</del> 03:30				
Sun	19 <sup>00</sup>	01:30				

Where are the sections for 'Provision of facilities for making music and dancing'?

Changes under the Live Music Act mean that from the 1<sup>st</sup> October 2012, you no longer need a licence to provide facilities for making music, or facilities for dancing, or facilities for entertainment similar to music and dancing.

You will still need a licence if you are providing the entertainment, rather than simply providing facilities for use by customers.

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	12:00	01:30	State any seasonal variations for the supply of alcohol (please read guidance note 4) If new lease's etc was to fall on a weekday the sale of alcohol would correspond with the late night opening times finishing at 03:30.		
Tue	12:00	01:30			
Wed	12:00	01:30			
Thur	12:00	01:30	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 5)		
Fri	12:00	03:30			
Sat	12:00	03:30			
Sun	12:00	01:30			

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

Name	Garry Russell
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	Not yet known - awaiting licence.
Issuing licensing authority (if known)	[REDACTED]

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 8)

We wish to hold the occasional ladies night adhering to the x11 allowed per annum as stated within the local government miscellaneous Act 1982.

To ensure the protection of children we will stipulate that all children must leave the premises by 19:00 and any entertainment of this nature would occur after this time and not before all children have left the premises

**L**

Hours premises are open to the public (Standard days and times please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	02:00	the public until 04:00, following Friday/Saturday hours.
Tue	12:00	02:00	
Wed	12:00	02:00	
Thur	12:00	02:00	
Fri	12:00	04:00	
Sat	12:00	04:00	
Sun	12:00	02:00	
			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 5)
			Christmas day would have an earlier closing time, (customer led).

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 9)**

In order to maintain a safe drinking environment national and local legislation will be followed, management and staff will be fully trained to meet these requirements, and we will continually update ourselves with the licensing objectives and current legislation.

- Staff working hours will be monitored to ensure no added pressure is brought upon them with extended opening hours.
- Members of the public will not be permitted entrance after 02:30 on extended hour nights.

**b) The prevention of crime and disorder**

- A licence holder and DPS will be allocated and always contactable.
- Sufficient lighting outside and inside, with full CCTV coverage which is recorded and stored following the data protection laws. - All Staff will be trained in how to use equipment.
- All staff will be effectively trained to prevent under age drinking, an 'over 25' id process will be used and if in doubt service will be refused. A refusal book will be kept to document any refusal of entrance / sale of alcohol.
- Drunkenness will not be tolerated. We hold a strict no drugs policy. Police will be informed of any suspicion or sale. A drugs safe will be held on premises for any declared drugs surrendered and police informed. All registered door staff will be used.

**c) Public safety**

- The premises is fully fire certified, with designated fire exits and appropriate extinguishers and signs. The premises has been electrically certified.
- Staff are aware of maximum capacity of premises and doorstaff will be instructed in this procedure and how to enforce.
- The premises will hold a first aid box and one staff member will be assigned as a 'first aider' for the premises. An accident book will be held to document any incidents that occur on the premises.
- Fire drills will be held, and staff will be trained to act accordingly during an emergency.

**d) The prevention of public nuisance**

- In order to prevent public nuisance to surrounding areas, a later staggered closing time is requested in relation to other local venues. This will help disperse members of the public and reduce crowds on the high street at any one time.
- Taxis will be instructed to pull into the rank and not stop directly outside the premises. - Staff are trained to control nuisance both inside and out by doorstaff.
- The premises has a bespoke sound system designed for the premises, with a sound limiter in place. Any amplification will be monitored by the licence holder.
- The premises has been part sound proofed with internal doors and cavity sound proofing to reduce noise. Litter is disposed and collected appropriately.
- Ventilation systems are maintained and checked regularly.

**e) The protection of children from harm**

- In order to protect children from harm, they will not be permitted on the premises after 19:00.
- All children under 16 years of age must be accompanied by a responsible adult. Adults responsible for children, who are consuming alcohol will be monitored by staff.
- An 'over 25' id procedure will be in use to ensure no sale of alcohol to under 18's occurs.

NOTE: See Annex A1 for typed version of this page.

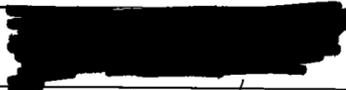
Please tick ✓ to indicate approval

- 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 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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17/03/2016
Capacity	✓

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). 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 13)	
Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	

## **Annex A1 - Copy of text in Section M – Licensing objectives**

### a) General – all four licensing objectives (b,c,d,e)

In order to maintain a safe drinking environment national and local legislation will be followed. Management and staff will be fully trained to meet these requirements, and we will continually update ourselves with the licensing objectives and current legislation.

