

LICENSING SUB-COMMITTEE – 12 – 13 September 2016

Type of Application: Review of a premises licence by the Licensing Authority

Applicant: Mrs Kimberley Rowley on behalf of the Licensing Authority.

Premises: High Elms Manor

Premises address: High Elms Lane, Garston, Hertfordshire, WD25 0JX

Date of Application: 5TH July 2016

Date by which a hearing must be commenced by: 31st August 2016. Adjourned from 15th August 2016 at the request of High Elms Manor representative.

Valid application made: Yes

1. Summary of Application sought:

This review has been called by Mrs Kimberley Rowley acting as the Licensing Authority, under the licensing principles of "The prevention of Crime and Disorder" and "The prevention of public nuisance". This application follows an incident which occurred at the premises on Sunday 12th June 2016. During the incident shots were fired a person wounded by the gunfire and two persons stabbed. There was also noise and disturbance to local residents by persons attending and the music played at the event which appears to have been held in contravention of licensing conditions.

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

The premises are situated on High Elms Lane, Garston and has a Montessori school attached. It is situated very close to residential properties which access off the High Elms entry as well as further properties just up the road.

The licence permits the supply of alcohol for consumption on the premises, playing of live music, playing of recorded music, performance of dance and the provision of facilities for dancing all indoors only.

Monday to Thursday 18:30 to 23:30

Friday 17:00 to 00:00

Saturday 12:00 to 00:00

Sunday 12:00 to 23:00

It also permits the sale of late night refreshment.

Monday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:00

The hours the premises are open to the public

Monday to Friday 17:00 to 00:30

Saturday and Sunday 12:00 to 00:30.

There are also a number of conditions applied to the licence after a hearing which limit among other things the use of the outside of the premises. The full conditions are on the licence at Appendix A.

The existing Designated Premise Supervisor is Mrs Sheila O'Neill.
The Premise Licence holder is Mrs Sheila O'Neill.

History

The premises have held a licence since 2008 as Garston Manor after a hearing at which conditions were applied by the licensing committee. It changed name in 2012 to High Elms Manor. There are a number of complaints recorded since 2009 in relation to noise and nuisance and the Licensing Authority has had correspondence with the premises on these matters. It is also apparent from the records that there has been no compliance with the condition on the licence regarding informing the licensing Authority of the number of functions held each month. This means that the Licensing Authority has been unable to verify compliance with the condition which limits the number of events at the premises.

3. List of Objectors / Representations:

Responsible Authorities:

Representation from the Responsible Authority for the Licensing Authority.
Representation from the Police.
Representation from Environmental Health (Noise)

Other Persons:

Representations and letters of complaint from 13 local residents
Representation from the Estate Management Company of nearby properties.
Representations from 16 persons supporting the premises.

4. Summary of Objections / Representations

Responsible Authorities:

1. Unreasonable levels of noise and disturbance.
2. Music being played contrary to licence conditions
3. Issues over event security.
4. Parking and traffic management issues
5. Litter and drug paraphernalia scatted in area.
6. Presence of offensive weapons on the premises.
7. Likelihood of statutory nuisance from noise.
8. Serious crimes took place at the premises.
9. Staff did not act in a responsible manner.
10. Premises failed to carry out due diligence prior to the event.

Other Persons:

1. Unreasonable levels of noise and disturbance
2. Litter
3. Local residents assaulted by attendees at event
4. 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.

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.

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. 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. 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 11.25

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 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.

LP20 – PREVENTION OF PUBLIC NUISANCE

LP20.1 With regard to the prevention of public nuisance, the Licensing Authority will determine all new or varied 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 it's the premises' effect on neighbours and others in the vicinity;

LP20.2 The Licensing Authority will consider all proposed control measures, including;

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

LP20.3 Three Rivers has very 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.

LP20.4 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 cause a local hearing, conducted by the Licensing Sub-Committee.

