



Public Document Pack

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Head of Legal and Democratic Services

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 11 JULY 2024
TIME : 11.00 AM

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MEMBERS OF THE SUB-COMMITTEE

Councillors M Connolly, S Bull and G Hill

COMMITTEE OFFICER:
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- must not participate in any vote taken on the matter at the meeting;
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AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Summary of Procedure (Pages 6 - 12)

A summary of the procedure to be followed during consideration of item 6 is attached.

6. Application to vary a premises licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertford, Hertfordshire (24/0623/PLV) (Pages 13 - 68)

An application to vary a premises licence for the Hertfordshire Oktoberfest has been received from Barbican Events Ltd. Representations against the application have been made by interested parties. Where a representation is received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform the decision of the Licensing Sub-Committee.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

Agenda Item 5

LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

Note – the full Rules of Procedure can be viewed at:

<http://democracy.eastherts.gov.uk/ieListMeetings.aspx?CId=144&Year=0>

8.0 Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas. The hearing is a discussion lead by the Authority (i.e. the Chairman) with advice from the Legal Adviser.

- 8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.
- 8.2 The Chairman shall at the beginning of the hearing, introduce themselves and the Sub-Committee members, ask the Officers present to introduce themselves before inviting the parties to the hearing to identify themselves. The Chairman will then explain to the parties the procedure that the Sub-Committee intends to follow.
- 8.3 The Chairman will ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee.
- 8.5 The Parties to a hearing for an application shall usually be invited to address the Sub-Committee in the following order:
 - (a) Applicant
 - (b) Responsible Authority
 - (c) Other parties

However, this may be varied at the discretion of the Chairman, if in his/her opinion, this would assist the efficient business of the Sub-Committee.

- 8.6 Parties to the hearing shall be entitled to:
- (a) give further information in support of their application, relevant representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
 - (b) question any other party if given permission by the Chairman of the Sub-Committee; and
 - (c) address the Sub-Committee.
- 8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.
- 8.8 Where there is more than one relevant representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.
- 8.9 Subject to paragraph 8.10 below, in considering any relevant representations or notice made by a party to the hearing, the Sub-Committee may take into account additional documentary or other information produced by such a party in support of their application, relevant representations or notice (as applicable) either submitted at least 24 hours before the hearing commences or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing. If large documents are submitted on the day then the hearing may be adjourned at the Chairman's discretion so that such documents can be fully considered.

Note - As a matter of good practice, any additional documentation or other information produced in advance of the hearing date, should be submitted to the licensing officer no later than two working days before the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:

- (a) their application, relevant representations or notice (as applicable); or
- (b) the promotion of the licensing objectives.

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The parties to the hearing shall be entitled to make closing submissions, usually in the following order:

- (a) Responsible Authority
- (b) Other party
- (c) Applicant.

8.13 The Sub-Committee will, after hearing the relevant representations of the parties to the hearing, withdraw from the room to make their deliberations.

8.14 The Legal Adviser and the Democratic Services Officer shall accompany the Sub-Committee when they retire to make their deliberations.

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

- (a) the relevant representations (including supporting information) presented by all the parties;
- (b) national guidance;
- (c) the Licensing Authority's Licensing/Gambling Policy (as applicable); and
- (d) the steps that are necessary to promote the licensing objectives.

9.2 The Sub-Committee shall make its determination:

- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
- (b) within 5 working days thereafter (all other cases).

9.3 The written notice of determination shall be issued by Head of Housing and Health under delegated authority and will information regarding the appeals process.

10.0 Role of Legal Adviser

10.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Adviser at any time during the course of the hearing.

10.2 The Legal Adviser shall provide the Sub-Committee with any advice it requires to properly perform its functions, on:

- (a) questions of law;
- (b) questions of mixed fact and law;
- (c) matters of practice and procedure;
- (d) the range of options available to the Sub-Committee;
- (e) any relevant decisions of courts;
- (f) relevant national guidance or policy;
- (g) other issues relevant to the matter before the Sub-Committee.

10.4 The Legal Adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Democratic Services Officer's notes.

10.5 The Legal Adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The Legal Adviser is under a duty to ensure that every case is conducted fairly.

11.0 Role of Democratic Services Officer

11.1 The Democratic Services Officer's role is to make a record of the proceedings, summarise and record decisions and to provide help and assistance to parties attending hearings.

12.0 Role of Licensing

- 12.1 The Licensing Officer will present the pertinent facts of the application and the representations made by parties to the hearing.
- 12.2 The Licensing Officer shall provide the Sub-Committee with any advice it requires to properly perform its functions.
- 12.3 The Licensing Officer may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case.

13.0 Failure of parties to attend the hearing

- 13.1 If a party to the hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence and any properly made written submissions will be considered as part of the decision making process.
- 13.2 If a party to the hearing fails to provide notification in accordance with paragraph 13.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence and shall consider at the hearing, the application, relevant representations or notice made or submitted by that party.

14.0 Adjournments

- 14.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.
- 14.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the parties to the hearing of the date, time and place.

15.0 Right of Appeal

- 15.1 The all parties to a hearing have a right of appeal against a decision to the Magistrates' Court within 21 days (beginning with the day on which the applicant was notified of the decision by the Licensing Authority).

Definitions

Term	Meaning
Applicant	<p>The holder of, or the person seeking the grant of, a licence, notice or other permission under the relevant Legislation.</p> <p>The premises user in relation to a temporary event notice (TEN) or temporary use notice (TUN).</p>
Interest	A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.
Other parties	Any persons making relevant representations or any person who is representing such persons.
Licensing Authority	East Hertfordshire District Council
Parties to the Hearing	The applicant and any parties that have made relevant representations or submitted a valid objection notice.
Relevant Representations	Representations (either in support of or against an application) that relate to one or more of the licensing objectives. Can be made by a Responsible Authority or other party.
Responsible Authority	The bodies that must be consulted regarding certain applications and that are entitled to make representations to the Licensing Authority.

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 11 July 2024

Report by: Jonathan Geall, Head of Housing and Health

Report title: Application to vary a premises licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertford, Hertfordshire (24/0623/PLV)

Ward(s) affected: Hertford Bengo

Summary

- An application to vary a premises licence for the Hertfordshire Oktoberfest has been received from Barbican Events Ltd. Representations against the application have been made by interested parties. Where a representation is received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform the decision of the Licensing Sub-Committee.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(A) The application to vary a premises licence be decided.

1.0 Proposal(s)

1.1 Members of the Licensing Sub-Committee should determine the application through consideration of the information contained in this report and appendices combined with submissions made at the Licensing Sub-Committee hearing.

2.0 Background

2.1 Under the Licensing Act 2003 and the council's Statement of Licensing Policy ('the Policy') an application for a new or variation

to a licence or certificate is granted by officers under delegated authority if no valid representations are received.

2.2 Where valid representations are received the council's discretion is engaged. A Licensing Sub-Committee has the delegated authority to determine applications for new and varied licences and certificates. This decision must be made whilst having regard to the Licensing Objectives, the council's own Statement of Licensing Policy and to statutory guidance issued by the Secretary of State under section 182 of the Licensing Act.

2.3 The Licensing Objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance; and
- Protection of Children from Harm.

3.0 Reason(s)

3.1 The application from Barbican Events Ltd was validated on 2nd May 2024. The applicant describes the nature of the variation as:

Proposed Variations are listed in bold below;

Change floor plan layout New floor plan layout - Attached

Change Condition 23 Request to change the maximum capacity of the event from 1300 to 2000 (inc. staff and artists). Current Condition.23 - The maximum capacity for any event at any one time shall be 1300 people, this is to include all staff and artists on site. Proposed New Condition. 23 - The maximum capacity for any event at any one time shall be 2000 people, this is to include all staff and artists on site.

Change Condition 42.C Current condition 42.C - alcohol sales must stop at least 45 minutes prior to the time the customers are expected to have vacated (Opening hours) (This encourages sensible drinking by allowing people time to finish the drinks they have prior to closure) Proposed New Condition 42.C - alcohol sales must stop at least 15 minutes prior to the time the customers are expected to have vacated

(Opening hours) (This encourages sensible drinking by allowing people time to finish the drinks they have prior to closure)

Remove Condition 62 - Not relevant

Change Annex 3, Condition 2 - This static security guard did nothing whilst the event was on. It was a waste of personnel. The Thornton street area will be covered by our roaming security and will still be a static security position during egress. Current Annex 3 Condition 2 - Static security to be provided at Thornton street, Hertford; Friday 14:00-23:30, Saturday 11:00- 23:30 Sunday 12:00-21:30. Proposed Annex 3 Condition 2 - Static security to be provided at Thornton street, Hertford; Friday 22:00-23:30, Saturday 15:00 - 16:30, Saturday 22:00- 23:30, Sunday 20:00-21:30.