Staff working hours will be monitored to ensure no added pressure is brought upon them with extended opening hours.

Members of the public will not be permitted entrance after 02:30 on extended hour nights.

### b) The prevention of crime and disorder

A licence holder and DPS will be allocated and always contactable.

Sufficient lighting outside and inside, with full CCTV coverage which is recorded and stored following the Data Protection laws. All staff will be trained in how to use the equipment.

All staff will be effectively trained to prevent underage drinking. An 'over 25' ID process will be used and if in doubt service will be refused. A refusal book will be kept to document any refusal of entrance/sale of alcohol.

Drunkenness will not be tolerated. We hold a strict no drugs policy. Policy will be informed of any suspicion or sale. A drugs safe will be held on premises for any declared drugs surrendered and Police informed..

SIA registered door staff will be used.

### c) Public safety

The premises is fully fire certificated, with designated fire exits and appropriate extinguishers and signs. The premises has been electrically certified.

No pyrotechnics or equipment that may cause harm will be used.

Staff are aware of maximum capacity of occupancy and door staff will be instructed to refuse entrance over this amount.

The premises will hold a first aid box and one staff member will be assigned as a 'first aider' for the premises. An accident book will be held to document any incidents that occur on the premises.

Fire drills will be held and staff will be trained to act accordingly during an emergency.

### d) The prevention of public nuisance

In order to prevent public nuisance to surrounding areas, a later staggered closing time is requested in relation to other local venues. This will help disperse members of the public and reduce crowds onto the High Street at any one time.

Taxis will be instructed to pull onto the rank and not stop directly outside the premises.

Staff are trained to control nuisance both inside and out by door staff.

The premises has a bespoke sound system designed for the premises which a sound limiter in place. Any amplification will be monitored by the licence holder. The premises has been part sound-proofed with internal doors and cavity sound proofing to reduce noise. Litter is disposed and collected appropriately.

Ventilation systems are maintained and checked regularly.

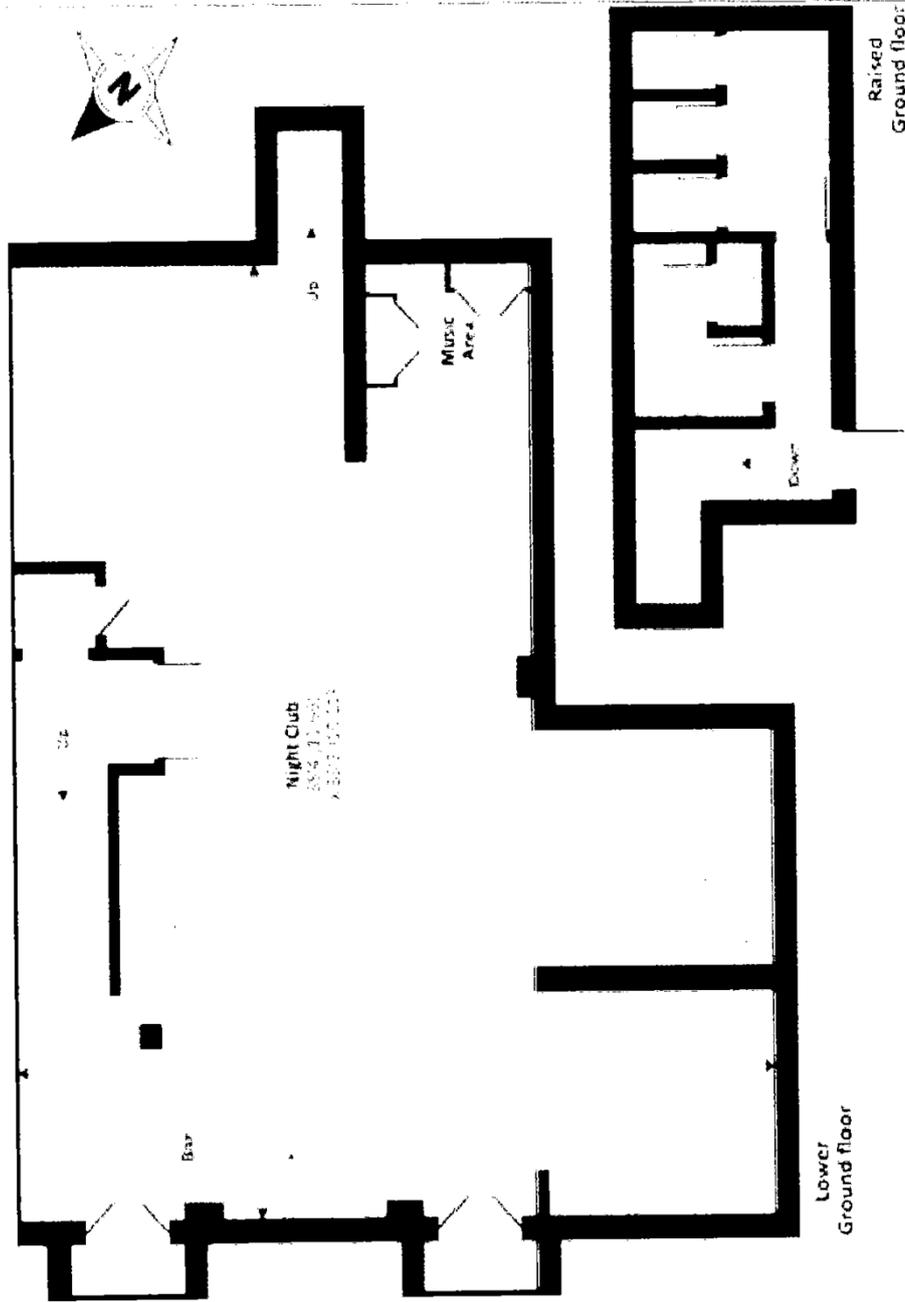
### e) The protection of children from harm

