

## LICENSING SUB-COMMITTEE – 21 September 2021 at 10am

**Type of Application:** Review of a premises licence

**Applicant:** Chief Constable of Hertfordshire Constabulary  
(by Police Sergeant Luke Mitchell).

**Premises:** Riverside

**Premises address:** Old Mill Road, Hunton Bridge, Kings Langley, WD4 8QT

**Date of Application:** 23 July 2021 validated on 3 August 2021

**Date by which a hearing must be commenced by:** 28 September 2021

**Valid application made:** Yes

### 1. **Summary of Application sought:**

This Review has been called by Police Sergeant Luke Mitchell on behalf of the Chief Constable of Hertfordshire Constabulary, under the 4 licensing principles of “The prevention of crime and disorder” “Public safety” “The protection of children from harm” and “The prevention of public nuisance”. This application for a review **Appendix 1.1** (the application) & **Appendix 1.2** (documents served in support) follows three events at the premises on Saturday 5 July, Sunday 11 July and Saturday 17 July 2021. There were numerous noise nuisance complaints from music, parking causing a danger to other road users and pedestrians, reports of crime and disorder and public disturbance, damage to a local resident’s vehicles and several breaches of the conditions of the premises licence. The review is primarily brought under the prevention of crime and disorder, public safety and the prevention of public nuisance. The protection of children from harm being alleged is in relation to noise nuisance. As a result, the Police request that the premises licence be reviewed and that revocation take place.

### 2. **Summary of Existing rights under the current Premises Licence:**

Riverside is a two storey detached dwelling with various ancillary buildings and a landscaped garden with swimming pool and football pitch. It is located on the western side of Old Mill Road, Hunton Bridge, Kings Langley, Herts, WD4 8QT. The site is situated within the Metropolitan Green Belt and parts of the site are within the Hunton Bridge Conservation Area. Old Mill Road, Hunton Bridge, is a narrow two-way road (running adjacent to the A41 Watford Road) with pavement on one side of the road only (the opposite side to the premises) with traffic calming measures adjacent to one of the gated entrances to the premises. See **Appendix 2** which shows aerial and street views for reference purposes and Plan at **Appendix 3**.

The current lawful use of the site is as a single dwelling. The premises is situated very close to residential properties directly adjacent to the premises and numerous properties in a cul-de-sac opposite the premises at The Maltings as well as residents of Hunton Bridge. There are also properties at the rear of the premises (across the river that runs through the grounds of the premises) which has large trees and foliage and fencing blocking the view. The website & Instagram page of the premises provides more detailed photographs of the premises which can be found at **Appendix 7/7A**.

The original application for a premises licence **Appendix 3** was submitted on 19 October 2020 and was processed in accordance with the Licensing Act 2003 with the required 28 day consultation period. The application presented the premises as a small wedding venue which would be effectively managed with an operating schedule and the application did not attract representations from any member of the public or Responsible Authority during the consultation period which took place in October/November 2020 whilst Covid restrictions were in place.

As a result, in accordance with the Licensing Act 2003 a premises licence with the offered Conditions under the operating schedule **Appendix 4** was granted as requested on 27 November 2020. **Annex 2** to the licence at **Appendix 3** sets out the Conditions applicable to the licence as offered by the premises on its application. The Plan being **Annex 4** to the application at **Appendix 3** shows the area of the premises that the premises licence covers.

The premises licence permits the Supply of Alcohol for consumption on the premises, Late Night Refreshment, Performance of Dance, Performance of Live Music, Playing of Recorded Music as follows:

Performance of Dance	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	10:00 - 00:30
Performance of Live Music	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	10:00 - 00:30
Late Night Refreshment	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	23:00 - 00:30
Regulated Entertainment	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	10:00 - 02:30
Playing of Recorded Music	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	10:00 - 00:30
Supply of Alcohol	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	10:00 - 00:30
<b>Seasonal Variations</b>	Licensable activities to go on for one additional hour during the summer months (July, August and September only)	
<b>Non-standard Timings</b>	Christmas Eve Christmas Day New Years Eve New Years Day Halloween Night	10:00 - 01:30 10:00 - 02:00 10:00 - 02:30 10:00 - 02:00 10:00 - 02:30 10:00 - 01:30

The existing Designated Premise Supervisor is Miss Victoria Gutsul.