6. Other Relevant Information:

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. Suspended 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 9.35:

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 and should be discussed during the hearing; 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.

Appendix A Copy of Premises Licence.

Appendix B Copy of Request for Review of Licence.

Appendix C Copies of letters from 2012.

Reference number:

Local Licensing Authority
Three Rivers House
Northway
Rickmansworth
Hertfordshire WD3 1RL
Tel.: 01923 776611
Fax.:01923 896119



Licensing Act 2003

Premises licence summary

| | |
|--------------------------------|--------------------|
| Premises licence number | Prem/383/08 |
|--------------------------------|--------------------|

Premises details

| | |
|---|------------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| High Elms Manor High Elms Lane Garston Herts. | |
| Post town Watford | Post code WD25 0JX |
| Telephone number 01923 663875 | |

| |
|--|
| Where the licence is time limited the dates |
| Not applicable |

| |
|--|
| Licensable Activities authorised by the licence |
| Regulated Entertainment, by way of the following:- The playing of live music, The playing of recorded music, The performance of dance, The provision of facilities for dancing, |
| Late night refreshment |
| Supply of Alcohol |

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment

The playing of live music (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The playing of recorded music (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The performance of dance (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The provision of facilities for dancing (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

Late night refreshment (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 23:00 – 23:30 |
| Friday & Saturday | 23:00 – 00:00 |

Seasonal variations: None
Non Standard timings: None

Supply of Alcohol (for consumption on the premises only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The opening hours of the premises

| | |
|-------------------|---------------|
| Monday to Friday | 17:00 – 00:30 |
| Saturday & Sunday | 12:00 – 00:30 |

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies only

Name, (registered) address of holder of premises licence

Mrs Sheila O'Neill

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Sheila O'Neill

State whether access to the premises by children is restricted or prohibited

Not Restricted.

Reference number:

Local Licensing Authority
Three Rivers House
Northway
Rickmansworth
Hertfordshire WD3 1RL
Tel.: 01923 776611



**Licensing Act 2003
Premises Licence**

Premises licence number: Prem/383/08

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

High Elms Manor
High Elms Lane
Garston
Herts.

Post town | Watford

Post code | WD25 0JX

Telephone number | 01923 663875

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence:

Regulated Entertainment by way of the following:-

- The playing of live music
- The playing of recorded music
- The performance of dance
- The provision of facilities for dancing

Late night refreshment

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Regulated Entertainment

The playing of live music (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The playing of recorded music (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The performance of dance (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The provision of facilities for dancing (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

Late night refreshment (indoors only):

| | |
|--------------------|---------------|
| Monday to Thursday | 23:00 – 23:30 |
| Friday & Saturday | 23:00 – 00:00 |

Seasonal variations: None
Non Standard timings: None

Supply of Alcohol (for consumption on the premises only):

| | |
|--------------------|---------------|
| Monday to Thursday | 18:30 – 23:30 |
| Friday | 17:00 - 00:00 |
| Saturday | 12:00 – 00:00 |
| Sunday | 12:00 – 23:00 |

Seasonal Variations: None
Non Standard timings: None

The opening hours of the premises

| | |
|-------------------|---------------|
| Monday to Friday | 17:00 – 00:30 |
| Saturday & Sunday | 12:00 – 00:30 |

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Mrs Sheila O'Neill

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Sheila O'Neill

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No:- LN/000000046 Three Rivers District Council.