In order to protect children from harm, they will not be permitted on the premises after 19:00.

All children under 16 years of age must be accompanied by a responsible adult. Adults responsible for children, who are consuming alcohol will be monitored by staff.

An 'over 25' procedure will be in line to ensure no sale of alcohol to under 18's occurs.

**Annex B1  
Plan of Premises**



Approx. gross internal floor area 1253 SQFT / 120.1 SQM  
Copyright nichecom.co.uk 2015 Produced for Chancellors REF : 42700



**Annex C  
Representations**

**Annex C1**

**From:**

**Sent:** 25 March 2016 17:08

**To:** Licensing Mailbox; ASB-Team; Planning Enforcement Mailbox; Environmental Health Mailbox

**Cc:** Ray

**Subject:** Fwd: FW: Images Night Club

Dear all

Please find below the long email chain that has been going around various departments. From my first email you will see that we are opposing a new nightclub that opens soon in the old town. It is opening directly underneath some flats that house small children, and is next to my flat, where a side door opens to mine and other residents front door.

From a resident of my buildings past experience, we know this will make our lives a nightmare and wish this to be stopped immediately. This resident was assaulted by smokers using this side door; and much more went on as you can imagine.

As I mentioned, you'll see the reasons why in the below emails but in short it will cause noise pollution, anti social behavior on our door step and much more!

regards

**Annex C1(a)**

**From:**

**Sent:** 14 March 2016 14:23

**To:** Customer Services Mailbox

**Cc:** Andrew Derek Williams; Chief Executive

**Subject:** Images Night Club

Dear all

I'm writing with regard to the new Images Night Club that, from what I hear, is due to open in April. I am a resident living at 23 High Street and we as a collective from the area are appalled that a Night Club has been allowed to open, especially since the Club intends to be open until 4am!

The residents have heard nothing about this from the council, we found out by chance when the owner was working outside our front door which looks on to a side door from the club. Surely the council has to give notice to the residents in order for something like this, that will produce large amounts of noise pollution, notice so we can protest its opening?

Not to mention the small children that will be living directly above this club, but myself and others in my building have our bedroom windows and front door in the alley where the side door for the club will be. This means, due to no double glazing (listed building etc prevents this), we will hear everything. From shouting, bass frequencies (and feeling these), vomiting, chatting, fights, smokers etc. When this club was open 5 years ago a resident that still lives here said it was dreadful. She had people urinating up the front door and fights breaking out and threats made against her when she told them to keep it down etc.

For these reasons this club surely can not be allowed to open. I'm sure the new development of flats that is in progress at ex-Abel House is unaware. This will drive down those property values and potential for residents wanting to live there.

Overall this is an extremely bad idea. Locals and landlords will not stand for this club opening. The Old Town has undergone lots of changes recently with lots of money being thrown at it, and now this club will drive away the crowds you wanted and the family atmosphere you promoted. A total contradiction.