3.2 The application seeks to vary the hours for the following licensable activities:

Licensable Activity	Day	Existing hours	Hours applied for
Supply of alcohol (for consumption ON the premises only)	Friday	14:00 – 22:15	16:00 – 23:00
	Saturday	11:00 – 22:15	11:00 – 23:00
	Sunday	12:00 – 20:00	12:00 – 20:00
Live Music (outside)	Friday	14:00 – 22:30	16:00 – 23:00
	Saturday	11:00 – 22:30	11:00 – 23:00
	Sunday	12:00 – 20:00	12:00 – 20:00
Recorded Music (outside)	Friday	14:00 – 22:30	16:00 – 23:00
	Saturday	11:00 – 22:30	11:00 – 23:00
	Sunday	12:00 – 20:00	12:00 – 20:00
Hours premises open to the public (not a licensable activity)	Friday	14:00 – 23:00	16:00 – 23:00
	Saturday	11:00 – 23:00	11:00 – 23:00
	Sunday	12:00 – 21:00	12:00 – 20:00

3.3 A copy of the variation application (24/0625/PLV) is **Appendix 'A'**.

3.4 A copy of the existing premises licence (23/0362/PL) granted following a Licensing Sub-Committee hearing held on 22nd May 2023 showing activities, hours and conditions is attached at

Appendix 'B'. For ease, the parts the applicant is seeking to vary are highlighted in yellow.

- 3.5 The plans attached to the existing premises licence (23/0362/PL) are **Appendix 'C'** and the varied plans for this application (24/0625/PLV) are **Appendix 'D'**.
- 3.6 During the 28-day statutory public consultation period six representations against the application were received from interested parties. Four being from residents, one from Hertford Town Council and one from a local ward councillor. In addition to this, one comment was received which neither supported nor objected to the application and this has been included for completeness. The representations are attached as **Appendix 'E'**.
- 3.7 The representations suggest that all four of the Licensing Objectives, the Prevention of Public Nuisance, Public Safety, Prevention of Crime & Disorder and Protection of Children from Harm, would be undermined if the application is granted as requested.

Policy and Guidance

- 3.8 Section 6 of the Policy details definitions of premises and location and operation of premises, differentiating between Town Centre locations and other areas. Under this section of the Policy the operation of the Hertfordshire Oktoberfest would be classed as a '*Festival*'.
- 3.9 The proposed location for the event is not within a Town Centre as defined in section 7.0 of the Policy so is considered to be in an '*Other area*'.
- 3.10 The table at 6.9 of the Policy details the council's approach to hours for licensed premises when it has received relevant representations to an application. In relation to a '*Festival*' located in an '*Other area*', it states:

Will generally be allowed licensable activity until 01:00 on Friday and Saturday. On Sunday to Thursday 23:00, unless the following

day is a Bank Holiday or recognised National Holiday.

3.11 Section 8 of the Policy deals with the Licensing Objectives:

8.1 The Licensing Authority must carry out its functions with a view to promoting the four Licensing Objectives, each of which has equal importance:

- *the Prevention of Crime and Disorder,*
- *Public Safety,*
- *the Prevention of Public Nuisance, and*
- *the Protection of Children from Harm.*

8.2 It is recognised that the licensing function is only one means of securing the delivery of the above Objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with all stakeholders and partners towards the promotion of the Licensing Objectives.

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

3.12 Section 15, paragraphs 15.1 and 15.2 of the Policy deal with the 'Operating Schedule'. These paragraphs reflect the information in the Section 182 of the ['Guidance issued under section 182 of the Licensing Act 2003'](#) (herein 'the Guidance') issued by the Secretary of state.

3.13 The Guidance states at paragraphs 9.37 and 9.38 that:

9.37As a matter of practice, licensing authorities should seek to

focus the hearing on the steps considered appropriate to promote the particular Licensing Objective or Objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the Licensing Objectives in the overall interests of the local community, the Licensing Sub-Committee 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.*

3.14 Paragraphs 9.42-9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of the Licensing Objectives.

3.15 If members are minded to impose conditions to mitigate concerns regarding the suggested undermining of the Licensing Objectives, then Chapter 10 of the Guidance deals with conditions attached to premises licenses. The Guidance should be considered along with the East Herts ['Pool of Model Conditions'](#)¹.

Officer observations

3.16 As this is a variation application members can only consider the changes requested and can amend or change any part of the existing premises licence which will remain unchanged should the

¹ Conditions with a letter 'B' or marked 'All' are relevant to 'Public House, wine bar, Café-bar or other drinking establishment' located in a 'Town Centre' and some or all may be applied where appropriate having considered the merits of the individual application.

variation be refused.

- 3.17 The variation applied for seeks to amend conditions from Annex 2 and Annex 3 of the existing premises licence (23/0362/PL). Annex 2 conditions are those which are consistent with the operating schedule of the application, so offered or agreed by the applicant prior to any hearing. Annex 3 conditions are conditions attached after a hearing by the Licensing Authority, these being conditions considered necessary and proportionate to promote the Licensing Objectives.
- 3.18 The application, including the operating schedule at Section M, is attached as **Appendix 'A'**. The operating schedule is the part of the application where the applicant can detail additional steps they intend to take to promote the Licensing Objectives as a result of the application. Therefore, the variation should be considered in light of the contents of the operating schedule.
- 3.19 Officers have been through the operating schedule and would make the following observations.

Box	Comments
General – all four licensing objectives	All four points appear on the existing licence, Annex 2, conditions 2, 3, 4, 7 and 19
Prevention of crime and disorder	All four points appear on the existing licence, Annex 2, conditions 5, 6, 7 and 61
Public safety	Point 1 is to replace Annex 2, condition 62. The four other points appear on the existing licence, Annex 2, conditions 9, 11, 12 and 14
Prevention of public nuisance	Points 1, 4 and 5 appear on the existing licence, Annex 2, conditions 13, 53 and 63. There are two point 2's and both of these are slightly amended versions of what appear on the existing licence at Annex 2, conditions 16 (reference to glass added) and 33 (reference to taxis removed). Point number 3 is new and will be relevant if regulated

	entertainment is granted extended as part of this application.
Protection of children from harm	The first two points appear on the existing licence, Annex 2, condition 3. The third point relating to fake identification does not appear on the licence.

3.20 This comparison to the existing licence shows that in the operating schedule the applicant is offering one new condition and slight amendments to the wording of others. These amendments were not detailed in the field where the applicant was asked to describe the application. As such they have not been advertised or been part of the consultation and the original wording of the conditions should remain. Members may wish to ask the applicant to explain why they believe only one additional condition is needed to ensure the Licensing Objectives would be promoted if the application were to be granted as requested.

3.21 In section L of the application covering the hours the premises would be open to the public, the applicant has put the following comment in the box for non-standard timings:

License will only be applicable for a maximum of two weekends of the year – in either September or October subject to council and SAG approval.

3.22 This did not form part of the variation and directly contradicts Annex 2, condition 1 which states:

The Premises Licence is limited to 1 event per calendar year, this event must be held over a maximum of 3 consecutive days in September and/or October.

3.23 Again this change was not detailed in the field where the applicant was asked to describe the application. As such it has not been advertised or been part of the consultation so the original wording of the condition should remain. If the applicant wishes to make this change to the licence then it would require a further application so members cannot agree it at this time.

