

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 5 February 2021

Report by: Jonathan Geall, Head of Housing and Health

Report title: Application for a new time limited premises licence by Integrated Event Management Ltd (Stone Valley Festival South) for events at Hillside Farm, Hillside Lane, Great Amwell, Ware, Hertfordshire, SG12 9SH (20/1035/PL)

Ward(s) affected: Great Amwell

Summary

- An application for a new premises licence has been received and representations against the application have been made by responsible authorities and interested parties. Where representations are received against an application and not withdrawn there must be a Licensing Sub-Committee to decide that application. The report is to inform that decision.

RECOMMENDATION FOR LICENSING SUB-COMMITTEE

(a) The application for a new premises licence be decided.

1.0 Proposal(s)

Members of the Licensing Sub-Committee should determine the application to grant a premise licence 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 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 Licensing Authority'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 Licensing Authority'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 for a new premises licence was submitted by Integrated Event Management Ltd on 13th December 2020. The application has been correctly advertised and consulted upon as required by legislation and regulations.
- 3.2 The application has been made to allow a festival called "Stone Valley Festival South" to take place at a venue in fields adjacent to Hillside Farm, Hillside Lane, Great Amwell.
- 3.3 The application requests the supply of alcohol for consumption on and off the premises, late night refreshment and regulated entertainment.

Day	Licensable Activity	Hours applied for
Fri – Sun	Supply of alcohol for consumption on and off the premises	11:00 – 23:00
Fri – Sun	Late Night Refreshment	23:00 – 01:00
Fri – Sun	Recorded Music	11:00 – 23:00
Fri – Sun	Live Music	11:00 – 23:00
Fri – Sun	Performance of Dance	11:00 – 23:00

- 3.4 The times are restricted to one weekend between 24th May 2021 and 17th September 2021. A weekend being defined as Friday, Saturday and Sunday.
- 3.5 The application requests the opening hours to be from 10:30 each day until 23:30, with concessions being open until 01:00 for persons camping nearby.
- 3.6 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.7 Section 18 of the application form asks the applicant to describe any additional steps they intend to take to promote the four licensing objectives as a result of the application. These steps are:
- a) All operations will be carried out in conjunction with a comprehensive Management Plan, attached to the application concerning all aspects and elements of the Event's activities both licensable and other.
 - b) All staff and workers operating on the site are recruited for their specialist skill-sets, or sourced from a suitable, credible agency or provider specialising in that area, and are briefed

and receive site-specific training prior to any works.

- c) A comprehensive Management Team consisting of 8 Senior Managers will be allocated to the event and will be available on-site during all hours covered by the Premises Licence.
- d) A Risk Assessment is produced for the Event, 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.
- e) A minimum of 4 Personal Licence Holders will supervise staff providing sale of alcohol during all licensable times to ensure sufficient enforcement of Responsible Sale of Alcohol Policies and Mandatory Licensing conditions.
- f) The Premises are accessible only by Ticket Holders.
- g) A suitably sized team of SIA Licenced Security Personnel are deployed within the premises to maintain a safe environment at all times.
- h) The Event has clear and comprehensive terms and conditions which set out various measures to maintain a safe environment within the site (including but not limited to Drugs policies, Prohibited items Policies, Search policies etc).
- i) A strict search procedure is maintained and applied to any and all persons accessing the site ensuring that no weapons or other items which could cause harm can be brought into the premises.
- j) Body Worn CCTV is used 24/7 throughout the licensed period by the Security Team to deter crime and disorder and

capture evidence of any persons involved in undesirable activities. At any one time, a minimum of 8 Body Worn Cameras will be deployed.

- k) Vetting of staff working at the event minimises the risk of any crimes committed within working environments.
- l) The Event has a Security policy which identifies key risks and concerns in relation to Terrorism and identifies suitable control measures to manage this risk as far as is possible.
- m) Further information relating to Applicant's control measures in relation to Crime and Disorder can be obtained within the Event Management Plan.
- n) A Risk Assessment is produced for the Event, 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.
- o) A competent contractor has been appointed to review all road access and egress from the Premises, a suitable Traffic Management Plan has been produced and full narrative and schematics are contained within Section 10 of the Event Management Plan.
- p) A large team of SIA licensed Security Personnel and NVQ trained Safety Stewards are deployed throughout the event, this team is trained, briefed and aware of both the need to identify any hazards which may present a safety risk to any persons and the correct reporting procedure to escalate any concerns for resolution.
- q) The capacity of the premises will be set at 4,999 persons; for

whom there is more than ample resources on site in relation to safety, crowd management, sanitation, emergency egress etc.