Annex 1 - Mandatory conditions

1. No supply of alcohol shall be made under this Premises Licence at a time:
 - (a) when there is no designated premises supervisor in respect of the Premises Licence.
 - (b) when the designated premises supervisor does not hold a personal licence or his or her personal licence is suspended.
2. Every supply of alcohol under the Premises Licence shall be made or authorised by a person who holds a personal licence.
3. All person(s) employed for security activities, including door supervisors, must be licensed by the Security Industry Authority

Additional Mandatory Licensing Conditions

As a result of the Policing and Crime Act 2009 from 6th April 2010 & 1st October 2010 additional mandatory conditions now apply to all premises licences and club premises certificates. These additional conditions are listed below.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4. ~~(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.~~
 - (2) The policy must require individuals, who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy), to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 5. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

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

- Measures will be taken to ensure that no alcohol is served to any person who appears to be under age.
- Proof of age cards or other photographic identity confirming age will be required.
- No person will be allowed to leave the premises with glasses or bottles.
- In accordance with current Building Regulations, all emergency exits must be clearly lit and visible, and emergency lighting equipment must be installed throughout the premises as will be smoke detectors, fire alarms and fire fighting equipment.
- It will be ensured that noise does not emanate from the premises to the annoyance of nearby residents.
- All patrons will be reminded, when leaving the premises at night, that there are nearby residents and to keep the noise to a minimum.

b) The Prevention of crime and disorder:

- With the exception of bottles of wine, there shall be no sale of beverages in glass bottles.

- It will be ensured that glasses and opened bottles of wine are not removed from the premises
- Proof of age cards or other suitable photographic identity, i.e. passport or drivers licence will be required from all persons who appear to be under the legal drinking age.

c) Public safety:

- With the exception of bottles of wine, there shall be no sale of beverages in glass bottles.
- It will be ensured that glasses and opened bottles of wine are not removed from the premises.
- Emergency exits will be clearly lit and visible.
- Emergency lighting will be installed throughout the entire premises and bar areas.
- A fire risk assessment will be undertaken to ensure the safety of both staff and visitors to the premises.

d) The prevention of public nuisance:

- It will be ensured that noise does not emanate from the premises, so as to cause a nuisance to nearby residents.
- It will be ensured that no noxious smells from food preparation shall emanate from the premises.
- A notice will be prominently placed for the attention of customers leaving the premises, indicating that there are nearby residents.

e) The protection of children from harm:

- Measures shall be taken to ensure that alcoholic liquors of all descriptions will not be served to under aged persons.
- Proof of age will be considered from any person who is considered to be under age.
- Children will not be permitted to remain in the defined bar area at any time, unless they are passing through to use the toilet or when entering and leaving the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority:

The premises: Those parts of the property known as Garston Manor, High Elms Lane, Garston, Herts WD25 0JX shown edged red on the application plan

Determined on: 16 June 2008

Decision

After considering the application, the written representations and the further information given by all those who spoke at the hearing, the Committee decided to grant the application in amended terms and **subject to the following Conditions:-**

1. Licensable events will be limited to 40 in any one calendar year, and no more than two licensable events to be held in any one week (a week being Monday to Sunday).
2. The applicant to inform the Licensing Officer each month of the number of licensable events that have taken place in the previous month.
4. Whilst music is playing doors and windows will be kept shut, except for ingress and egress

5. No live or recorded music will be permitted in the grounds of the premises
6. During the final hour of opening, music to be discernibly quieter.
7. A person will be nominated to monitor noise levels, and will be responsible to ensure that the music does not emanate from the premises to the annoyance of others. A regular patrol of the perimeter of the grounds will be carried out to ensure noise levels are acceptable and do not cause a nuisance to nearby dwellings.
8. Prominent clear and legible notices will be displayed at all exits requesting patrons respect the needs of the local residents and to leave the premises and the area quietly.
9. The premises will not be hired out for the purpose of '18' birthday parties and school leavers' parties.
10. The Designated Premises Supervisor (DPS), or a Personal Licence Holder authorised by the DPS, must be in attendance throughout every licensable event.
11. The contact telephone number of the DPS and any person authorised by the DPS should be made available to the public.
12. There must be two SIA licensed Door Supervisors in attendance throughout all licensable events.
13. Only soft drinks may be taken outside and these must be in plastic containers.
14. Only 'soft' fireworks to be used in firework displays and all displays to be finished by 22:30 hours.
15. No Marquees will be permitted for licensable events in the grounds of the premises.

