

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 4 OCTOBER
2016, AT 2.00 PM

PRESENT: Councillor David Andrews (Chairman)
Councillors R Brunton and J Jones.

ALSO PRESENT:

Councillors Mrs R Cheswright, G McAndrew,
T Page, P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
Victoria Clothier	- Legal Services Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
Clare Stokes	- District Environmental Health Officer

ALSO IN ATTENDANCE:

James Ellis	- North-Herts District Council (Legal Advisor)
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18 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor R Brunton and seconded by Councillor J Jones that Councillor D Andrews be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor D Andrews be appointed Chairman of the Licensing Sub-

Committee for the meeting.

19 LICENSING ACT 2003 – REVIEW OF A PREMISES LICENCE AT REDRICKS LAKE, REDRICKS LANE, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 0RL

The Sub-Committee agreed to a short adjournment to allow the barrister for the premises licence holder to attend. Following this, the Chairman outlined the procedure to be followed. All those present were introduced.

The Senior Specialist Licensing Officer advised that the review application had been received from Hertfordshire Constabulary on 15 August 2016 regarding the premises licence at Redricks Lakes, Redricks Lane, Sawbridgeworth. The Police were requesting revocation of the licence on the basis that the operation of the premises undermined all four of the licensing objectives.

Members were advised that Environmental Health and Hertfordshire Fire and Rescue were supportive of revocation in their capacity as responsible authorities. The options open to Members were set out by the Senior Specialist Licensing Officer.

The Police Barrister confirmed that the application had been made on the basis that the four licensing objectives were being undermined. She emphasised that revocation was an appropriate and proportionate response and she detailed the importance of the roles of premises licence holder and designated premises supervisor (DPS).

The police summarised the events of 26 June 2016 when police had attended Redricks Lakes, having being alerted by noise and vehicles trying to locate the premises to attend the event or to locate the source of the noise. The police were concerned by the extraordinary attitude towards the 4 licensing objectives due to the volume of intoxicated people at Redricks Lakes with minimal supervision whilst cannabis and cocaine were being

openly used.

The police played clips of body worn video footage in support of the review application and to demonstrate the lack of lighting plus the proximity of the marquees to the lake, as well as the partial fence protection between the lake and the licensed area.

The Sub-Committee was advised that the event was still ongoing at 2.45 am despite police being assured it would cease at 2 am. The police had allowed the event to continue as resource limitations had prevented them from taking steps to shut the event down.

The police barrister detailed a number of Temporary Event Notices (TENs) that had taken place where there had been failures to understand responsibility and comply with conditions. A dialogue had been ongoing between the police and the holder of the premises licence since 2013 and in spite of this, there remained profound concerns that there was no effective DPS and there never had been. The police answered a number of questions and queries regarding their application.

Representatives of Hertfordshire Fire and Rescue referred to a prohibition notice issued to the premises licence holder in respect of the risk of death or serious injury due to the poor standard of general fire safety precautions in the marquee which forms part of the licensed premises. Reference was also made to an enforcement notice for the completion of works to rectify the above shortcomings. The Sub-Committee was advised that there were insufficient measures in place to ensure public safety and the licence should be revoked or the applicant should seek a licence for the café area only.

Hertfordshire Fire and Rescue Officers responded to a number of queries from Members. Following a number of queries from the barrister for the premises licence holder, the Sub-Committee was advised that there were insufficient means of escape and insufficient routes to the

fire escape. Members were advised that there was no emergency lighting, no ambient light plus no means of notifying people of a fire and the premises licence holder had done nothing to rectify any of these shortcomings.

An Environmental Health Officer outlined her concerns regarding the unfenced areas adjacent to the lake. She referred to the public safety risks of unrestricted access to the lakes and river. She stated that she was also concerned by the presence of a deep ditch behind the marquee and also by the hazards within the lake.

The Sub-Committee was advised that Environmental Health supported revocation of the licence as there was insufficient lighting in the interests of public safety and insufficient means of preventing unauthorised access to the lake. Members were also advised that the holder of the premises licence was a poor manager who was uncommunicative and appeared to be disinterested in resolving outstanding matters regarding public safety.

The Council's Legal Advisor emphasised that revocation of a premises licence should be considered as a last resort and consideration should first be given to applying conditions. The Environmental Health Officer summarised for Councillor J Jones what would constitute acceptable illumination at Redricks Lakes.

Councillor R Brunton was assured that reference to the Event Safety Purple Guide had been made to the premises licence holder in 2015 and the same publication had been brought to his attention in group discussions regarding the 2016 and 2015 Lounge on the Lakes events. The police barrister referred to an annex 2 condition regarding lighting. She detailed the location of the marquee, the footpath, the river and the lakes as well as the jetty and protective fencing.

The Environmental Health Officer responded to a number of queries from the Sub-Committee regarding reasonable precautions and steps that could be taken to prevent

entrapment or injury, due to unseen hazards in the lake, the river or surrounding ditches.

The barrister for the premises licence holder set out the position of his client in that it was considered that the review application was a disproportionate response to a single event on 26 June 2016. He stressed that Redricks Lakes was not a problem premises and the site was well equipped and the holder of the licence was capable and willing to work with the responsible authorities. He concluded that the application for the review was a draconian step.