The Premise Licence holder is Old Mill Riverside Mansion Ltd Suite 5 Sovereign House 1 Albert Place London N3 1QB – Companies House **Appendix 8**.

## History

The premises have held a premises licence **Appendix 3** since it was granted on 27 November 2020 as stated above which was issued during the Covid pandemic. Annex 2 to the licence at **Appendix 3** sets out the Conditions applicable to the licence as offered by the premises on its application.

However, as a result of the Covid pandemic and the hospitality industry being under continued Covid restrictions in 2020-21, it is believed that the premises had not effectively traded/operated as a licensed venue until after the relaxing of the Covid restrictions in late spring 2021. It is not clear to the licensing department whether the first event held at the premises was on 5 July 2021 or earlier.

A chronology of events leading to this review is now set out below. The application for the review at **Appendix 1.1 and 1.2** sets out these matters in full detail with supporting documentation/witness statements:

### CHRONOLOGY

Date	Event
03.07.2021	<p>Police called to report of a large crowd, loud music and dangerous parking. On attendance, music very loud, cars parked dangerously, traffic backed up, access to residential properties restricted, concerns for pedestrian safety as having to walk on the carriageway due to vehicles parked on the pavement, concerns that any emergency vehicle access would be hindered.</p> <p>DPS spoken to by police officers and venue security staff asked to get guests to move their cars.</p> <p>Police officers directed traffic. Road closed at one end to make traffic flow and prevent accidents. Issues with Uber and taxi drivers attempting to turn around. Pedestrians walking along the middle of the road.</p> <p>Old Mill Road described as being in “complete mayhem”. Pedestrians crossing busy Watford Road to get to their cars or meet taxis.</p>
05.07.2021	DPS spoken to by Police Licensing Officer.
11.07.2021	<p>Police called to reports of loud music and dangerous parking.</p> <p>Road had to be closed due to cars double parked blocking the road</p>

	<p>and causing traffic backlog.</p> <p>Noise from the event was “booming”.</p>
15.07.2021	<p>Multi-agency meeting at Riverside attended by officers from Licensing, Environmental Health, Planning and Hertfordshire Police.</p> <p>DPS spoken to and advised to take action to address concerns.</p> <p>Environmental Health raised matters to be addressed. See representation by Environmental Health at <b>Appendix 5</b>.</p>
16.07.2021	<p>Warning Letter sent to premises by the Licensing department <b>Appendix 10/Appendix 1.2</b></p> <p>Breaches of Conditions of Premises Licence identified:</p> <p><b>Condition 2:</b> CCTV shall be installed inside and outside the premises. The Camera will cover both the internal and external parts of the premises. Recording must be constant and kept for a minimum of 31 days. The dates and time settings on the CCTV must be correct. A trained member of Staff will be on duty to operate the system whenever the premises is open. Signage will be displayed at the premises reminding customers of the presence and recording of a CCTV System.</p> <p><b>Condition 5:</b> The premises and the surrounding areas will be patrolled by two Door supervisors to ensure the safety and comfort of patrons and guests.</p> <p><b>Condition 8:</b> The premises will employ the services of two professional life guards whenever events and functions are carried out. Adequate barriers will be installed at the riversides to prevent falls. Patrols will be carried out to ensure safety around these barriers.</p> <p><b>Condition 11:</b> Prominent notices will be displayed near the exit routes requesting customers to leave promptly and quietly. Customers will be reminded to have respect for the neighbours when they are leaving the premises.</p> <p><b>Condition 13:</b> Noise break-outs from amplified music will be controlled by the installation of Noise Limiting Devices, which will be set by the Noise Nuisance Team of the Three Rivers District Council's Environmental Health Department.</p> <p><b>Condition 14:</b> Guests and Patrons coming into the premises, shall be transported in coaches and shuttle buses from set locations where adequate spaces for car parks. Patrons will be reminded when embarking and disembarking from coaches and shuttle buses, to have respect for the neighbours by maintaining quietness.</p>
17.07.2021	<p>Police received reports about parking and abusive language. Vehicles double parked in The Maltings. Road blocked by vehicles</p>