Annex 4 – Plans

As per the application of 2 April 2008 - Drawing No. 0321/08.

Amendments:-

24/12/2012 – Change of name of premises from Garston Manor and additional mandatory conditions added:



David Shorto

Reference No.: Local Licensing Authority
 Three Rivers House
 Northway
 Rickmansworth
 Hertfordshire WD3 1RL
 Tel: 01923 776611



**Application for the review of a premises licence or club premises certificate
 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 Kimberley Rowley acting as the Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

| | |
|---|-------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description High Elms Manor High Elms Lane | |
| Post town Garston | Post code (if known) WD25 0JX |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Sheila O'Neill |
|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) Prem/383/08 |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

17

11-15-77

11-15-77

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Kimberley Rowley Head of Regulatory Services Three Rivers District Council Three Rivers House Rickmansworth Herts WD3 1RL |
| Telephone number (if any) 01923 727330 |
| E-mail address (optional) Kimberley.rowley@threerivers.gov.uk |

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- | | |
|---|---|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | ✓ |
| 3) the prevention of public nuisance | ✓ |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

The prevention of crime and disorder

As a Responsible Authority I have reviewed the case file, details of the recent events at High Elms Manor and representations received.

I am aware that following incidents at High Elms Manor on the night of 5 June 2016 there is a Police investigation underway. These incidents culminated in 2 stabbings and a shooting in the grounds of High Elms Manor during an event being held at the premises.

The presence of weapons on the premises raises concerns for public safety.

Following these events, I have concerns over the management of the premises in terms of the control and security of events and of people entering the premises.

Public safety

As above

The prevention of public nuisance

In addition to the major crimes being investigated, it is evident that the recent incident at High Elms Manor also resulted in unreasonable levels of noise and disturbance, not least traffic management issues, to nearby residential properties. Representations from members of the public allege music was being played outside the premises, which is contrary to conditions on the premises licence.

The protection of children from harm

Following the incidents members of the public have alleged that empty alcohol bottles and drug paraphernalia were scattered in the area.

Please provide as much information as possible to support the application
(please read guidance note 3)

See above.

1000

1000

1000

1000

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ↓ | ↓ | ↓ | ↓ | ↓ | ↓ | ↓ | ↓ | ↓ |
|---|---|---|---|---|---|---|---|---|

If you have made representations before relating to the premises please state what they were and when you made them

N/A



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature K. Rowley
.....

Date 5 July 2016
.....

Capacity Head of Regulatory Services – Responsible Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
As above.

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

((3))

Mrs Sheila O'Neill
Garston Manor
High Elms Lane
Garston
Hertfordshire
WD25 0JX

My Ref : DGS- Prem/383/08
Your Ref :
Date : 9th July 2012
Contact : Mr D Shorto
Tel No : 01923 727016
E-mail Add: Licensing.Team@ThreeRivers.gov.uk
Department : Housing & Health

Dear Mrs O'Neil

Licensing Act 2003 (The Act)

Premises:- High Elms Manor ex Garston Manor, High Elms Lane, Garston, WD25 0JX

Reference:- Nuisance complaint

I have received a complaint from the Management Company responsible for the management of Coopers Mews.

The complaint is regards an event held at the Manor on 30th June 2012 and can be broken down into the following 3 components:-

- Guests using the Manor parking in the private bays of the residents of Coppers Mews
- Noise from guests at the front of the premises, and
- Empty drink bottles strewn around the grounds of Coopers Mews.

I will deal with the issues separately.

Parking

Although not a specific responsibility on the premises licence I would suggest that you advise anyone hiring the Manor House not use the private parking bays in Coopers Mews. I know that there are no parking controls there, but as a private estate with it's own management company there would be nothing to stop them employing their own parking control, such as wheel clamping and removal vehicles etc. So I would advise you give this problem some thought.