- 3.24 If members are minded to grant the request to amend condition 42c so that alcohol sales finish 15 minutes before the event ends then it would be clearer to simply remove 42c and shorten the permitted hours for the sale of alcohol. By making the change in this way it will make it clearer when the sale of alcohol would end rather than having a time on the front of the licence and then a condition that restricts this. Unlike the condition, the timing change would appear on the premises licence summary which must be on display to the public at the premises.
- 3.25 Representation 1 – This short representation from a local resident raises concerns regarding the reduction in the security provision at Folly Island and requests more instead. On 10th June 2024, a request was sent by the Licensing team for further information to support the interested party's position but no response was received.
- 3.26 Representation 2 – This representation is from a local ward councillor and states that last year's event caused significant concern amongst the local community. The representation goes on to detail what the issues were and how the variation would impact these. Matters raised include:
- attendees all leaving at the same time
 - attendees urinating and vomiting in the vicinity
 - the event's proximity to the children's playground.
- 3.27 This representation objects to the proposed amendment to condition 42, which is the increase in capacity and the decrease in security at Thornton Street.
- 3.28 Representation 3 – The representation from a local resident state that there was little negative impact caused by last year's event due to the conditions on the licence. Concern is raised regarding increasing capacity and drinking time whilst reducing the security provision. The interested party finishes by stating that they strongly object to any variation of the licence conditions.
- 3.29 Representation 4 – This representation details increases in antisocial behaviour and nuisance linked to last year's event. The interested party mentions that they do not feel that Hartham

Common should be used for this type of event. This, however, is not a relevant consideration as it does not engage the Licensing Objectives directly.

- 3.30 Representation 5 – This representation is from Hertford Town Council and deals with each part of the application individually:
- change of floor plan – Increase in numbers would affect public safety
 - reduction in security – Considered unwise in light of the increased capacity
 - increase in capacity – Likely to mean an increase in intoxicated revellers, foul language and antisocial behaviour
 - alcohol sales stopping 15 minutes before closing – May encourage revellers to finish drinks quickly or take them when they leave.
- 3.31 Representation 6 – This representation is from a local resident who attended last year’s event. Issues with the safety of the event are raised following the power cutting out at last year’s event. Members may wish to ask the applicant what occurred with the power supply last year and what contingency, if any, is in place for this year to stop or minimising the risk of it reoccurring.
- 3.32 The other issues raised in representation 6 are not relevant considerations as they do not engage any of the Licensing Objectives.
- 3.33 During the statutory consultation period one comment neither supporting nor objecting the application was received from a Hertford resident. As it is just a comment it is for the applicant to consider rather than the Licensing Sub-Committee but it has been included for completeness.
- 3.34 The Sub-Committee should consider whether the operation of the licensed premises would be likely to fail to promote one or more of the Licensing Objectives having considered the evidence presented and the location of the premises.

- 3.35 As stated in the Guidance, the council's decision should be evidence-based, justified as being appropriate for the promotion of the Licensing Objectives and proportionate to what it is intended to achieve.
- 3.36 Members should consider if they believe the applicant has provided evidence that the licence, if granted, would promote, and not undermine, the Licensing Objectives. This evidence should be balanced against the evidence given by those making representations that the Licensing Objectives of Prevention of Public Nuisance, Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety would be undermined.
- 3.37 If the Sub-Committee believes that granting the application to vary to licence would promote the Licensing Objectives, then the application should be granted as requested.
- 3.38 If the Sub-Committee believes that granting the variations to the licence as requested would not promote the Licensing Objectives, then the starting point should be to consider if there are conditions that could be added to mitigate concerns.
- 3.39 In considering additional conditions, members should decide whether these steps would in fact address the concerns raised if the decision was made to grant the varied hours and activities as requested.
- 3.40 For conditions to be enforceable they need to be clear, unambiguous, and free from subjective terms. If a condition cannot be enforced, then it should not be placed on any granted licence.
- 3.41 Aside from adding conditions, it is open to members to limit the hours of operation and/or activities requested in the variation but clear reasons for this step would need to be given.
- 3.42 However, if adding conditions and/or limiting the hours or area beyond those requested in the variation application does not mitigate members' concerns regarding the promotion of the Licensing Objectives then the variation application should be

refused. The existing premises licence will then remain in place unchanged.

- 3.43 Put in its simplest terms, what are the minimum measures that can be put in place to address concerns? Refusal of the application to vary the existing licence should be the last option considered.
- 3.44 When the Licensing Sub-Committee gives its decision to those in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence members have relied upon when reaching their decision.
- 3.45 The comments, observations and suggestions contained within the body of this report and associated appendices do not fetter the Sub-Committee's discretion to reach the decision they believe is most appropriate when considering all the merits of the individual case.

4.0 Options

- 4.1 The actions open to the Licensing Sub-Committee are:
- grant the variation application as requested if members felt that the application would promote and not undermine the Licensing Objectives; or
 - grant the variation application but at the same time impose additional conditions or amend the varied activities or varied times requested if members feel it is necessary to promote the Licensing Objectives; or
 - if members believe that there is evidence that shows that there are no steps that can be taken to ensure that the variations sought would promote the Licensing Objectives then the variation application should be refused.
- 4.2 As stated in the Guidance, the council's decision should be evidence based, justified as being appropriate for the promotion

of the Licensing Objectives and proportionate to what it is intended to achieve.

5.0 Risks

- 5.1 A decision on the application must be made and any decision made can be appealed at the Magistrate's Court. Therefore, the Licensing Sub-Committee should ensure that when giving their decision on the application they give clear reasons on how and why they have made their decision. In doing so, the council's ability to defend its decision is strengthened and the risk of its decision being over-turned on appeal is lessened, although, of course, this risk can never be entirely removed.

6.0 Implications/Consultations

- 6.1 As with any application for a new premise licence, variation of a premise licence or review of a premise licence there is a 28-day public consultation.
- 6.2 The 28-day public consultation commenced on 2nd May 2024 and on 13th May 2024 officers visited the site to ensure the statutory notices were being displayed. During this visit it was found that some notices were missing so the application was invalidated. On the 17th May 2024 the notices were replaced and the new consultation period ended on 15th June 2024.

Community Safety

- 6.3 The report details the four Licensing Objectives therefore Community Safety will be considered when determining the application.

Data Protection

- 6.4 Where the appendices have shown personal data, this has been redacted.

Equalities

- 6.5 Consideration has made to the Equality Act 2010 and the Public Sector Equality Duty in this report and will be considered during the Licensing Sub-Committee hearing.

Environmental Sustainability

- 6.6 None arising directly from this report.

Financial

- 6.7 There will be a cost to the authority in holding the Licensing Sub-Committee hearing; this will be covered by the existing budget.

There would be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrates Court and the authority chooses to defend that appeal.

Health and Safety

- 6.8 None arising directly from this report.

Human Resources

- 6.9 None arising directly from this report.

Human Rights

- 6.10 As with all applications and Council functions, the Human Rights Act 1998 has been considered in this report and will be considered during the Licensing Sub-Committee hearing.

Legal

- 6.11 All statutory requirements have been considered in preparing this report.

Specific Wards

- 6.12 Yes – Hertford Bengo.

7.0 Background papers, appendices, and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) -
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 7.2 East Herts Statement of Licensing Policy 2021-2026
<https://cdn-eastherts.onwebcurl.com/s3fs-public/2022-03/Statement%20of%20Licensing%20Policy%202021-26%20Mar%202022.pdf>
- 7.3 East Herts Pool of Model Conditions 2021
<https://eastherts.fra1.digitaloceanspaces.com/s3fs-public/2021-08/Pool%20of%20Model%20Conditions%202021%20%28accessible%29.pdf>
- 7.4 **Appendix 'A'** – Application form
- 7.5 **Appendix 'B'** - Existing premises licence (23/0362/PL)
- 7.6 **Appendix 'C'** - Existing plans (23.0362.PL)
- 7.7 **Appendix 'D'** – Varied plans
- 7.8 **Appendix 'E'** – Representations

Contact Member Councillor V Glover-Ward, Executive Member for Planning and Growth.
vicky.glover-ward@eastherts.gov.uk

Contact Officer Jonathan Geall – Head of Housing and Health
Contact No: 01992 531594
jonathan.geall@eastherts.gov.uk

Report Author Oliver Rawlings – Service Manager (Licensing and Enforcement), Contact No: 01992 531629
oliver.rawlings@eastherts.gov.uk

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ We Barbican Events Ltd (13487570)

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 23/0362/PL

Part 1 – Premises Details

Hertfordshire Oktoberfest			
Hartham Common Park, Hartham Lane, Hertfordshire,			
.			
Post town	Hertford	Postcode	SG14 1QR

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ 0

Part 2 – Applicant details

Daytime contact telephone number	██████████		
E-mail address (optional)	info@barbicanevents.com		
Current postal address if different from premises address	Tythenhanger House Coursers Road, Colney Heath, England,		
Post town	St. Albans	Postcode	AL4 0PG

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

DD MM YYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Proposed Variations are listed in bold below;

Change floor plan layout New floor plan layout - Attached

Change Condition 23

Request to change the maximum capacity of the event from 1300 to 2000 (inc. staff and artists).