	<p>leaving the event. 100+ people in the street, most of whom were intoxicated. Suspected drink driver ran over the foot of PC Kempster. Vehicles sounding horns, wheel-spinning and driving dangerously. Approximately 20 people involved in a fight in the street.</p> <p>Multiple police units responded, including armed-response vehicles.</p> <p>DPS spoken to and warned of further police action.</p>
21.07.2021	<p>Unannounced visit by TRDC Licensing Officer</p> <p>DPS spoken to again with regard resolving issues and compliance with conditions of licence. DPS denied any issues with previous event.</p>
22.07.2021	<p>Police attended a report of parking dispute in The Maltings.</p> <p>Numerous parked cars blocking driveways. Loud music with substantial base.</p> <p>Argument between distressed female resident and 2 males who stated that they were film crew for an event at Riverside Mansion and had been told to park in The Maltings.</p>
23.07.2021	<p>Police issue Closure Notice on grounds that:</p> <p>(a) A person has engaged in disorderly, offensive and criminal behaviour on the premises; and</p> <p>(b) There has been disorder near those premises associated with the use of those premises.</p>
26.07.2021	<p>Closure Notice (and Order) was not progressed as no further event took place, as Police had believed would be the case on weekend of 26/7/2021 which would have resulted in more public disorder/nuisance.</p>
27.07.2021	<p>Planning Contravention Notice served. (See Planning department information at <b>Appendix 5</b>)</p>
2 August 2021	<p>Police request Review and Revocation of Premises Licence – their application was validated on 2 August 2021 and consultation period started.</p>
17 August 2021	<p>Email sent to DPS seeking information requested in previous emails and referred to in warning letter. No reply to date. <b>Appendix 12</b></p>

As a result of the significant public disturbances/disorder that occurred when events took place on 5<sup>th</sup>, 11<sup>th</sup> and 21<sup>st</sup> July 2021 where the Police were in attendance, the Police had serious concerns with regard the issues of public safety, nuisance and crime & disorder and determined that having not proceeded with a closure notice, it was still appropriate to call this review as a Responsible Authority. The Licensing department also received notice that Environmental

Health as a Responsible Authority and a member of the public wished to call a review – but the application by the Police was received first and therefore initiated this review. Environmental Health of Three Rivers District Council and the member of the public have provided representations in support of the review application as detailed in this report.

The Licensing Authority provided evidence to support the Police's evidence for a closure notice which the Police refer to in support of their application for a review at **Appendix 1.1 and 1.2**. This has therefore not been duplicated by the Licensing Authority for the review as it forms part of the Police's review application.

## **Further Information**

### **DPS:**

The Licensing department has liaised with the DPS but to date very limited information has been provided by the DPS in response to requests for information following the warning letter **Appendix 10** and confirmation as to signage, implementation of noise limiter installation, use of shuttle bus to bring guests to the premises as no parking available, installation of appropriate safety barriers around water, number of events that have taken place etc. and, most importantly, addressing breaches of the licence conditions.

For instance, the DPS advised the Licensing department that a shuttle bus from Hilton hotel was used on occasions but no evidence of this arrangement has been provided nor confirmed by Hilton Hotels; the DPS did not contact Environmental Health with regard installation of a noise limiter as per the conditions of their licence, CCTV or fully addressed the breaches of conditions.

An email seeking a response to the additional information request was sent on 17 August 2021. **Appendix 11**

The DPS Victoria Gutsul has advised the Licensing department that she would be stepping down as DPS and her brother Victor Gutsul would be taking her place. However to date, no application to change the DPS has been received by the licensing department. Victoria Gutsul therefore remains the DPS who has the required responsibilities in relation to the premises licence.