Please reconsider before we all have to move from sleep deprivation and the residential buildings become derelict. We put up with the pubs, but this club is completely unacceptable.

Yours sincerely

**From:**  
**Sent:** 15 April 2016 13:22  
**To:** Licensing Mailbox  
**Subject:** 27 High Street, License application

To whom it may concern

Redz Bar [27 High Street](#) Hp1 3AA

Dear sir

I'm writing to object about the application and objects to the licensing hours (above) which are in my opinion too late for the keeping of the old town after all the money that the people of Hemel Hempstead have invested into the new renovations, making the old town the place it should be.

I have lived in the old town now for 15 years and seen many changes, I have put up with the new works going on coupled with the noise, the commotion, with the promise from the council for a nicer setting to reside. I'm currently enjoying the peace and quiet that allows me and my family which are four children under the age of 10 to sleep peacefully to some degree after [2 AM](#) in the morning when all the pubs shut.

When this bar was operating before until [4AM](#) in the morning there was commotion fighting and uproar until [5am](#) which is not fair to bestow on residents after the investment that has been made.

There is also no smoking shelter or policy procedure for the bar and therefore this results in people standing outside the bar which then brings smoke up into my building through vents (grade 2 listed and the Windows) from people hoarding outside the front doors.

People standing outside the front doors smoking at early hours of the morning also causes commotion and noise pollution.

There is also the situation with the loudness of the music as there is no noise limitation device in the bar and this echoes through the building into my building to the point of where the doors shake and rattle.

Although I do not want to stand in the way of people making money and earning a living I too have the right to a quiet existence in my home. I too have to work and earn money to support my children and therefore need my sleep at the weekends and I do not think that with that regeneration of the old town that a nightclub is fitting into those hours in the morning. You already have four pubs up here which all have late licenses and they service the clientel of the old town. The old town is an oldie worldly setting and should be kept that way.

I do not think that the council has thought the regeneration through properly if they are now going to consider this late night venue.

I strongly object to the license running past the hours of the other pubs in the old town.

Yours sincerely

## Annex C3

From:

Sent: 16 April 2016 15:03

To: Licensing Mailbox

Subject: Request for licence for 25 high street,hemel Hempstead

I would like to object to granting a licence for above premises, on the grounds that they do not have sufficient sound proofing for a late night/early morning live music establishment.

They do not have a designated smoking area, unless they are smoking on the street, or up by the entrance to residential properties.

The noise from people leaving an establishment at possibly 3.30am at weekends is unacceptable when you have residents living above.

The noise can be unbearable already, without having more venues, and later opening.

My name is

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

**Responsible Authority:**

Environmental Health – Environmental Protection

<b>Your Name</b>	Dawn Ryder
<b>Job Title</b>	District Environmental Health Officer
<b>Postal and email address</b>	Civic Centre, Marlowes, Hemel Hempstead
<b>Contact telephone number</b>	Ext 2481

<b>Name of the premises you are making a representation about</b>	TBA
<b>Address of the premises you are making a representation about</b>	25 High Street, Hemel Hempstead, Herts. HP1 3AA

<b><i>Which of the four licensing Objectives does your representation relate to?</i></b>	<b><i>Yes Or No</i></b>	<b><i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	N	
<b>Public safety</b>	N	
<b>To prevent public nuisance</b>	Y	Concern that residents above the property will be disturbed by loud music and will be prevented from restful sleep and disturbed in their homes
<b>To protect children from harm</b>	N	

**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.**

- Before the use commences a noise assessment should be carried out by a qualified acoustician to ensure that licensable activities carried out in connection with this licence are unlikely to give rise to complaints at any adjoining or nearby noise sensitive premises.
- The acoustic report should be submitted and approved by the local authority and should detail all control measures and if applicable additional attenuation controls required to prevent noise nuisance at nearest residential properties
- Install noise limiter linked to sound system and provide details of the levels set to the local authority. The levels at which the limiter is set shall be suitable to ensure that complaints are not received, by the Local Authority or the Licence holder.
- Door staff to monitor exterior of premises from 23:00 until the premise closes to ensure that egress and ingress of public are controlled so as to not cause noise nuisance

Signed: D Ryder

Date: 15/04/16

## Licensing Policy

### **10. Licensing Hours**

10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.

10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.

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**

1.1. 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.

## National Guidance

### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; 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**

2.16 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.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 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.

## **Determination of applications**

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational.

### **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.

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