Current Condition.23 - The maximum capacity for any event at any one time shall be 1300 people, this is to include all staff and artists on site.

Proposed New Condition.23 - The maximum capacity for any event at any one time shall be 2000 people, this is to include all staff and artists on site.

Change Condition 42.C

Current condition 42.C - alcohol sales must stop at least 45 minutes prior to the time the customers are expected to have vacated (Opening hours) (This encourages sensible drinking by allowing people time to finish the drinks they have prior to closure)

Proposed New Condition 42.C - alcohol sales must stop at least 15 minutes prior to the time the customers are expected to have vacated (Opening hours) (This encourages sensible drinking by allowing people time to finish the drinks they have prior to closure)

Remove Condition 62 - Not relevant

Change Annex 3, Condition 2 - This static security guard did nothing whilst the event was on. It was a waste of personnel. The Thornton street area will be covered by our roaming security and will still be a static security position during egress.

Current Annex 3 Condition 2 - Static security to be provided at Thornton street, Hertford; Friday 14:00-23:30, Saturday 11:00- 23:30 Sunday 12:00-21:30.

Proposed Annex 3 Condition 2 - Static security to be provided at Thornton street, Hertford; Friday 22:00-23:30, Saturday 15:00 - 16:30 , Saturday 22:00- 23:30 , Sunday 20:00-21:30.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule


Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

 **Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed					
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or <u>outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the <u>exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 5) Live music consisting of traditional brass instrument bands and solo artists will play within the standard days and times stated above. Music will be amplified and a sound engineer will be on site monitoring the noise at all times. sound checks will be taken every 1.5 hours by the event manager or sound engineer to keep the noise at a reasonable level.		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri	16:00	23:00	Non standard timings. Where you intend to use the premises for the <u>performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	23:00			
Sun	12:00	20:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			Please give further details here (please read guidance note 5) Recorded music will be played on an amplified speakers within the standard days and times stated above. A sound engineer will be on site monitoring the noise at all times. Sound checks will be taken every 1.5 hours by the event manager or sound engineer to keep the noise at a reasonable level.		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri	16:00	23:00	Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	23:00			
Sun	12:00	20:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish			
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	16:00	23:00	License will only be applicable for a maximum of two weekends of the year - in either September or October subject to council and SAG approval.		
Sat	11:00	23:00			
Sun	12:00	20:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>Strictly over 18 event. ID will be required on entry, if unable to provide you will be refused entry.</p> <p>TimberJacks axe throwing is a strictly over 18 activity. Access to the event is 18+ only, customers will be ID'd on arrival and refused entry if unable to provide any ID.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	16:00	23:00	
Sat	11:00	23:00	
Sun	12:00	20:00	

License will only be applicable for a maximum of two weekends of the year - in either September or October subject to council and SAG approval.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. The DPS will be on site at all times when licensable activities are taking place. The DPS will work closely with the head of security, the head of stewards and the bar manager to ensure the sale and consumption of alcohol is carried out safely.
2. Security will be provided by Principal Security Consultants. They are providing SIA licensed security at a ratio of 70:1 (Attendees : Security) with 2 supervisors.
3. The event is strictly over 18. IDs will be checked on the door. The security will carry out body scans and bag checks upon patrons arrivals.
4. 8 x CCTV cameras will be installed covering all the main areas of the site. There will be a live feed going to the site office and the footage can be downloadable and can be sent to authorities if required.

b) The prevention of crime and disorder

1. We will be carrying out body scans and bag checks upon entry.
2. We will have security in hi-vis vests based outside the tent on the street, directing the flow of people, reducing any noise and being a presence as people enter and leave the event.
3. If there is any anti-social behavior when the guest leave the premises the police will be informed.
4. Security will be situated in multiple locations around the tent, at the exits and will be patrolling around the site. If in the event any problems do arise it will be spotted straight away and the appropriate measures will be taken.

c) Public safety

1. There will be non reserved seating available for 1040 guests in general admission. A standing area implemented increasing capacity size by 400. VIP area has enough reserved tables and chairs for 360 guests. There is also a 20x30m outside area with food vendors and unreserved seating available.
2. All alcohol and refreshments consumed on the premise will be made of disposable plastic or toughened plastic.
3. Two first aiders and an ambulance will be on the premises at all times.
4. Free water will be available at the bar.
5. All parts of the premises will be adequately illuminated.

d) The prevention of public nuisance

1. Any persons leaving the premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
2. Local pubs, bars, restaurants and train stations will be notified about the event and the increase in footfall around event times.
2. Patrons will not be permitted to leave the premises with any glass or polycarbonate which belongs to the premises.
3. All music and entertainment will finish at 22:45 to limit noise pollution.
4. The tent is situated on the furthest point away from any neighbours on the common. The speakers are faced towards the woodland, away from commercial and residential properties.
5. Regular Sound checks will be taken and record to keep the Noise and a reasonable level.

e) The protection of children from harm

1. This will be a strictly over 18s event.
2. IDs will be checked on the door, enforcing the challenge 25 scheme and anyone without ID will be refused entry.
3. If anyone is found using a fake ID, it will be confiscated and police will be notified.

Checklist:

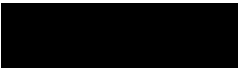
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	01-05-24

Capacity	Director
----------	----------

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[Redacted]			
Post town	[Redacted]	Post code	[Redacted]
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@barbicanevents.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

- combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**District of East Hertfordshire
Premises Licence
Licence No: 23/0362/PL**

Licensing Act 2003

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
Hertfordshire Oktoberfest	Telephone: 07951 241 688	
Hartham Common Park, Hartham Lane, Hertford, Hertfordshire, SG14 1QR.		
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
SALE OF ALCOHOL (BOTH)		
Friday	14:00	22:15
Saturday	11:00	22:15
Sunday	12:00	20:00
LIVE MUSIC (INDOORS)		
Friday	14:00	22:30
Saturday	11:00	22:30
Sunday	12:00	20:00
RECORDED MUSIC (INDOORS)		
Friday	14:00	22:30
Saturday	11:00	22:30
Sunday	12:00	20:00
THE OPENING HOURS OF THE PREMISES		
Friday	14:00	23:00
Saturday	11:00	23:00
Sunday	12:00	21:00
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES		
Alcohol is supplied for consumption on the Premises		

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Barbican Events Ltd
Tyttenhanger House, Coursers Road, St. Albans, Hertfordshire, AL4 0PG
Info@barbicanevents.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Company No: 13487570

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mr Thomas Connolly
REDACTED

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Personal licence number: REDACTED
Licensing Authority: REDACTED

ANNEX 1 – MANDATORY CONDITIONS

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;

- (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The Premises Licence is limited to 1 event per calendar year, this event must be held over a maximum of 3 consecutive days in September and/or October.

2. The DPS will be on site at all times when licensable activities are taking place. The DPS will work closely with the head of security, the head of stewards and the bar manager to ensure the sale and consumption of alcohol is carried out safely.

3. Those under the age of 18 years will not be permitted entry to the events. IDs will be checked on

the door, enforcing the challenge 25 scheme and anyone without ID will be refused entry. Suitable forms of identification will be a passport, 'pass' card or other identification recognised by the licensing authority in its statement of licensing policy.

4. SIA licensed security staff will be on duty for the events at a ratio of 70:1 (Attendees: Security) with 2 supervisors. Stewards, security, and litter pickers will be outside the premises after the event monitoring the egress of the crowd. SIA will remain on duty and visible until people have dispersed from the area surrounding the event.
5. Security will be situated in multiple locations around the tent, at the exits and will be patrolling around the site.
6. Security will wear hi-vis vests. They will be based outside the tent, directing the flow of people, reducing any noise and being a presence as people enter and leave the event.
7. We will be carrying out body scans and bag checks upon entry.
8. The site will be secured by Heras fencing.
9. All alcohol and refreshments consumed on the premise will only be supplied in disposable plastic or toughened plastic. No glass will be permitted on the site.
10. To prevent overcrowding seating additional seating will be provided above the number of ticket sales.
11. All parts of the premises will be adequately illuminated.
12. Free water will be available at the bar.
13. Persons leaving the premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
14. Two first aiders and an ambulance will be on the premises at all times.
15. Litter pickers will be employed to clear litter caused by the event.
16. Patrons will not be permitted to leave the premises with any polycarbonate which belongs to the premises.
17. Off premise consumption will ONLY be applicable at the end of the event, to attendees who have attended the event and wish to take their drink away with them in disposable plastics. This practice however will be discouraged and will only be allowed in order to avoid confrontation and to prevent bottle necks on exit.
18. A plan showing details of CCTV provision shall be provided along with the Event Management Plan.
19. At least 8 x CCTV cameras will be installed covering all the main areas of the site. There will be a live feed going to the site office and the footage can be downloadable and can be sent to authorities if required.
20. The CCTV system shall record to a storage device and the images shall be retained for a minimum

period of minimum of 28 days. Subject to the tests provided for in the Data Protection Acts being satisfied, recordings of images shall be made available to the police on request with minimum delay.

