

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 9 JULY 2021, AT
10.00 AM

PRESENT: Councillor D Andrews (Chairman)
Councillors A Hall and D Snowdon

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Councillor Steven Brown	- Chairman of Aston Parish Council
Mr Childs	- Local Resident
Andrew Johnston	- Neighbour
Brittany Melley	- Event Manager
Saab Minichiello	- Hertfordshire Constabulary
Mr Andy Newman	- Licensing Consultant
Jon Payne	- Licensing Lawyers

Mr James Rankin	- Barrister
Police Sergeant	- Hertfordshire
Claire Ramirez	Constabulary
Margaret Stanley	- Neighbour
Mr Tom Wilkes	- Premises Licence Holder

14 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Hall and seconded by Councillor Snowdon, that Councillor Andrews be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Andrews be appointed Chairman for the meeting.

15 APOLOGIES

There were no apologies.

16 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

17 DECLARATIONS OF INTEREST

There were no declarations of interest.

18 APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR WILKESTOCK, WATERBRIDGE, FROGMORE HILL, WATTON AT STONE, HERTFORD, HERTFORDSHIRE SG14 3RR (21/0239/PLV)

The Chairman summarised the procedure that would be followed during the meeting and all those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering an application for a review of a premises licence under Section 51 of the Licensing Act 2003. The Sub-Committee was advised that on 16 April 2021, an application for a review of a premises licence was made by Sergeant Clare Ramirez of the Community Safety Unit of Hertfordshire Constabulary.

The Sub-Committee was advised that the review was for the premises licence in respect of Wilkestock, Waterbridge, Frogmore Hill, Watton At Stone, Hertford. The application covered a number of issues including errors and inconsistencies in the event management plans provided by the premises licence holder (PLH) from 2017 to 2021 and the PLH's failure to uphold the Licensing Objectives.

The Senior Licensing and Enforcement Officer informed the Sub-Committee that the police had alleged that there were issues that had been brought to the attention of the PLH (Mr Wilkes) which had not been addressed. The police had also indicated that they were in attendance at an event in July 2018 and they had highlighted a number of concerns which were listed at paragraph 3.7 of the report.

Members were advised that the police had also indicated a number of breaches of the premises licence and the police had applied for this review in relation to the following licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

The Senior Licensing and Enforcement Officer said that a further 11 representations in support of the review were received during the 28 day consultation period. One of these representations had been from the local Councillor reporting complaints from neighbouring residents. The Senior Licensing and Enforcement Officer summarised these representations which could be found at Appendix C.

The Sub-Committee was advised that a further 95 comments had been received in support of the PLH which related to licensing objectives. These comments stated that events were run safely and also that the concerns raised by the police had not been witnessed.

The Senior Licensing and Enforcement Officers referred to and summarised a number of other representations that had been made. The Sub-Committee was advised that the PLH had also submitted evidence to dispute the concerns that had been raised.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts Statement of Licensing Policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives. Members should consider if Hertfordshire

Constabulary had provided evidence that the premises undermined the licensing objectives and this should be balanced against the evidence given by the PLH that the licensing objectives would not be undermined.

He said that if Members believed that the evidence showed that the licensing objectives had been undermined then the Sub-Committee should take the minimum steps needed to mitigate the issues. The Sub-Committee could make appropriate changes to the premises licence to promote the four licensing objectives. The Sub-Committee could suspend the licence for up to three months, revoke the licence, remove the designated premises supervisor or make no changes.

The Senior Licensing and Enforcement Officer said that the Members' decision should be evidence based, justified, appropriate for the promotion of the four licensing objectives and proportionate to what the Sub-Committee intended to achieve.

Police Sergeant Clare Ramirez, on behalf of the applicant and the responsible authority, presented a detailed history of the licensing applications made in respect of this site. She referred to a number of police records dating back to August 2009 for Wilkestock. She said that this event had initially commenced under a Temporary Event Notice (TENs) for under 500 people.

Sergeant Ramirez provided a comprehensive history of the licence held by the PLH. She summarised how this licence had been used on the site at Waterbridge, Frogmore Hill, Watton at Stone. She also detailed the

type of events that had been held on the site and the numbers of people that had attended.

The Sub-Committee was advised that larger events carried larger risks and Sergeant Ramirez emphasised the importance of planning thoroughly to reduce the level of risk. She said the police were available to offer advice but it was not the role of the police to plan events and organise them for the applicant.