The DPS and his/her understanding of the requirements of compliance with the premises licence and the conditions attached to the licence is a matter to be considered under this review as removal of the DPS is a possible decision available to the sub-committee under a review.

### **Events at premises:**

The Licensing department has been contacted recently by concerned members of the public that events by Panache as advertised on Instagram (**Appendix 10**) would be taking place again at the premises. The DPS advised that no event was taking place in August 2021 and it appears that no such further event occurred on the date in question.

The Licensing department was also contacted by a member of the public who is holding an afternoon 1<sup>st</sup> birthday party on 19 September 2021 who confirmed that a shuttle bus was to be taking 50 guests to the event from the Hilton.

The DPS had indicated to the Licensing officer that there were no events planned at the premises.

The Sub-Committee is referred to the webpage and Instagram pages of the premises at **Appendix 7/7A** in order to see the type of venue to which the premises licence is being advertised to be.

The Riverside Mansions website <https://riverside-mansions.com/events-1> under the 'events' states:

*'The mission of Riverside Mansions party is originality! The astonishing parties are entirely tailored to you to match your wishes and bring your celebration to life. Whether it's a wild birthday party or a enjoyable banquet, we'll beautifully design it & seamlessly deliver it. In addition to planning & venue styling, we also offer the benefit of our full support with event management & security on the day of your private celebration or corporate event'; and 'the guest can have the option to keep the party alive until dawn or perhaps extend the celebrations into a two or three day occasion'.*

It is noted that the premises licence only allows the premises to have licensable activities until 02:00 and therefore the premises licence does not permit the premises to offer a party until dawn.

### **3. List of Objectors / Representations:**

#### **Responsible Authorities:**

Representation from Environmental Health of Three Rivers District Council (Noise).

Planning Authority of Three Rivers District Council has submitted comment in respect of investigation as to whether a material change of use of the buildings/land has occurred. Such investigations are continuing.

No comment from Herts Fire and Rescue as they can only provide representation if first-hand knowledge of the premises.

#### **Other Persons:**

35 local residents – as detailed at **Appendix 5**

**Appendix 6** shows the location of representors in relation to the premises,

### **4. Summary of Objections / Representations**

#### **The Applicant/Responsible Authorities:**

1. Unreasonable levels of noise and disturbance
2. Noise nuisance
3. Music being played contrary to licence conditions
4. Issues over event security.
5. Parking and traffic management issues
6. Littering and drink driving
7. Reports of guests urinating and defecating on local residents property
8. Likelihood of statutory nuisance from noise

9. Criminal damage to a resident's vehicle
10. Staff did not act in a responsible manner
11. Premises failed to carry out due diligence prior to the event
12. Breaches to premise licence conditions

**Other Persons:**

1. Unreasonable levels of noise and disturbance
2. Crime & disorder
3. Littering and drink driving
4. Local residents verbally abused by guests at event
5. Public nuisance on an ongoing basis.

**5. Statutory Guidance**

**Powers of a licensing authority on the determination of a review**

**Paragraph 11.16**

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

**Paragraph 11.17**

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

**Paragraph 11.18**

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

**Paragraph 11.19**

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

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

- revoke the licence.

**Paragraph 11.20**

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

**Paragraph 11.21**

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

**Paragraph 11.22**

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

**Paragraph 11.23**

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

**Paragraph 11.24**

A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

**Paragraph 11.25**

Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. This is, therefore, no reason why representations giving rise to a review a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

## **6. Licensing Policy Guidance**

### **LP1 FUNDAMENTAL PRINCIPLES**

#### **LP1.1 THE LICENSING OBJECTIVES**

In carrying out its licensing functions the Licensing Authority will promote the Licensing Act's 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 of these objectives is to be considered equally. No one objective carries more importance than another.

These are the only four matters to which the Authority can have regard.

In respect of each of the four Licensing Objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to, attract larger audiences.

