

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 26 JUNE 2017,
AT 2.00 PM

PRESENT: Councillor George Cutting (Chairman)
Councillors R Brunton and J Jones.

ALSO PRESENT:

Councillors D Andrews, L Haysey, P Ruffles
and N Symonds.

OFFICERS IN ATTENDANCE:

Alimat Adenekan	- Senior Environmental Health Officer (Commercial)
Peter Agbley	- Licensing Officer
Jimmy Demetriou	- Assistant Environmental Health Officer
Mayrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Jeanette Thompson	- Senior Lawyer and Deputy Monitoring Officer

8 APPLICATION BY SWIM PRODUCTIONS LIMITED FOR A
NEW PREMISES LICENCE FOR THE "CAMPO SANCHO"
FESTIVAL

The Chairman outlined the procedure to be followed. All those present were introduced. The Chairman reminded those present that this was a reconvened hearing from

the Sub-Committee that had been adjourned on 12 June 2017.

The Licensing Officer summarised the application for a premises licence for the 'Campo Sancho' festival to be held over 3 days from 28 to 30 July 2017 and for 3 days in July each year going forward. The application had been received on 6 April 2017 and the revised consultation process had concluded on 10 May 2017. There had been no agreement with the Responsible Authorities and the applicant regarding any conditions for the premises licence.

Members were advised that 4 representations had been received, 3 of which had been from Hertfordshire Fire and Rescue, Hertfordshire Constabulary and Environmental Health as Responsible Authorities. The Licensing Officer referred to the same event held in 2016 under a Temporary Event Notice (TEN). Members were advised that it was for the Sub-Committee to attach weight to concerns regarding the application and whether the grant of a premises licence would undermine the 4 licensing objectives.

The Council's Legal Adviser referred to version 8 of the EMP as being the most recent Event Management Plan, to seek confirmation that all had received that version. All parties confirmed that they had. The Applicant referred to 'Campo Sancho' as a small event that had been run previously in 2016 under a Temporary Event Notice (TEN) for up to 499 people. The event was intended to be up to 1,500 people and would continue to be a small event when compared to Glastonbury.

Members were advised that 2017 ticket sales would be limited to 800 with the limit raised to 1,100 tickets in 2018 and 1,300 in 2019. The intention was that this would be a family orientated event and those attending 'Campo Sancho' would be friends of the applicant plus friends of the applicant's friends and their friends. The applicant's solicitor referred to the CVs and expertise of the

specialists assisting with the event.

The Sub-Committee was advised that most attendees would arrive by car and there were car parking facilities for up to 300 cars. An online ticketing agent was being used and arrival at the festival between 11 pm and 6 am was being discouraged. An event management plan had been in place for the event covered by the TEN in 2016. Members were advised on the layout of the site, the location of the camping area as well as the areas within the site for regulated entertainment, a bar and a circus plus craft, music and nature workshops. The hours applied for were integral to the type and style of the event and were later than for a more permanent premises licence.

Members were advised of an operating schedule and a raft of conditions following the representations of Responsible Authorities. The challenge 25 policy would be used and any drinks would be in polycarbonate containers. The Sub-Committee was advised that version 8 of the event management plan did what was required for an event of this size.

Stephen Manuel, Hertfordshire Fire and Rescue Officer, stated that the fire service objections had not been withdrawn as 3 inspectors and operation fire crews agreed that the access remained unsuitable for fire appliances. The test referred to had only shown a fire engine descending the hill and the appliance had skidded. It was important to consider that fire crews often attended emergencies other than fires including life threatening medical conditions.

The Fire Officer explained that he was concerned whether the temporary road service would be maintained during the event as there was no evidence of this in the event management plan. He also expressed concerns regarding the demountable structures with particular reference to the numbers of people that could safely be accommodated. He also commented on confusion with

regard to the extent of external lighting and referred to concerns regarding the contingency plans for the evacuation of the festival site.

The Fire Officer concluded that a lack of communication had led to a disproportionate amount of costly work for the Fire Service. He responded to queries from Councillor J Jones regarding the lack of work undertaken to accommodate the disabled and he confirmed to Councillor R Brunton that Hertfordshire Fire and Rescue maintained their objection on the basis that 'Campo Sancho' would be an unsafe event.

The applicant's solicitor then addressed the issue of the police objection and conditions. Police Sergeant Ramirez, the police representative, explained that these had not been circulated to the Sub-Committee, as the Police were not prepared to recommend that the premise licence be granted. However, to aid the Sub-Committee, copies of the possible conditions were circulated should the Sub-Committee resolve to grant the licence. The applicant's solicitor stated that most were agreed. He commented that the requirements set out were covered by version 8 of the event management plan.

The police representative referred to the significant police time she had dedicated to ensuring the event management plan covered all 4 licensing objectives and was usable for the delivery of a safe event. She stated that the police had been in dialogue with the applicant since January 2017 with advice and explanations of what should be included. She explained that despite the plan being at version 8, there were still numerous issues with it. It was still very confusing and was contradictory.