21. An incident log shall be maintained and kept and made available to Responsible Authorities on request. It must record incidents related to drugs or of a violent, criminal, or anti-social nature. The record should include the time and date, location, staff involved, names of people involved where known and action taken.
22. A public address system shall be under the control of the premises license holder or their nominated representatives so that emergency broadcast message can override the musical entertainment and can be delivered clearly audibly to all parts of the site.
23. The maximum capacity for any event at any one time shall be 1300 people, this is to include all staff and artists on site.
24. Entry numbers will be monitored and recorded at all times through the use of attendance counting devices.
25. Entry numbers will be supplied as soon as reasonably practicable during the event on reasonable request by any Responsible Authority.
26. No staff member, whilst working at the premises and/or in uniform at the premises, will be permitted to consume alcohol or drugs on site or be under the influence of alcohol or drugs at any time whilst working.
27. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff are fully trained and briefed on the four licensing objectives, Challenge 25, the conditions on this licence, policies referred to in this licence and awareness of vulnerability and duty of care.
28. Accurate and up to date details of ticket sales to be supplied as soon as reasonably practicable, upon the reasonable request from the Licensing Authority or Hertfordshire Constabulary.
29. The Premises Licence holder shall notify the Licensing Authority and the Safety Advisory Group ("The SAG"), of the proposed dates and the name of each event no less than 4 months prior to the event start date.
30. A contact number for residents must be advertised at least 2 weeks prior to the start of the events to enable the local residents to contact the event organiser at any time during the event should they have concerns that need addressing. This telephone number shall be manned at all times during the event and details of all calls received from surrounding households shall be recorded in the logbook for the event.
31. The Premises Licence Holder will notify Hertfordshire Constabulary of all the artists planned to perform at the event at least 28 days before the event takes place. The license holder will notify Hertfordshire Constabulary as soon as reasonably practicable of any changes to the artists booked in the 28 days leading up to the event.
32. The Premises Licence Holder shall take out Public Liability and Third-Party insurance to cover at least £5,000,000.00 (five million pounds) for any one occurrence. If requested by the Licensing Authority, the Premises Licence Holder shall provide the Licensing Authority with certified copies of

the Policy and Certificates of Insurance, or other acceptable proof of cover, not later than 14 days prior to the start of the event.

33. Local pubs, bars, taxis, restaurants, and train stations will be notified about the event
34. An Event Management Plan ("EMP") and Traffic Management Plan ("TMP") specifically for the event shall be submitted to the Licensing Authority and SAG no less than 3 months before any event to which it relates takes place. Any updates or amendments must be submitted within the agreed time periods.
35. The Event Management Plan (EMP) shall address the following matters:
 - a) Event overview and audience profile
 - b) Detailed and scaled site plan to include the immediate surrounding area, access, and egress routes for those attending, emergency evacuation routes and access / egress routes for emergency services
 - c) General site safety policy
 - d) Management structure, responsibilities, and roles - names of specific personnel, key roles and responsibilities and how the structure of these roles is planned.
 - e) Details of temporary structures
 - f) Event risk assessment, covering all areas of risk and management of risks to ensure the health and safety of all those attending
36. The event will be managed in accordance with the EMP. During the operational phase any deviation from the EMP must be fully documented and rationale recorded at the time.
37. The EMP must contain policies, procedures and plans as detailed in points 38 – 45.
38. Security operations and deployment plan covering, security management structure, roles and responsibilities, security staff briefings, communications, duties of SIA staff and non-SIA staff, perimeter integrity, entry and search procedure, security incident log, eviction procedure.
39. Weapons, drugs and psychoactive substances policy. A zero-tolerance policy is to be adopted in relation to any quantity of drugs and any weapons found that are made, used, or adapted to cause injury. Any such items found to result in ejection or refusal of entry. Such items are to include knives where the blade is more than 3 inches in length (excluding un-lockable pocket-knives). All confiscated drugs and weapons are to be stored securely and safely, and a record shall be maintained and provided to the police at the conclusion of the events.
40. Emergency protocols and crowd management plan to include capacities, evacuation procedure, emergency announcements, the role of the Event Liaison Team (ELT) and staff, extreme weather procedures
41. Bar management and Alcohol policy including staff management structure and responsibilities, bar staff and briefings for the event.
42. Closure and dispersal policy - The Premise Licence Holder or Designated Premises Supervisor will ensure that a soft closure and dispersal procedure is followed at the end of each event session. This procedure must be fully documented as part of the EMP and all staff employed at the event must be briefed on the procedure. The procedure must include;

- a) not selling excessive amounts of drinks to people within the last 30 minutes of alcohol sales
 - b) lowering any music during the 30 minutes prior to the music terminal time
 - c) alcohol sales must stop at least 45 minutes prior to the time the customers are expected to have vacated (Opening hours) (This encourages sensible drinking by allowing people time to finish the drinks they have prior to closure)
 - d) The rate of egress of customers must be monitored and assessed at all times. Customers should only be encouraged to leave when the rate of egress is slow.
 - e) Security must manage the dispersal of people from Hartham Common. Ensuring people are clearly directed towards the taxi drop off / pick up location or towards the town centre via Sainsbury.
 - f) People are to be actively discouraged from dispersing through the residential areas of Folly Island.
 - g) Where two event sessions are held on one day, alcohol sales must cease 1.5 hours before the start of the second session and music must cease 1 hour before the start of the second session
43. A traffic management plan that has been agreed by Hertfordshire Highways and the Police covering:-
- a) the management of the traffic on the roads surrounding the event and the measures to be used to reduce the impact of those attending and leaving the event on local traffic
 - b) Expected traffic levels throughout the event
 - c) Taxis pick up and drop off facilities and operation of this facility
44. The Traffic Management Plan must be implemented during the course of the event unless otherwise amended with the agreement of Hertfordshire Highways and/or Hertfordshire Constabulary or in the case of emergency during the course of the event to prevent an undermining of the licensing objectives.
45. A medical plan showing the staffing levels of the facility, provisions available and procedures to be followed including keeping records of those treated. To include management of people who are vulnerable through intoxication.
46. A risk assessment is to be produced for the event to include the crowd management of its attendees and each individual activity by workers, employees or contractors within the premises and other spaces utilised to support the licensable activities taking place. All control measures determined by this risk assessment are incorporated into an action plan which is fully implemented by the senior management team.
47. An Event Management Plan (EMP) shall be submitted to the responsible authorities no less than 3 months prior to the start of the event. The EMP must demonstrate that resourcing and infrastructure is based on threat and risk to the event. The latest EMP must be supplied to all responsible authorities 21 days before the event takes place. Following this any changes must be circulated immediately to all responsible authorities.
48. The event management plan shall contain a summary document covering an overview in the following areas:
- Event overview
 - Audience profile
 - General site overview plan
 - Summary description of all areas including temporary structures

- General site safety policy
- Management structure, responsibilities, and roles - names of specific personnel, key roles and responsibilities and how the structure of these roles is planned.
- Event control - overview of functioning
- Event Capacities including for temporary structures
- Event timings
- Insurance
- Food provision information
- Local Community Considerations
- Build and breakdown plan
- References to appendices detailed below