The barrister detailed how the event in June 2016 had been arranged in the form of a charity function for around 50 people for the benefit of a young child. He acknowledged there had been naivety in the failure of his client to ensure that appropriate arrangements had been made. He advised that the lighting system had repeatedly tripped whilst the disco had continued due to a separate power system.

The licence holder accepted that the class A and B drug use was unacceptable and he had taken steps to close down the event when asked to do so by the police. The music had been turned down considerably by 2.45 am and the overall failings of the event had been a sanguine lesson for the licence holder.

Councillor D Andrews was advised by the premises licence holder that camping was permitted on the site and mains water and electricity was available from mains supplies. The Sub-Committee was advised by Mr Edwards that emergency back-up lighting equipment was on site but was not available on 26 June 2016. Mr Edwards confirmed that repeated efforts were made to rectify the faults with the primary onsite lighting system.

Councillor R Brunton commented that the open use of cannabis and cocaine at the premises in June, plus the fact that the staff assisting with the running of the event

had themselves been drinking and had no training and limited experience in running events made things very difficult for the Sub-Committee when considering how to determine the review application. He referred to there being insufficient people on the site to rectify problems.

The Sub-Committee and the police barrister put a number of points and queries across to the holder of the premises licence and his barrister and they responded to these matters. The premises licence holder answered a number of questions from the police barrister regarding the role of the DPS and the apparent lack of a person fulfilling this role at the event held on 26 June 2016.

The Environmental Health Officer stressed that it should not have taken over an hour to rectify the repeated failures of the lighting system and there should have been a suitable back up supply. The premises licence holder confirmed to Councillor D Andrews that no radios were in use and mobile phones were used to communicate whilst efforts were made to rectify the faulty lighting.

Councillor J Jones was assured that the premises licence holder had demonstrated a willingness to comply with any conditions or suggestions from the responsible authorities. The barrister for the premises licence holder made the point that there was a business involved and the holder of the licence had to judge whether the cost of some of the suggested conditions outweighed the benefits.

The barrister for the premises licence holder was invited to propose some licence conditions for the Sub-Committee to consider. The barrister responded by outlining 3 separate conditions which were, in his opinion, sufficient to address the concerns that had been raised by the responsible authorities and therefore negated the need for revocation.

The police answered a number of questions regarding the suggested conditions. The Sub-Committee listened to the

closing statements from the police, the responsible authorities and the barrister for the premises licence holder. The representative for Hertfordshire Fire and Rescue confirmed to the premises licence holder's barrister that 7 days would not be acceptable to the responsible authorities in terms of reviewing arrangements for future licensed events.

At the conclusion of the representations, the Sub-Committee withdrew with the Council's Legal Adviser and the Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced that the Sub-Committee had carefully considered the evidence detailed in the report and the comments received from the responsible authorities and the holder of the premises licence and his barrister. After considering the evidence put forward by all parties, the Sub-Committee had agreed that the premises licence should be revoked for the reasons now detailed.

RESOLVED – that the premises licence at Redricks Lakes, Redricks Lane, Sawbridgeworth be revoked for the following reasons:

1. Having considered the evidence presented to it by all parties, the Sub-Committee were left with very grave concerns over the licence holder's attitude toward, and ability to, promote all four of the licensing objectives.
2. The Sub-Committee felt that the evidence presented to it surrounding the numerous breaches of licence conditions, as well as multiple failures to promote the licensing objectives during the event held on 26 June 2016, were so serious as to leave it with no confidence that the licence holder would adhere to any additional conditions that may be placed on the licence. Given the Sub-Committee's view that additional conditions

would be insufficient to address the problems, and having considered paragraph 11.23 of the section 182 Guidance, the Sub-Committee discounted this as a suitable way forward.

3. A further cause of concern to the Sub-Committee was the evidence presented to it in relation to the licence holder's previous Temporary Event Notices (TEN). The licence holder's failure to adhere to prearranged, informal conditions with the police when carrying out events under a TEN was a further indication that additional conditions would not be a suitable way to address the problems at the premises.
4. The Sub-Committee were also perturbed by the clear lack of engagement with the Designated Premises Supervisor (DPS). The evidence presented to the Sub-Committee described a situation where there was no active participation by the DPS, and there had been none for a considerable length of time. Further, the licence holder's proposal for a potentially new DPS was also unsuitable due to the concerns that person had raised with the police regarding the licence holder's ability to run events safely. In consideration of this undisputed evidence, along with paragraphs 11.21 and 11.22 of the Section 182 guidance, the Sub-Committee felt that removal of the DPS would be an entirely inadequate response to the problems outlined by the responsible authorities.
5. The safety concerns surrounding poor site management, raised by Hertfordshire Fire and Rescue Service were also very worrying to the Sub-Committee, as was evidence that the temporary demountable structure located on the premises continues to be unsafe, despite

being the subject of a Prohibition Notice served on 28 July 2016 by the Fire and Rescue Service. Notwithstanding evidence from the licence holder that it was no longer in use, the Sub-Committee felt that its presence on site contributed to an ongoing safety concern, and so could not be said to be in promotion of the Public Safety licensing objective.

The meeting closed at 5.18 pm

Chairman
Date