Sergeant Ramirez referred to inconsistencies with the event management plans and the licensing breaches. She said that the issues that had been raised by the police were not always addressed and the PLH had to be consistently pushed to do that.

The Sub-Committee was advised that the police had a lack of confidence in the PLH. Members were also advised of the inability of the organisers to identify and address risks without relying on the police and there had been a failure to take on board concerns as the site was being used for larger events.

Sergeant Ramirez referred to a document that listed a number of conditions that had been breached and she said that a lot of work had gone into working with the PLH in ensuring that all of the necessary areas were covered by the detailed conditions.

The Sub-Committee was advised that the police expected to have sight of the event management plan (EMP) 3 months before the larger events. Sergeant Ramirez referred to this as a breach of conditions as the EMP was consistently lacking in 2017 in terms of

the information needed by the police to ensure the safe running of events. She referred to numerous emails chasing for missing information and she summarised the work that had gone into getting conditions agreed between the police and the PLH before they were added to the premises licence.

Sergeant Ramirez detailed further examples of conditions being breached and information not being supplied. She referred to significant omissions from event management plans and said that the police had been chasing the PLH for missing information year on year regarding various events on this site. She gave her interpretation of the security deployment plan and she referred to a number of inconsistencies in this documentation.

Sergeant Ramirez highlighted areas of the site that needed to be marshalled but were not covered by the 17 security industry authority (SIA) staff shown on the plans. She said that she did not have the confidence that what was in the documentation would be implemented on the site. Members were shown police body camera footage from a 2018 event held at Waterbridge, Frogmore Hill.

There was a brief adjournment at this point in the proceedings. The meeting reconvened and Sergeant Ramirez commented on the lack of a fire risk assessment. She said that the PLH intended to have this completed internally and Hertfordshire Fire and Rescue were not happy with this position. The Sub-Committee was advised that the fire risk assessment was received by the fire service on 9 June 2021 and

was deemed to be unsuitable on 18 June for an event on 2 July.

Sergeant Ramirez said that it was difficult to assess arrangements being put in place around the provision of a fairground, such as the deployment of SIA staff, as the Police had not been able to establish whether a fairground was being provided at the site.

The Sub-Committee was advised that the PLH had been told by Hertfordshire County Council Highways that Frogmore Hill and Walkern Road were not suitable for use as a pedestrian route for any number of attendees, especially in the hours of darkness. Sergeant Ramirez said that there had been no change to the traffic management plan (TMP) between 2017 and 2019. She said that although the PLH had been advised in 2018 that signage could not be erected without the permission of Hertfordshire Highways, signage had been erected on the highway in 2019.

Sergeant Ramirez spoke at length about the pedestrian issues which had gone on for a significant period of time. She said no plan was in place until the PLH had been pushed and even now, there was no solution for the pedestrians. The Sub-Committee was advised that the pedestrian route away from the site was not suitable for a mass exodus and the PLH needed to produce a plan that was sufficient to get the majority of people away from the site by taxi, shuttle bus or people picking them up privately.

Sergeant Ramirez said that there was no evidence that two medical areas would be provided to ensure that

those presenting with COVID symptoms could be segregated. She referred to a lack of confidence that issues that had been identified by police would be addressed. Members were advised that the PLH had liaised with residents but there had been no engagement with residents who had concerns.

Sergeant Ramirez spoke about police concerns about the exit plans for vehicles and pedestrians on the site. She said that the car park and the pedestrian pick up location was a key area of concern. She continued her submission by highlighting the importance of adequate EMPs being submitted with minimal input from the police.

The Sub-Committee was advised of that there was a lack of detailed plans and risk assessments and a lack of a thorough approach for the event planning for this site. The Police believed that this could not continue now that the events had become significantly bigger. Members were advised that the concerns of residents were not being listened to and measures were not being put in place to mitigate concerns.

Sergeant Ramirez said that it was not the role of the police to review and give advice on the content of EMPs. The police expected adequate EMPs to be produced with the assistance of experts in certain fields. She said that this was something that the PLH had not been able to do despite having ran events for a number of years.

The Sub-Committee was advised that the PLH had not taken the responsibility of ensuring a thorough

approach in identifying risks and managing those risks. Members were advised that the PLH seemed happy to cut corners unless pushed by the police and the police did not feel that this could continue.