- r) All Electrical Installations are installed by a competent person as set out in BS7909 and then further inspected by both the Event Manager and a secondary Competent Person prior to the Premises opening.
- s) All Electrical Appliances utilised on site have a current and valid PAT test.
- t) Further policies in relation to Public Safety can be found in the Event Management Plan.
- u) A competent Medical Contractor has been appointed by the Applicant and will be present throughout all licensable activities to provide medical attention via clinically trained professionals to any persons requiring medical attention.
- v) A competent contractor has been appointed to review all road access and egress from the Premises, a suitable Traffic
- w) Management Plan will be produced and full narrative and schematics are contained within the Event Management Plan.
- x) These will be finalised and further detail added in conjunction with SAG co-operation.
- y) A competent contractor has been appointed to review all risks relating to noise pollution and noise management from the amplified music on site. This contractor has an extensive background and qualification set in relation to Noise Management and Noise Pollution. Their recommendations are set out in the Event Management Plan and have been accepted in full by the Applicant to be implemented

throughout the event. Final requirements as directed by conditions attached to the licence will be incorporated in a final Noise Management Plan which will be implemented and monitored throughout licensable times by the same Noise Management contractor.

- z) The Applicant employs and will utilise throughout and after the event a Cleansing Team who will remove litter and waste from both the Premises and nearby areas utilised by attendees in accessing or egressing the event. The Event operates a "Leave No Trace" Policy and will return the Premises and adjacent areas to exactly the condition prior to Licensable Activities.
- aa) A "Challenge 25" policy will be operated both by staff involved in the sale of alcohol and by the SIA Licenced Security Personnel throughout the site to prevent persons under the age of 18 from consuming alcohol whether purchased directly or by proxy.
- bb) A comprehensive policy in relation to the Protection of Children from Harm is set out in Section 6 of the Event Management Plan.
- cc) At least one Medical personnel present during licensable activities will hold specific training in Paediatric Pre-Hospital Care.
- dd) Tickets are available to Over 18s and Under 18s can access the only event only when directly supervised by an accompany
- ee) Adult aged Over 18 who has accepted the Terms and Conditions directing them to suitably supervise the Child throughout their visit.
- ff) All staff are briefed on Safeguarding Policies and are made

aware of the correct internal Reporting Procedures for any persons at risk. Control Room staff are fully briefed on the external Reporting Procedures for any issue to be escalated to external partners.

3.8 During the 28 day statutory public consultation period the applicant agreed with Environmental Health that the following conditions should be added if the application is granted:

- 1) Noise levels to be limited to 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
- 2) A detailed noise management plan with measures agreed by the local authority no less than 3 weeks prior to the event taking place. The plan must include as a minimum:
 - Detailed site layout plan
 - Event schedule, including timings and details of the music e.g. Live / recorded
 - Identify and risk rate all the noise sources
 - Identification of receptors
 - Prediction of sound levels at relevant locations on and off site
 - Noise monitoring strategy
 - Communication strategy
 - Complaints response procedure
 - Accountability management plan including contact details

That the noise monitoring carried out at the event along with any complaint logs etc. are provided to the council no later than 14 days following to close of the event in the form of a post event noise monitoring report. The report should outline the level of compliance with the agreed noise levels, detailed monitoring logs including times, locations and levels as well as any complaints and subsequent alterations to the noise levels

- 4) A covid risk assessment must be produced and agreed with us 6 weeks prior to the event demonstrating compliance with the latest government covid guidelines and any related local guidelines at the time of production. This is to be a working document which would be subject to change should government guidelines change within the 6 week period after this has been produced

3.9 During the 28 day statutory public consultation period the applicant agreed with Herts Police that the following conditions should be added if the application is granted:

- 1) The premises licence is limited to 1 event, consisting of a maximum of 3 consecutive days. The event is to be held between the dates, 24 May 2021 and 17 September 2021 inclusive. The date of the event will be supplied 3 months prior to the event taking place.
- 2) The premises licence holder will notify Hertfordshire Constabulary of all the artists performing at the event 28 days before the event takes place. The license holder will notify Hertfordshire Constabulary immediately of any artists booked in the 28 days leading up to the event.
- 3) The licence holder will notify Hertfordshire Constabulary of all contractors and volunteers employed at the event 28 days before the event takes place. This will include registered company name and where possible name, address and date of birth of individual staff.
- 4) The licence holder will notify Hertfordshire Constabulary of all SIA registered staff employed at the event 28 days before the event takes place. Following this Hertfordshire Constabulary must be notified of any changes to SIA staff.
- 5) Accurate and up to date details of ticket sales to be supplied

immediately on request from any of the responsible authorities to allow for event planning.