The police representative was particularly concerned that there appeared to be a 5000 square metre discrepancy in the area of the site, as well as who was responsible for many key crucial safety aspects of the festival. She had concerns over the management structure. It appeared to be missing key people on safety with some having cross

over roles and it was unclear who the manager was. She said it was also confusing as to who was responsible for the event, having corresponded with various parties. She explained that it was not the role of the police to write the event management plan.

The police representative expressed concerns that there did not appear to be any fencing on site and the SIA Officers were underqualified to safely manage many aspects of the festival and the event management plan contained inconsistencies regarding how they would be deployed in various essential duties. The police had also been unable to determine with certainty that anyone had overall responsibility for the event. Sergeant Ramirez confirmed that it was the applicant's event and he must make it safe and the police maintained their position that the premises licence should not be granted.

The applicant's solicitor drew Members' attention to the areas of legislation that covered when conditions could be applied to a premises licence. He referred to a test conducted with a fire engine on sodden ground that the applicant felt proved that access for a fire engine was possible in the event of an emergency. The solicitor referred in detail to many sections of version 8 of the event management plan. The applicant's Fire Safety expert (Mr Allen) made submissions with the permission of the Sub-Committee. He had 18 years of experience in Fire Safety and 10 years in event safety management including advising larger scale events, such as the Brighton and Hove Pride event. He confirmed that he was content with the arrangements in place.

The applicant's solicitor commented that the applicant could not manage every conceivable risk and promise that people would not descend unannounced onto the site. He also detailed the elements of the police concerns that had been addressed and covered by conditions proposed by Hertfordshire Constabulary.

The Environmental Health Officer (EHO) confirmed that

the Noise Management Plan had satisfied Officers and Environmental Health had withdrawn the representation as Officers were satisfied regarding noise attenuation. He confirmed to Councillor J Jones that the noise levels were acceptable in relation to the camping area and wider area provided that the suggested levels were complied with. The EHO referred to the levels at which noise might become a statutory nuisance as opposed to a mild irritation.

Councillor R Brunton referred to the lake within the site and expressed concerns that Environmental Health had made no recommendations regarding this application. He referred in particular, to the danger posed by the lake and licensing objective for the protection of children from harm. He said that once at full capacity there could be a ratio of 4 children to one adult, running around, a fair amount of alcohol and a pond. The applicant's solicitor said that this was not a risk that had been raised, although it had been referred to in the risk assessment.

The Council's legal adviser sought and was given clarification from Hertfordshire Fire and Rescue that the bales for sound attenuation complied with fire hazard conditions. The applicant's solicitor confirmed to Members that out of date insurance documentation would be corrected should the premises licence be granted. Members were advised that the DJs to be used had been agreed with the police via the event management plan some time ago.

A query was also raised by Councillor R Brunton regarding the event management medical plan that had been produced and wondered who had been consulted on that. The Police representative said that they had seen it and that her concern related to there being only one paramedic between a 12 hour 7-7 shift pattern.

The applicant's solicitor confirmed that the medical plan was sufficient for this event. At the last TENs event they had only had one incident involving a sprained ankle.

The applicant and other parties were given the opportunity to make closing comments.

The applicant's solicitor said that every reasonable risk had been addressed. It was fair to say that there were criticisms for the way that the event management plan had been drafted but it was a proportionate response for the event.

The fire service confirmed their concerns and said that they were not convinced that the applicant believed in what they were doing and the application was just a tick in the box. The police representative reiterated her concerns and said that the event management plan had to be appropriate and usable to ensure that the event was run safely.

At the conclusion of the closing representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. Following this they returned. The Chairman announced that the Sub-Committee had carefully considered all the evidence detailed in the report and those made by Responsible Authorities. After considering the evidence put forward, the Sub-Committee had read the material presented to it and had listened to all the evidence and submissions. The Sub-Committee had considered the Statutory Guidance and the Statement of Licensing Policy and had come to the conclusion that the application for a premises licence should be refused for the reasons now detailed.

RESOLVED – that the application to for a new premises licence be refused.

Reasons:

1. The Sub-Committee found that the licensing objectives of Public Safety, Prevention of Crime and Disorder, Protection of children from harm and Prevention of Public Nuisance

have not been met by the application and was not satisfied that any conditions attached to the licence could ensure the licence meets these objectives.

2. In respect of Fire and Rescue Services, the Sub-Committee was conscious that the service had attempted to resolve their public safety concerns and were not satisfied that the premises licence should be granted.
3. The Sub-Committee took on board the Hertfordshire Constabulary concerns regarding public safety, the prevention of crime and disorder and the protection of children from harm. It was conscious that in respect of the statutory guidance at Paragraph 2.1, the Licensing Authority should look to the Police as the main source of advice on crime and disorder, as well as other relevant representations with regard to other Licensing Objectives.
4. In particular the Police had highlighted that they had spent a significant amount of time providing advice on potential conditions and an event management plan that they would expect the applicant to produce and despite the Event Management Plan being at version 8, the Police maintained that it was contradictory and had some significant errors and that their concerns could not be addressed through Licensing conditions.

An appeal may be made against this decision within 21 days by the applicant, or those making a relevant representation. The 21 days begins with the day on which the parties were notified by the Licensing Authority of the decision.

The meeting closed at 5.28 pm

Chairman

Date