49. The EMP shall contain appendices detailing fully the following areas:

- A scaled site plan which shows the location and size of all areas of the event and the site infrastructure as well as showing the immediate surrounding area including ingress and egress for pedestrians, vehicles, and crew. As well as emergency evacuation routes and access / egress routes for emergency services. All areas of the event mentioned in the EMP must be detailed on the map.
- Event risk assessment covering all areas of risk and management of risks to ensure the health and safety of all those on site.
- A crowd management plan including capacities and evacuation times from each area of the site to allow for safe and quick evacuation in the event of an emergency.
- Emergency protocols and Major Incident Plan covering the following types of emergencies, fire, bomb threat, suspect packages, public disorder / disturbance, structural failure, hazardous substances, person in water, detained person, injury to a person, crime in progress. To also cover the role of the Event Liaison Team (ELT), coded messages, alert levels and procedures for each, partial evacuation procedure, full evacuation procedure, rendezvous points (RVP's), emergency announcements, event stop procedures, crime scene management.
- Extreme weather procedure and action plan covering all adverse weather conditions, detailing the impact and actions to be taken in each possibility.
- Fire safety plan
- Traffic management plan covering the management of the traffic on the roads surrounding the event. Management of those attending and leaving the event as well as local residential traffic. Internal site signage for traffic. Car park management and lighting. Expected traffic levels throughout the event. Control measures to be used. Taxis and drop off facilities and operation of this facility. Pedestrian routes and lighting of routes. Management of pedestrian and vehicle crossing points.
- Noise management plan - in line with conditions set by Environmental Health
- Waste management plan
- Medical provisions plan covering details of medical / first aid posts, location and description

of facility available. Staffing levels of the facility and process to be used when treating patients. Medical emergency procedure.

- Security operations and deployment plan covering security management structure, roles and responsibilities, security staff briefings, security control area operations, communication with the ELT, expectations of SIA staff and non-SIA staff, perimeter integrity, searching of people within the site, bar security, camping / tent security, car parking security and security incident log drugs policy including psychoactive substances. A drugs (including psychoactive substances) policy will be written in consultation with the police, particularly with regards to the definition of "dealing". Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained and police will be contacted prior to ejection. All suspected drugs will be seized and stored safely and securely in sealed evidence bags. A register of all seized drugs will be kept and updated at the time the item is placed into storage. All seizures will be fully documented and details of the incident including offender details will be supplied to the police at the conclusion of the festival. Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained by the security company/door men and police will be contacted immediately.
 - Weapons policy - A strict zero tolerance policy must be adhered to in relation to any weapons found that are made, used or adapted to cause injury, any such items found to result in ejection or refusal of entry.
 - Entry and Search policy and procedure - detailing the staffing structure and procedural process to be followed at each entry point. Surrender bins to be provided at all entrances prior to the point of search and must be highly visible and clearly marked. Search policy on entry and entry refusal process. Prohibited items to include glass of any kind, weapons, illegal drugs, including psychoactive substances, fireworks, sky lanterns or kites, CO2 canisters, flares, laser pens, open or unsealed vessels of any description.
 - Eviction policy and procedure, including eviction notice. Detailing circumstances under which a person will be evicted, the eviction process, management and recording of the process including onward travel from the festival of the evicted person.
 - Bar management and Alcohol policy including staff management structure and responsibilities, bar staff briefings for the event. The use of challenge 25 protocol, refusals registers and incident logs.
 - A Safeguarding policy and plan to cover both children and vulnerable adults, but especially those under 18's and those who lack capacity through intoxication. To include a lost child procedure.
50. A Noise Management Plan, detailing how noise levels will be controlled so as not to cause nuisance to the community, shall be submitted to and approved by the Environmental Health at East Herts Council no later than 3 months prior to the event.
51. The Noise Management Plan is to follow "the recommended noise control procedure" contained in the Noise Council's Code of Practice on Environmental Noise Control at Concerts and shall include:
- a. a location plan;

- b. a description of all stages and music producing venues;
 - c. the directionality of sound;
 - d. predicted noise levels and the sound propagation characteristics of the event;
 - e. details of noise reduction measures;
 - f. the music running times;
 - g. the methods for local residents to contact the site management if they wish to comment on noise levels;
 - h. the methods used to engage with Environmental Health and other bodies to ensure compliance;
 - i. and the proposed monitoring positions.
52. The Premises License Holder shall ensure that the sound supplier and all individual sound engineers are informed of the sound control limits. Environmental Health should then be provided with confirmation from the sound engineers that they have been appropriately informed of the limits.
53. Noise monitoring by the Organisers shall take place, and be recorded, throughout the entirety of the event at the prior approved (by East Hertfordshire Environmental Health) site locations to ensure that limits are not exceeded. On-site monitors shall be continuous and regular checks to be carried out at noise sensitive locations to inform the controlling of sound equipment
54. Noise monitoring by the Organisers shall take place, and be recorded, throughout the entirety of the event at the prior approved (by East Hertfordshire Environmental Health) site locations to ensure that limits are not exceeded. On-site monitors shall be continuous and regular checks to be carried out at noise sensitive locations to inform the controlling of sound equipment
55. The event organisers shall ensure the Music Noise Levels (MNL) do not exceed the noise levels of the Licence Conditions. Monitoring must be at a height of 1.2 to 1.5 m above the ground height and not closer than 1 m to any structure.
56. There must be a written hierarchy of control between the noise control consultant and the sound producers, so it is clear who is ultimately responsible for turning down the music levels. Details of this hierarchy are to be provided to Environmental health no later than 4 weeks prior to the commencement of the event.
57. The premises licence holder shall ensure that music noise levels do not exceed the following: 65dB LAeq (15min) not less than 1m from the façade of any noise sensitive dwellings, with 70dB LAeq (15min) in the 63Hz and 125Hz octave bands.
58. All public address systems shall be under the control of the premises license holder or their nominated representatives so that emergency broadcast message can override the musical entertainment and can be delivered clearly audibly.
59. A telephone number shall be designated for complaints and must be active throughout the event in case of noise disturbance. This should be in the hands of a nominated person who will answer. The telephone number shall made available 7 days before the event, provided to Environmental Health. A copy should also be affixed to the entrance to the event.
60. If requested, the results of any noise monitoring shall be provided to East Herts council within 10 working days of any request for them.

61. If there is any anti-social behaviour when the guest leaves the premises the police will be informed.
62. The event is non reserved seating in the general admission area a maximum of 960 guests in that area and have allocated seating for 1060 to ensure there is no overcrowding.
63. The tent is to be situated on the furthest point away from any neighbours on the common. The speakers are faced towards the woodland, away from commercial and residential properties.

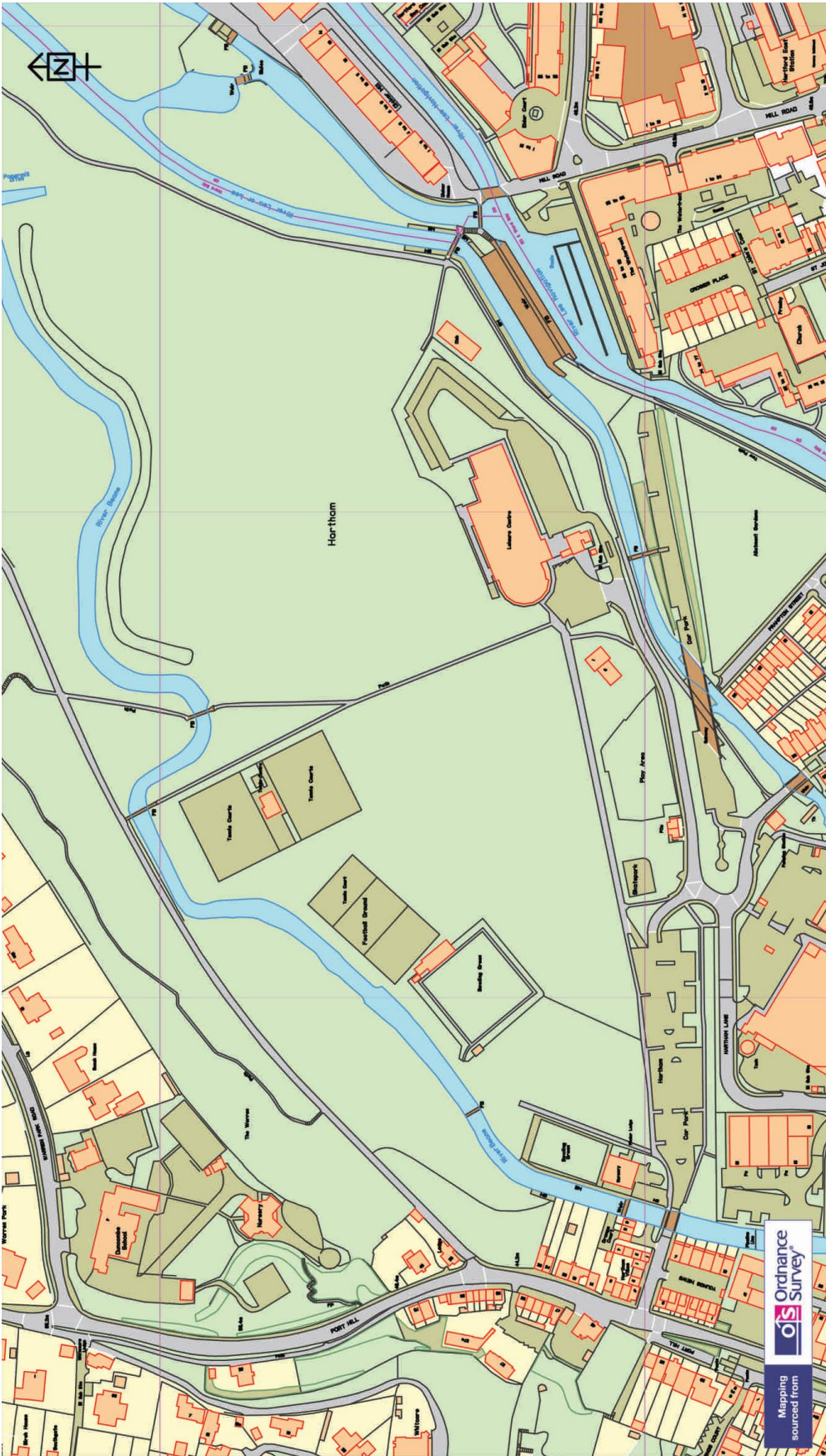
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