- 6) 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.
- 7) The event management plan shall contain a summary document covering an overview in the following areas -
 - a. Event overview
 - b. Audience profile
 - c. General site overview plan
 - d. Summary description of all areas including temporary structures
 - e. General site safety policy
 - f. Management structure, responsibilities and roles - names of specific personnel, key roles and responsibilities and how the structure of these roles is planned.
 - g. Event control - overview of functioning
 - h. Event Capacities including for temporary structures
 - i. Event timings
 - j. Insurance
 - k. Local Community Considerations
 - l. Build and breakdown plan
 - m. References to appendices detailed below
- 8) The EMP shall contain Appendices detailing fully the following areas -
 - a. 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.

- b. Event risk assessment covering all areas of risk and management of risks to ensure the health and safety of all those on site
- c. 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
- d. 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.
- e. Extreme weather procedure and action plan covering all adverse weather conditions, detailing the impact and actions to be taken in each possibility.
- f. Fire safety plan – in line with conditions set by Herts Fire and Rescue
- g. 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.

- h. Noise management plan – in line with conditions set by Environmental Health
- i. Waste management plan - in line with conditions set by Environmental Health
- j. 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.
- k. 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
- l. Drugs policy including psychoactive substances. A drugs (including psychoactive substances) policy will be written in consultation with the police, particularly with regard 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.

- m. 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.
- n. 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.
- o. 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.
- p. 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.
- q. 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.

- 9) 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.
- 10) All areas of the event and all documents referred to in the Event Management Plan shall be available for inspection during the event by officers of responsible authorities should they request access or ask to view the documents.
- 11) An on-site suitable control hub (ELT) will be accessible to police and responsible authorities if at any time it is deemed necessary by the responsible authorities.
- 12) An external Traffic Management Plan must be submitted no later than 3 months prior to the event and to be completed to the satisfaction of Hertfordshire Highways and Hertfordshire Constabulary.
- 13) An event log shall be maintained which includes any actions or decisions taken in relation to each event.
- 14) The premises License holder shall have procedures in place to;
 - a. Manage the occupancy levels within areas to enable a safe and quick evacuation in the event of an emergency; and
 - b. Allow the swift access for emergency vehicles.
- 15) 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 to all parts of the site.
- 16) There shall be an area within the licensable area dedicated

to dealing with vulnerable children and adults this includes those who are vulnerable through drink and drugs. There shall always be on duty at this location a person nominated as in charge. Staff working in this area shall have access to a radio connecting with the event management.

- 17) The maximum capacity for each event at any one time is 5000 people; this includes all staff on site.
 - a. Entry numbers will be monitored and recorded at all times through the use of attendance clickers
 - b. Entry numbers to be supplied immediately on request by any police officer
 - c. Entry onto the site will not be allowed between 2300 hours and 0600 hours.
- 18) People under the age of 18 years must be accompanied by a responsible person over the age of 18 years in order to gain entry. A maximum of 3 under 18's to be allowed in with each person over the age of 18 years. The adult (over 18) entering with any person under 18 years is to be informed of their responsibilities with regards to the person under 18 years.
- 19) Quantity of alcohol permitted – this will be restricted to 16 cans of lager or cider or ale or premixed drinks, OR 2 litre bottle of cider OR 1 box of wine (2.25 litres) or 2 bottles of wine (decanted, OR 75cl of spirits (decanted)
- 20) The Designated Premises Supervisor must be actively involved in the running of the event or clearly nominate someone to act on their behalf in the case of illness or injury. The Designated Premises Supervisor must be on site when alcohol is permitted to be sold or supplied or clearly nominate someone to act on their behalf in the case of illness, injury or required rest time. The nominated person must be a personal licence holder.
- 21) Each bar will be clearly identifiable by number or name.

Only 100% polycarbonate to be used by the public on site, no glass to be permitted in areas open to the public. Each bar will have visible signage (challenge 25/ free water/ weights and measures act/ drinks and price list including abv's).