There was a brief adjournment at this point in the proceedings. The meeting reconvened and Councillor Snowdon asked Sergeant Ramirez whether the police had considered any other remedies besides the Sub-Committee revoking the licence. He asked Sergeant Ramirez whether she considered revocation to be proportionate. She said that the police had been working with the PLH for a number of years and the PLH had been given a huge amount of time to resolve these issues.

The Sub-Committee were advised that the PLH had not been meeting the conditions on the licence and the police did not believe that adding further conditions would assist. Sergeant Ramirez said that the police had tried to work with the PLH and did not always receive responses. She believed that the PLH was unable to run events safely and revocation was the only way forward.

Councillor Hall asked about the shuttle bus and the time it would take to clear the venue. He asked if there had been any clarity as to the occupancy rate of the shuttle buses. He said that he was mindful of the width of the lanes that led to the site.

Sergeant Ramirez said that she had been assured that the width of the lanes had been considered and the buses could negotiate the lanes to the site. She said

that she had been told that each bus was a 50 seater coach and she had made an assumption that the organiser had spoken to the drivers and the route had been checked as being suitable.

Councillor Andrews asked about the use of the access road for previous events and said that Sergeant Ramirez had alluded to the signage that had been put out. He said that he could find no trace of the Temporary Traffic Regulation Order (TTRO) for any of the previous events.

Sergeant Ramirez said that there had been TTROs in place for the 2019 events. She said however that in spite of the meeting that had taken place at the end 2018, there had not been a TTRO in place for the 2019 Hog Sozzle event. She said that events prior to 2019 had been done unofficially without TTROs.

Mr Rankin, representing the PLH, asked Sergeant Ramirez if she was saying these events were badly run. Sergeant Ramirez said that the events had been badly organised and that it was through luck that issues had not occurred at the festivals.

Mr Rankin asked Sergeant Ramirez whether her complaint was to do with the PLH missing deadlines for the submission of information to the police. Sergeant Ramirez said that was not just the missed deadlines which were set in order to assist the PLH. She said that the deadlines were set months in advance so that the PLH was aware of what was required and when.

Mr Rankin spoke at length about the TTROs and the various colour coded routes that were in place to access the festival site. Sergeant Ramirez responded with her understanding of the colour coded routes that had been agreed as part of the traffic management plan. She disputed a point made by Mr Rankin that a road traffic accident on the day of the Back and Beyond event in 2018 had impacted on the ability of taxis to reach the festival site late in the evening.

Mr Rankin said that the PLH accepted entirely that the car parking arrangements needed adjustment and this had been done. He also accepted that the security company previously employed had not been up to standard and had subsequently been replaced. Sergeant Ramirez said that the reason there had been the problems at the 2018 event portrayed in the video footage was due to lack of planning and foresight by the PLH.

Mr Childs, a local resident, addressed the Sub-Committee in respect of the impact on his property of events at the Waterbridge site. He said that he was directly impacted in terms of vehicle and pedestrian traffic and also the litter that had been thrown into his garden which had included drug paraphernalia. He said that he had seen events increase in size from a small charitable event to full scale commercial events which were not suitable for the site.

Mr Childs said that he 'blushed' at the thought of coaches of any size accessing the site to collect people from the site. He said that the roads were not pleasant to walk in the dark and he referred to the significant

impact of the event on residents. He concluded that the Waterbridge site was not suitable for larger scale commercial events even if they were properly managed.

Mr Childs responded to a number of questions from Sergeant Ramirez and Mr Rankin and also from Councillor Andrews.

Mr Rankin made the case of the PLH and responded to the principle issue raised by Sergeant Ramirez that the PLH missed deadlines for submitted EMPs and other documents. He accepted that at times key deadlines had been missed and he pointed out that there were occasions where deadlines had been met. He referred to the 'high water mark' of the police case being the video of the 2018 event.

He rejected the suggestion that the PLH was incompetent and incapable of running these festivals. He asked the Sub-Committee to look at the conditions on the licence and spoke to the conditions that the police said had been breached.

Mr Rankin referred to dates and times of various submissions that had been made by the police. He said that the SAG meetings had been invaluable and he detailed what had happened at the meeting that had been held on 25 May 2021.

There was an adjournment at 12:50 pm at this point in the proceedings and the meeting reconvened at 1:32 pm. Mr Rankin said that the PLH had addressed every matter that had been listed in the new documentation

submitted by the police. He pointed out that 2 ambulances would be on site and fire risk assessment had been completed by a former chief fire officer.