1. Only one event per year to be taken over three consecutive days.
2. Static security to be provided at Thornton street, Hertford; Friday 14:00-23:30, Saturday 11:00-23:30 Sunday 12:00-21:30
3. A site map to be sent to all attendees of the event referencing transport hubs and toilet facilities.
4. The rig and de-rigging of all equipment shall take place between 08:00-18:00 to the days specified in the EMP.

ANNEX 4 - PLANS

Site Plan: Licensing Floor Plan
Date: Oct 2023

Location Plan:
Date of Print: 15/12/2022



JOB TITLE:
 ORIGINATOR: RP
 DRAW. NO :
 PROJECT :
 O.S. SHEET: TL3213SE
 SCALE: 1:2522
 DATE OF PRINT: 15/12/2022

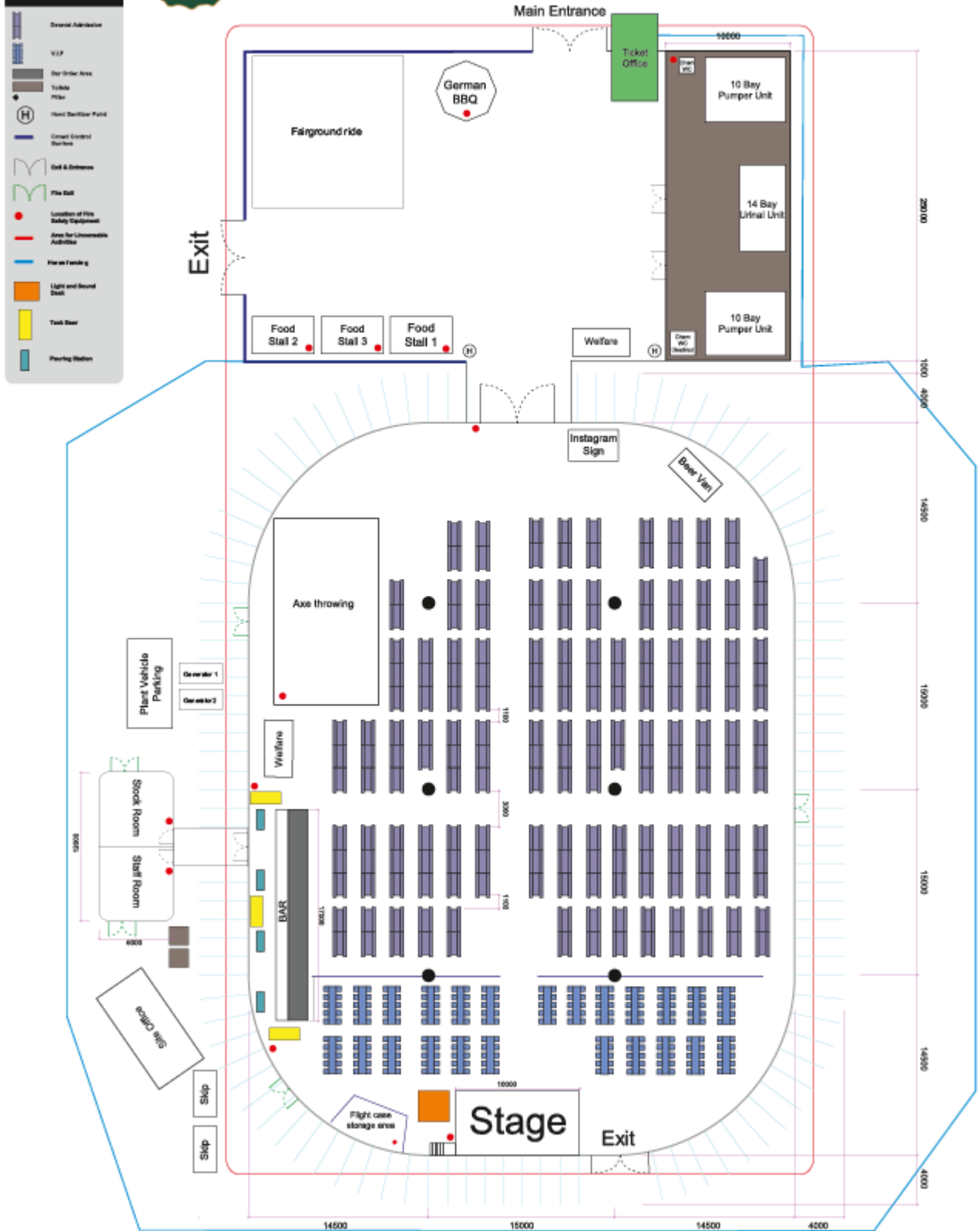
East Hertfordshire District Council
 Operations, Environmental Services
 Watfields, Pags Ln, Hertford, SG13 8EQ
 Tel: 01279 652261 X. 416