- 22) The Premise License Holder shall ensure that all Stewards and Security Industry Authority personnel have received training commensurate to their role, and have been fully briefed prior to the start of the event on the information contained within the EMP documents relevant to their role.
- 23) All stewards and Security Industry Authority staff shall wear high visibility jackets so that they are easily identifiable except those working in a covert capacity.
- 24) No staff member while on duty and / or in uniform will consume alcohol or drugs on site or be under the influence of alcohol or drugs at any time whilst working.
- 25) 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. 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.
- 26) The Licence holder will be responsible for producing a policy for the inspection of the structures built on his site. This will include a maintenance and inspection programme with his methodology of testing. This will be presented to the relevant authorities not less than three week prior to an event.
- 27) The fire resistance of all materials that form any part of a means of escape will be certified by a suitably qualified

person to satisfy this authority of their fire resistance. We require this evidence to be presented to the relevant authorities not less than 3 weeks prior to the event.

28) In the event of any of the responsible authorities advising the licensing authority that the final version of the Event Management Plan (EMP) does not in their professional view fully satisfy their reasonable requirements to meet the four licensing objectives, the event will not proceed until such time as the reasonable requirements are met and approved by the responsible authority who had previously raised concerns.

3.10 During the 28 day statutory public consultation period three valid representations were received from Interested Parties, one being from the Parish Council and two valid objections from local residents. These representations are attached as **Appendix 'B'**.

3.11 The representation from the Parish Council and residents raises concerns of noise, traffic, waste and the current pandemic. The representations engage the public safety and prevention of public nuisance licensing objectives.

3.12 A plan of the area in which the premises is located is attached as **Appendix 'C'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

3.13 Section 4 of the East Herts Statement of Licensing Policy (herein '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 Stone Valley South does not fit cleanly into any of the premise definitions as this is a festival and is requesting a number of different licensable activities. The best fit would be

'Other Entertainment Venue'.

3.14 The proposed premises are a field and as such they are not in a Town Centre locations so are classed as being in 'Other areas'.

3.15 The table at 4.3 of the Policy details this authorities approach to hours for licensed premises when it has received relevant representations to an application. Notwithstanding that each application is considered on its own merits the following hours would normally be granted to an 'Other Entertainment Venue' in this type of location when valid and relevant representations have been received:

Maybe limited to Midnight

3.16 Section 7.0 of the Policy contains information on how the Licensing Authority considers applications under the prevention of crime and disorder licensing objective. Paragraph 7.2 states *"The Licensing Authority will expect the applicant to demonstrate how they will prevent disorderly conduct, prevent sale of alcohol to a person who is drunk, and prevent the obtaining of alcohol for a person who is drunk on the licensed premises, and how the licence holder will exercise these duties so as to prevent or reduce the risk of anti-social behaviour by customers occurring elsewhere after they have left the premises."*

3.17 Section 9 of the Policy relates to the prevention of public nuisance. Specifically section 9.3 of the Policy states:

The Licensing Authority will expect applicants to demonstrate they have considered:

- 1) the proximity of residential accommodation;*
- 2) the type of use proposed, and the likely numbers of customers;*
- 3) proposed hours of operation and the frequency of activity;*
- 4) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises,*

- including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;*
- 5) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance between 10 p.m. and 7 a.m. than at other times of the day;*
 - 6) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;*
 - 7) the steps taken or proposed to be taken by the applicant to help ensure patrons and staff leave the premises quietly;*
 - 8) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;*
 - 9) the provision for public transport in the locality (including taxis and private hire vehicles) for patrons;*
 - 10) the level of likely disturbance from associated vehicle movements;*
 - 11) the use of smoking shelters, gardens and other open-air areas;*
 - 12) the location of delivery and collection areas and delivery/collection times;*
 - 13) the appropriate placing of external lighting, including security lighting;*
 - 14) refuse storage and litter (including fly posters and illegal placards);*
 - 15) the history of nuisance complaints against the premises, particularly where statutory notices have been served on the present licensees;*
 - 16) the applicant's past success in controlling anti-social behaviour and preventing nuisance;*
 - 17) odour nuisance, e.g. cooking smells;*
 - 18) any other relevant activity likely to give rise to nuisance;*
 - 19) any representations made by the Police, or other relevant agency or representative;*

This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.”

3.18 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 (herein ‘the Guidance’) states:

As 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.

3.19 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority 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.