### **LP17. REVIEWS**

LP17.1 Where possible and appropriate, the Licensing Authority, Hertfordshire Police and/or Hertfordshire County Fire and Rescue Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

Responsible authorities and/or interested parties living in the vicinity can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority.

LP17.2 No more than one review from interested parties will normally be permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

## **LP19. PROMOTING THE LICENSING OBJECTIVES**

LP19.1 The following sections set out the Licensing Authority's Policy relating specifically to the four Licensing Objectives:

- (a) The Prevention of Crime and Disorder
- (b) Public Safety
- (c) The Prevention of Public Nuisance
- (d) The Protection of Children from Harm.

LP19.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events

Further, in each section, a list of possible control measures is provided to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

LP19.3 The selection of control measures, referred to in the above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make application for variation or in response to changing circumstances/conditions at the premises. Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to, attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the Licensing Objectives. Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the Licensing Objectives.

LP19.4 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the Licensing Objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

LP19.5 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four Licensing Objectives, (except in respect of premises licensed exclusively for the consumption of food and/or alcohol off the premises). The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances,

will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

LP19.6 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events.

These include:-

- (a) The nature of the premises or event;
- (b) The nature of the licensable activities being provided;
- (c) The provision or removal of such items as temporary structures, such as a stage, or furniture;
- (d) The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- (e) The age of the customers;
- (f) The attendance by customers with disabilities, or whose first language is not English;
- (g) The availability of suitable and sufficient sanitary accommodation;
- (h) The nature and provision of facilities for ventilation.

LP19.7 The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on the Licensing Objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge of the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

## **LP20. PREVENTION OF CRIME AND DISORDER**

LP20.1 It is recommended that applicants for new premises licences and variations should discuss the crime prevention procedures in their premises with the responsible authorities and the licensing officer(s) before making a formal application.

LP20.2 Three Rivers District Council is committed to improving the quality of life for the people of the District by continuing to reduce crime and the fear of crime.

LP20.3 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Licensing Authority, Police and County Councils amongst others to consider crime and disorder reduction in the exercise of all their duties. The 2003 Act, as amended, reinforces this duty for local authorities.

LP20.4 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

LP20.5 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:-

- (a) Underage drinking;
- (b) Drunkenness on premises;
- (c) Public drunkenness;
- (d) Drugs;
- (e) Violent behaviour;
- (f) Anti-social behaviour.
- (g) Additional risk assessments (where required)

LP19.6 Applicants will be required to adhere to all legislation that is made whilst their licence is in force. Such as during the Covid-19 pandemic in 2020 (where specific legislation was enacted on a temporary basis only) and any future extreme circumstances.

## **LP21. PREVENTION OF PUBLIC NUISANCE**

21.1 With regard to the prevention of public nuisance, the Licensing Authority will determine all new or variations of licence applications considering all relevant factors, including:

- The nature of the activities at the premises;
- The hours of opening;
- Proximity to residential premises;
- Management of the premises;
- The history of the premises' effect on neighbours and others in the vicinity;

LP21.2 The Licensing Authority will consider all proposed control measures, including:

- a) Effective and responsible management;
- b) Staff training;
- c) Adoption of best practice on noise control;
- d) Installation of suitable acoustic control measures;
- e) Where relevant, door supervision and management of customers as they enter and leave the premises.

LP21.3 Three Rivers District has many licensed premises that are close to or even enclosed by residential areas. Most of these are traditional community public houses and currently tolerated as the terminal hour is well established and neighbours know when they might expect any disturbances causing public nuisance to end.

LP21.4 Regular patrols of the outside space (e.g. beer garden or smoking area) may be required at regular intervals during busy periods and noted in the incident log book at the premises. Measures must be put in place to ensure the prevention

of public nuisance, failure to adhere to conditions may result in the further action being taken against the premises licence.