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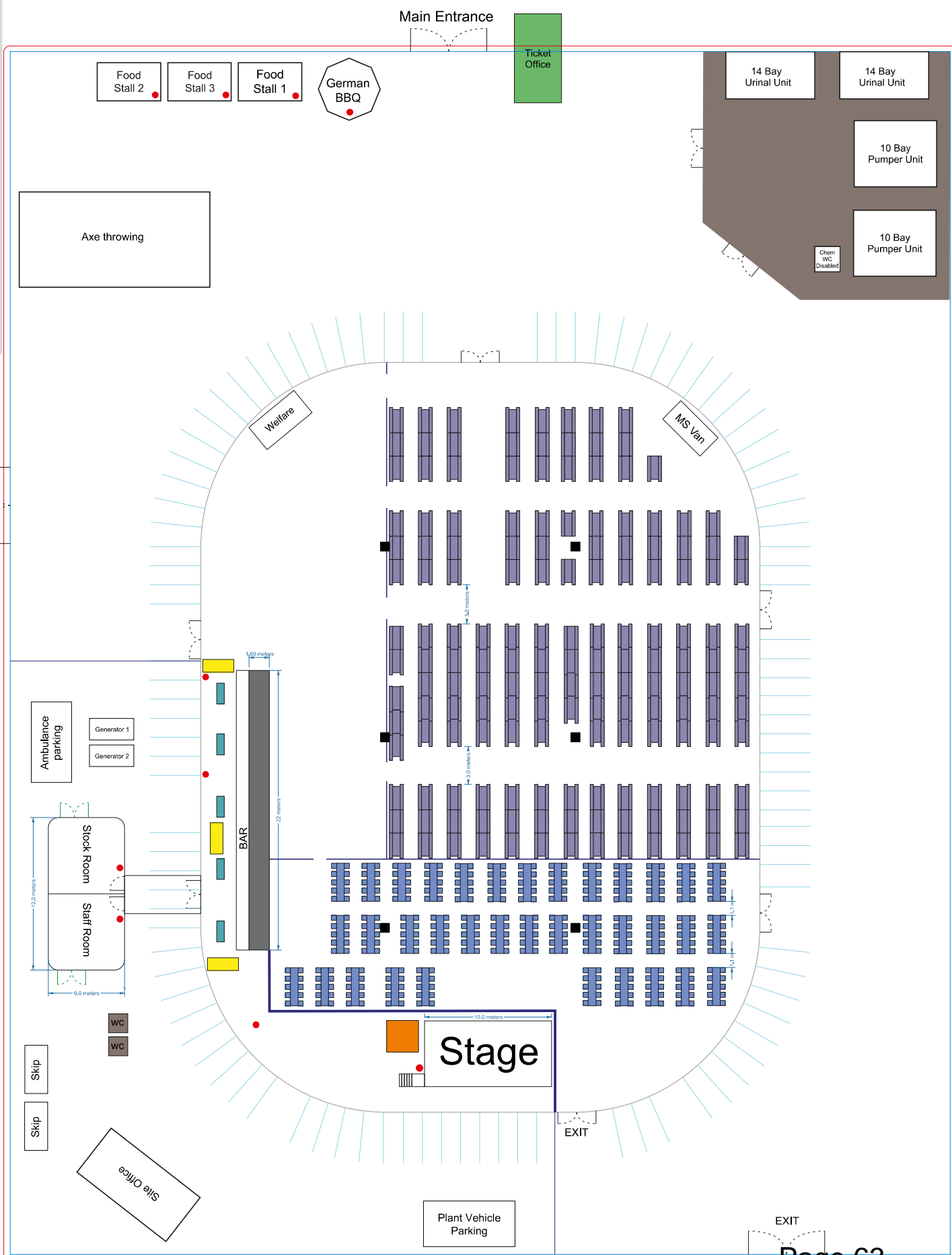
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- General Admission
- V.I.P.
- Bar Order Area
- Toilets
- Pillar
- Hand Sanitizer Point
- Crowd Control Barriers
- Exit & Entrance
- Fire Exit
- Location of Fire Safety Equipment
- Area for Licensable Activities
- Heres fencing
- Light and Sound Deck
- Tank Beer
- Pouring Station



Representation 1

Customer Details

Name: REDACTED

Email: REDACTED

Address: REDACTED The Folly Hertford

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 28/05/2024 3:04 PM No no no and no! More security to Folly Island not less. Drunken idiots everywhere last year.

Representation 2

From: Vicky Smith

Sent: Monday, May 27, 2024 8:25 PM

To: Oliver Rawlings

Subject: Oktoberfest 2024 comment as ward councillor

I note with concern that the applicant seeks to remove some of the protections that were put in place for last year's event.

Last autumn's Oktoberfest caused significant concern among the local community and it is necessary to maintain, or even improve upon, last year's safeguards to ensure the event passes off with minimal disruption to residents.

I object to the proposed amendments for the following reasons:

The structure of the sessions means that at several points during the day, all attendees leave at the same time, passing through Hartham Common on their way into town or to local transport hubs. Last year, there were issues with attendees urinating and vomiting in the immediate vicinity. This undermines the licensing objectives 'crime and disorder' and 'public nuisance'. In addition, given the close proximity to the children's playground (which was very busy during last year's event), this also undermines the 'protecting children from harm' objective.

It is fundamentally important that attendees are able to leave in an orderly way, as quickly as possible from the environs of the common where children and families are using the facilities. This was particularly an issue in the afternoon changeover time last year. For this reason, it is important that condition 42 remains at 45 minutes to spread the egress of visitors over a wider period, minimising the impact on users of the park. I also strongly oppose the proposed increase in capacity of over 50% for

the same reasons. This is in order to uphold the licensing objectives 'crime and disorder', 'public nuisance', and 'public safety'.

The security point between the Common and Folly Island at Thornton Street was an integral part of the mitigating measures put in place by organisers last year to protect local residents from unruly behaviour, direct attendees towards town/transport hubs, and steer them away from the waterside. I strongly oppose any reduction in the operating times of this as this would increase the possibility of the 'public nuisance' and 'public safety' licensing objective being undermined.

Representation 3

Customer Details

Name: REDACTED

Email: REDACTED

Address: REDACTED Old Hall Street Hertford

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 29/05/2024 10:41 PM I object to this application. Thankfully, due to conditions being imposed on the application last year, the event went ahead with few negative issues.

Unfortunately, greed on the part of the applicant means that this year they wish to increase capacity, increase the time they can sell alcohol and reduce security for the nearest residential neighbourhood of Folly Island.

I am very concerned that if the applicant gets their way, this will undermine all four licensing objectives of crime and disorder, public safety, public nuisance and protecting children from harm.

I strongly object to any variations on licensing conditions for this application.

Keep to all the same licencing conditions that were imposed for the event in 2023.

Representation 4

Customer Details

Name: REDACTED

Email: REDACTED

Address: REDACTED Port Hill Hertford

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 29/05/2024 12:33 PM Last year we saw a huge increase in anti social behaviour, living just off of the common our road was full of rubbish dumped after the event, along with large groups of drunk people screaming / shouting and even pushing our bins into the road. I strongly feel that Hartham common should not be used for these types of events, it negatively impacts those of us living in the immediate surrounding areas.

Representation 5

From: Nick Kirby

Sent: Wednesday, May 22, 2024 3:11 PM

To: Housing & Health Services - Community Protection

Subject: [External] RE: Variation of a Premises Licence - Hertfordshire Oktoberfest 24/0625/PLV

Good afternoon,

This application was considered by the Council's Planning Sub Committee on 7 May 2024

Please see the representation below

24/0625/PLV	Barbican Events Ltd Hertfordshire Oktoberfest Hartham Common Park	Variation of premises licence A Change to the floorplan layout. • Amend condition 23 of Annex 2 to read: The maximum capacity for any event at any one time shall be 2000 people, this is to include all staff and artists on site. (Maximum capacity was previously 1300). Amend condition 42, c) of Annex 2 to read: Alcohol sales to stop at least 15 minutes prior to the time the customers are expected to have vacated. (Original condition required alcohol sales to stop 45 minutes prior to
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		<p>the time the customers are expected to have vacated).</p> <ul style="list-style-type: none"> • Remove condition 62 of Annex 2: The event is non reserved seating in the general admission area a maximum of 960 guests in that area and have allocated seating for 1060 to ensure there is no overcrowding. • Amend condition 2 of Annex 3 to read: Static security to be provided at Thornton Street, Hertford; Friday 22:00-23:30, Saturday 15:00 - 16:30, Saturday 22:00- 23:30, Sunday 20:00-21:30. <p>(Original condition read: Static security to be provided at Thornton Street, Hertford; Friday 14:00- 23:30, Saturday 11:00- 23:30 Sunday 12:00-21:30).</p>
<p>Objection: Committee object to the variation of the licence ion the grounds of public nuisance, public safety and protecting children from harm, possibly leading to more antisocial behaviour.</p> <p>The Committee felt that the increase in numbers from 1300 to 2000 would increase issues around public safety.</p> <p>It was felt unwise to increase capacity but reduce security during the daytime.</p> <p>During the daytime there would be concerns about the increased numbers of intoxicated revellers, foul language and antisocial behaviour on an open space near to the children’s play area.</p> <p>Alcohol sales stopping 15 minutes before closing may encourage revellers to finish drinks quickly or take with them when they leave.</p>		

Kind regards

Nick

Nick Kirby
Civic Administration Manager



Representation 6

Customer Details

Name: REDACTED

Email: REDACTED

Address: REDACTED Ware Park Road Hertford

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 28/05/2024 12:07 PM I went last year, it was unsafe as the power kept on going out and pitch black on more than 10 occasions. the band were poor the drinks expensive and it's only similarity with proper events is the name. Just a money making exercises there has there must be substance to these events.

Comment 1: neither objecting to or supporting the Licensing Application

Customer Details

Name: REDACTED

Email: REDACTED

Address: REDACTED North Road HERTFORD

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments neither objecting to or supporting the Licensing Application

Reasons for comment:

Comments: 28/05/2024 6:08 PM Simply to point out that it seems unwise to increase the capacity of the event and yet at the same time decrease security. Surely there should be a safety first approach. Would suggest that the SAG review.

Personally I think the tent should be located further away from the children's playground.