Mr Rankin gave the Sub-Committee a history of the festival and the reasons it had been started by the PLH, which was to raise money for a number of charities. He said that no festival site was perfect and he commented on the level of support for the festivals at Waterbridge, Frogmore Hill.

Mr Rankin commented on the practical difficulties of providing the names and addresses of all security staff 28 days before an event and also knowing for sure which bands would be playing at a festival. He asked the Sub-Committee whether they could consider amending those conditions. He said that he did not accept that the numbers that were permitted on the site were exceeded at any time.

Mr Rankin emphasised that the 2018 event was not a typical example of how the festival was run. He said that the knock on effect of an accident on the A602 was felt throughout the day. He stated that taxi drivers were not willing to go beyond the Three Horseshoes Pub to drop off and collect those attending the festival. He said that the security company that had been engaged in 2018 had not been able to deliver on promises that they had made and there was no TTRO in place.

Mrs Margaret Stanley, a local resident, addressed the Sub-Committee in response to a number of questions put to her by Mr Rankin. Mr Rankin read out a number

of letters in support of the festivals from the additional evidence bundle he had supplied on behalf of the PLH and from the comments, that he felt where representations. He also read out a series of emails between the PLH and Environmental Health Officers regarding noise management plans and collaborative working practices.

Mr Rankin summarised the evidence of Mr Andrew Newman, a former licensing officer. He drew the Sub-Committee's attention to a statement from Mr Brian Cleary, who had over 35 years' experience of the events and festival sector. Members were also advised that it was Mr Cleary who had instructed the former Chief Fire Officer to conduct the fire risk assessment.

The PLH and Brittany Melley, Event Manager, spoke at length about TTROs and the access and egress arrangements for exiting the site to the bus pick up area and the car park. Britany Melley explained that the medical team would be installing a separate gazebo next to the medical tent for anyone who had symptoms of COVID-19.

The PLH said that he had worked productively with the police. The PLH said that litter picks and were carried out after the events and grass cutting did take place before events. He said that security staff and a sound monitor will be deployed at the property owned by Mr Childs. He also said that the use of single use plastic vessels was being discouraged in 2021.

Mr Steve Brown, Chairman of Aston Parish Council, addressed the Sub-Committee. He talked about the

positive nature of the festival events and the wholehearted support from the village for the events.

Mr Johnston also addressed the Sub-Committee about a number of points in his representation. He talked about the peaceful and relaxed nature of the events. He said that the PLH worked very hard before, after and during the events and did a very good job in respect of clearing up.

There was an adjournment at 3 pm at this point in the proceedings and the meeting reconvened at 3:15 pm. The PLH confirmed to Sergeant Ramirez that he had accompanied Environmental Health Officers all around the festival site with noise monitoring equipment. He said that he was always very cautious with the sound at the festival events.

Sergeant Ramirez put a number of questions to the witnesses that had been called on by Mr Rankin to address the Sub-Committee about the festival events. They responded to her questions.

Councillor Snowdon asked the PLH about his understanding of the purpose of licensing conditions in general. The PLH said that the purpose of the conditions was for them to be followed and adhered to. He accepted that he had not always done that at these events.

Councillor Snowdon said that he did not view the number of conditions on the licence as being unusual. He asked the PLH if he was aware that breaches of conditions could be used by the responsible

authorities to apply for reviews. The PLH confirmed that he was aware and said that he sought to uphold the four licensing objectives before and during the events.

Councillor Snowdon asked the PLH if he understood why the condition was on the licence notification of the artists at an event. The PLH explained his understanding of the reasons for this condition.

Councillor Snowdon said that responsible authorities were not there to help the PLH to plan events. He said that the role of responsible authorities was to check that the organiser of an event of this magnitude was meeting various legal requirements.

The PLH explained in full his interactions with Environmental Health Officers in respect of his noise plans. All of the parties present for the hearing made a final submission in support of the points that they had made during the review hearing.

At the conclusion of the closing submissions, the Chairman adjourned the Sub-Committee hearing and said that the Members would reconvene as soon as was practically possible to make a determination on the review application.

RESOLVED – that the Sub-Committee hearing to determine the application for a review of the premises licence at Wilkestock, Waterbridge, Frogmore Hill, Watton at Stone, Hertford, Hertfordshire, SG14 3RR (21/0239/PLV), be adjourned.

The meeting closed at 3.49 pm

Chairman
Date