LP21.5 Applicants may wish to consult a 'best practice guide' such as Effective Management of Noise from Licensed Premises (British Beer and Pub Association)

LP21.6 It follows that operators of licensed premises that are in the vicinity of domestic premises (and in the vicinity of business/commercial premises, places of learning and places of worship) may find that applications for variations seeking:

- Extended hours of opening or trading;
- The provision of regulated entertainment;
- The provision of late night refreshment;
- The supply of alcohol;

may be subject to representations from such neighbours, their representative(s) and/or the Environmental Health Officer on the grounds that public nuisance might be caused by the intended activity. In most cases such representations will result in a hearing, conducted by the Licensing Sub-Committee.

LP21.7 The Licensing Authority strongly encourages applicants to seek early discussions with the Environmental Health Officer at the Council (or the responsible officer for pollution) with the aim of resolving how potential public nuisances might be effectively controlled, so that agreed measures might be built into the operating schedule as mutually acceptable conditions. In this way representations from the Environmental Health Officer may be avoided. The Council also encourages local mediation in certain situations that might be amenable to such a solution.

LP21.8 Many, but not all, public nuisance issues can be resolved through reasonably practical and effective control measures. If such measures are not detailed in the operating schedule accompanying the application, and if then a local hearing takes place, the application may well be viewed unfavourably by the Licensing Committee.

LP21.9 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

LP21.10 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area. Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated they have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

LP21.12 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. When addressing the issue of

prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-

- (a) The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- (b) The hours of opening, particularly between 23:00 and 07:00;
- (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- (d) The design and layout of premises and in particular the presence of noise limiting features;
- (e) The occupancy capacity of the premises;
- (f) The availability of public transport;
- (g) A 'wind-down period' between the end of the licensable activities and closure of the premises;
- (h) A last admission time.

## **LP22. PUBLIC SAFETY**

LP22.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

LP22.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered.

These may include:-

- (a) The occupancy capacity of the premises
  - (b) The age, design and layout of the premises, including means of escape in the event of fire
  - (c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - (d) The hours of operation (differentiating between the hours of opening from the hours when licensable activities are provided, if these are different)
  - (e) The Customer profile (e.g.; age, disability)
  - (f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
  - (g) Compliance with the Equalities Act etc.
- 22.3 Occupancy limits: With the introduction of the Fire Safety (Regulatory Reform) Order 2005, it is recognised that existing prescriptive controls such as Fire Certificates have been replaced with the duty to produce risk assessments.

In accordance with the Secretary of State's guidance, the Council will avoid duplicating existing controls. Where a relevant representation is received in respect of capacity, the Council may impose conditions in relation to the maximum number of persons to attend premises where:

- It considers it to be appropriate for the purpose of reducing crime and disorder;
- It considers it to be appropriate for the purpose of safety of occupants.

The issue of capacity will be decided on a case by case basis and will only be applied where there is a clear and justifiable need to do so based upon the nature and style of the premises and the licensing objectives. The purpose of imposing a maximum number of persons to be in the premises at any one time is to ensure the safety of those persons at the premises. Where relevant representations have been made, the Council will set occupancy limits in consultation with the responsible authority.

LP22.4 Health and Safety: Every applicant granted a licence, certificate or permission would also be under a duty to comply with the Health and Safety at Work etc. Act 1974 and regulations made under it. In many cases, the Council will also be the enforcing authority responsible for ensuring compliance with the Health and Safety at Work Act in licensed premises.

### **LP23. PROTECTION OF CHILDREN FROM HARM**

LP23.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

LP23.2 The general relaxation in the 2003 Act, as amended, giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

LP23.3 Guidance from the Government states that licensing policies should make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. The Licensing Authority proposes that where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licence holders or club or person who has given a temporary event notice.

LP23.4 Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. The Licensing Authority in these circumstances may impose no other conditions concerning the presence of children on premises.

LP23.5 The policy cannot attempt to anticipate every issue that could arise in respect of children; therefore general rules are avoided and each application will be considered on its merits.

LP23.6 The protection of children from harm includes the protection of children from moral, psychological and physical harm, when attending licensed premises.

LP23.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered.