Noise from Guests

Ordinarily the guests shouldn't normally be there unless for a reason, for example to cheer off the bride and groom at a wedding party. The Manor has a responsibility to erect prominent clear and legible notices at all exits requesting patrons to respect the needs of the local residents and to leave the premises and the area quietly. However spontaneous out bursts of this type will inevitably happen wouldn't normally be considered as a statutory nuisance under the legislation that deals with noise, i.e. the Environmental Protection Act 1990. Having said that there is a requirement for the Manor to have two security staff on duty at such events and from the complaint letter this may not have been the case on the day in question.

If there were not at least two SIA security guards on duty at the premises during this event, then it would constitute a breach of the conditions of the premises licence and would have the effect of rendering the activity as unlicensed. This would be an offence punishable by law with a fine and or imprisonment. The same would apply if the notices referred to in my last paragraph were not being displayed, so as you can see it is important that these conditions are being adhered to, especially when being put under close scrutiny. The other option open to the residents of Coopers Mews is to call your premises licence for the Manor in for a review by this Authority, which could result in you having further conditions placed on your licence or even certain activities removed.

Empty drinks bottles littering the grounds:

Although there are conditions on your premises licence preventing bottled drinks, other than wine, being taken from the premises, it would still be incumbent on you to ensure that any drinks brought in by the hirers are also restricted to being kept on the premises. Littering can be construed as a public nuisance and if it can be attributed to a licensed premises then that premises could be the subject of a review, as described above.

My advice here would be to ensure that guests do not take any drinks in bottles other than wine, outside the premises.

One final point is that I am still waiting for formal notification of the change of name for the premises. However I am aware that you are considering varying your premises licence and so this change could be incorporated in with that application provided it doesn't drag on and to that end it would be in your best interests to ensure that you comply with the conditions on your premises licence.

If you have any further queries in this regard please don't hesitate in contacting me.

Yours sincerely



David Shorto,
(Licensing Officer)

((3))

Mrs Sheila O'Neill
Garston Manor
High Elms Lane
Gartson
Hertfordshire
WD25 0JX

My Ref : DGS- Prem/383/08
Your Ref :
Date : 12th September 2012
Contact : Mr D Shorto
Tel No : 01923 727016
E-mail Add: Licensing.Team@ThreeRivers.gov.uk
Department : Housing & Health

Dear Mrs O'Neil

Licensing Act 2003 (The Act)

Premises:- High Elms Manor ex Garston Manor, High Elms Lane, Garston, WD25 0JX

Reference:- Nuisance complaint

I have received a complaint from the Management Company responsible for the management of Coopers Mews.

The complaint is regarding an event held at the Manor on 31st August 2012 and mainly concerns the lack of organisation when the bride and guests left the venue. Apparently cars went up a cul-de-sac and had to reverse back which caused a lot of confusion and noise. The complaint goes on to say that if an attendant had been on duty as is required by the licence conditions this may have been avoided. Finally reference is made to the apparent lack of notices requesting guests to respect your neighbours and leave the Manor quietly.

As regards the attendants there is a condition on your premises licence that requires you to have two SIA licensed door staff in attendance throughout all licensable activities, but does not say how they should be deployed. So in my view as long as you had those door staff on duty during all licensable activities you have not breached the condition. How you deploy them is up to you, but you may want to consider having a parking attendant for future events to avoid the same happening again.

As regards the display of notices, this is a requirement on your licence and the complainant does not give any real evidence that you did not have them erected, but suggests that it may not be happening, so I would remind you of your duty to comply with not only that condition, but all the conditions on your licence.

If you have any queries in this regard please do not hesitate in contacting me, as a point of interest I still await formal notification of the change of name of the premises, for which a fee of £10.50 is payable.

Yours sincerely



David Shorto,
(Licensing Officer)