## **LP32. COMPLAINTS AGAINST LICENCED PREMISES**

LP32.1 Council will investigate relevant complaints against licensed premises. In the first instance, it is encouraged that complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated and enforcement action taken in accordance with the Council's Enforcement Policy and Complaints Procedure within this policy. It is recognised that another agency may be the more appropriate body to investigate the complaint and in such circumstances, the Council will maintain liaison with that agency in accordance with the Enforcement Protocol.

LP32.2 Where necessary, the Council will initially make contact with the licence holder to address, clarify and try to resolve the issues of concern.

LP32.3 This process will not override the right of any other person or responsible authority to request a review of a licence by the Licensing Sub-Committee at any stage following the grant of a premises licence or if the particular concerns are not addressed in a way that fulfils the licensing objectives.

## **LP33. LICENCE REVIEWS**

LP33.1 At any stage following the grant of a premises licence a responsible authority (including the Council in its role as Licensing Authority) or another person may ask the Council to review the licence because of a matter arising at the premises in connection with one of the four licensing objectives. In addition, a review of the licence will follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a magistrates' court determination.

LP33.2 Where the Council has applied to the Licensing Authority to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.

LP33.3 Under the Violent Crime Reduction Act 2006, following an application from the chief officer of police, the Authority can attach interim steps to licences pending a full review. The 2003 Act includes an offence in relation to persistent alcohol sales to minors.

LP33.4 Any application for review must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of one or more of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Applications will not be accepted if they are considered to be frivolous, vexatious or repetitive. Government Guidance suggests that more than one request originating from another person or responsible authority for a particular premises within a reasonable interval may be considered as repetitious.

LP33.5 Prior to the hearing, the licence holder will be made fully aware of the representations, the evidence supporting the request and will be given the opportunity to prepare a response.

LP33.6 The Council views particularly seriously applications for the review of any premises licence where there has been evidence of the following:

- a) use of licensed premises for the sale and distribution of drugs and/or the laundering of the proceeds of drug crimes;
- b) use of licensed premises for the sale and/or distribution of firearms;
- c) evasion of copyright in respect of pirated films and music;
- d) underage purchase and consumption of alcohol;
- e) use of licensed premises for prostitution or the sale of unlawful pornography;
- f) use of licensed premises for unlawful gaming;
- g) use of licensed premises as a base for criminal activity;
- h) use of licensed premises for the organisation of for example, racist, homophobic or sexual abuse or attacks;
- i) use of licensed premises for the sale of smuggled tobacco or goods; j) the use of licensed premises for the sale of stolen goods;
- k) where the police are frequently called to attend to incidents of disorder;
- l) prolonged and/or repeated instances of public nuisance;
- m) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
- n) where serious risks to children have been identified.

**6. Other Relevant Information:**

Pursuant to S52 of the Licensing Act 2003, the committee may at the conclusion of the hearing reach the following decisions:

- 1. Decide that no action is required in relation to the licence issued.
- 2. Amend or add conditions to the licence.
- 3. Suspend any or all licensable activity for a period not exceeding 3 months.
- 4. Remove the designated premises supervisor of the premises.
- 5. Remove a licensable activity from the licence.
- 6. Revoke the licence.

**7. Determination of application.**

**Statutory Guidance.**

**Paragraph 9.38**

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.

**Paragraph 9.39:**

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. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing.

**Appendix 1 Application for review**

**Appendix 1.2 Application for review**

**Appendix 2 Aerial and street view Photographs of location of premises**

**Appendix 3 Licence application**

**Appendix 4 Premises licence**

**Appendix 5 Representations/Comments**

**Appendix 6 Map of representors**

**Appendix 7 Webpage extracts Riverside**

**Appendix 7A Instagram extracts Riverside**

**Appendix 8 Companies House – Premises Licence Holder details**

**Appendix 9 Extract Panache Instagram**

**Appendix 10 Warning letter from Licensing**

**Appendix 11 Email dated 17 August 2021 from Licensing**