3.20 Paragraphs 9.42-9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of the licensing objectives.

3.21 If Members are minded to impose conditions to mitigate concerns regarding the undermining of the licensing objectives then Chapter 10 of the Guidance deals with conditions attached

to premises licences. Paragraphs 10.8-10.10, 10.13-10.15 would be particularly relevant.

3.22 Chapter 11 of the Guidance deals with reviews and paragraphs 11.16 – 11.23 are particularly relevant as it deals with the powers the licensing authority has to determine the application.

Officer observations

3.23 As stated in the Guidance the authority'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.

3.24 The concerns relating to the likelihood of noise nuisance and traffic congestion appear to be valid with representations quoting their experience of the last Stone Valley South event held at the same location. The last event being for 3,000 persons, where this application is for a larger event of 4,999 persons.

3.25 It should be noted that a total of three complaints were received regarding noise over the 3 day period. As such the applicant has agreed conditions with Environmental Health with regards to sound levels to address these concerns.

3.26 If Members believe that the application would not undermine any of the licensing objectives then the application should be granted as requested.

3.27 As stated in the Guidance the authority's decision should be evidence based, justified as being appropriate for the promotion of the licensing objective's and proportionate to what it is intended to achieve.

3.28 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 objective would be undermined.

3.29 Put in its simplest terms what are the minimum measures that can be put in place to address the concerns? Refusal of the application should be the last option considered.

3.30 When considering the Police proposed conditions there are a number of questions that need answering:

- i. Condition 8f in paragraph 3.9 of this report states: "Fire safety plan – in line with conditions set by Herts Fire and Rescue. However the Licensing Authority is not aware of conditions agreed between Hertfordshire Fire & Rescue Service and the applicant."
- ii. Condition 8i in paragraph 3.9 of this report states: "Waste management plan – in line with conditions set by Environmental Health. However Environmental Health's conditions do not mention this."
- iii. Condition 8l in paragraph 3.9 of this report relates to the requirement for a drugs policy. It states that persons should be ejected or refused entry and then detained if they are suspected of dealing drugs. The condition also says that the Police must be contacted prior to ejection but this may not be practical in a similar way that ejecting someone and then detaining them may be less practical than detaining them on site."
- iv. Condition 19 in paragraph 3.9 of this report relates to the quantity of alcohol permitted but does not detail if this is per person or where the alcohol is being taken to. Is this the amount allowed into the licensed area, to be taken from the licensed area to the campsite or to be bought onto the campsite from outside?

3.31 Officers would suggest that if a licence is to be granted a

condition is attached stipulating that no alcohol sold under the licence will be permitted to leave the perimeter of Hillside Farm itself. This was stated on the application form in the “General Description of the premises” section rather than in the “Operating Schedule”. So as to be placed on any granted licence, this condition must either be offered by the applicant or imposed by the Sub-Committee when making its decision.

3.32 In considering additional conditions Members should decide whether these steps would in fact address their concerns if the decision was made to grant hours the hours requested.

3.33 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.

3.34 Aside from adding conditions it is open to Members to limit the hours of operation under the licence but clear reasons for this step would need to be given. However if simply limiting the hours beyond those requested does not mitigate Members’ concerns regarding the promotion of the licensing objectives then the option to also impose appropriate and proportionate conditions is available.

3.35 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.

4.0 Options

4.1 The actions open to the Licensing Sub-Committee are:

- grant the application if they feel the application would promote and not undermine the licensing objectives; or

- grant the application as sought but at the same time impose additional conditions or amend the times for the supply of alcohol; or
- if Members believe that there is evidence that shows that there are no steps that can be taken to ensure that the application sought would promote the licensing objectives then the application should be refused.

4.2 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.

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 premise licence or review of a premise licence there is a 28 day public consultation.

Community Safety

The report details the four licensing objectives, these objectives are detailed in paragraph 2.3, therefore Community Safety will be considered when determining the application.

Data Protection

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

Equalities

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

No

Financial

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

No

Human Resources

No

Human Rights

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

All statutory requirements have been considered in preparing this report.

Specific Wards

Yes – Great Amwell

7.0 Background papers, appendices and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- 7.2 East Herts Statement of Licensing Policy 2016 -
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Statement_of_Licensing_Policy.pdf
- 7.3 Night Time Economy (NTE) Position Statement -
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Night_Time_Economy_NTE_Position_Statement.pdf
- 7.4 Appendix 'A' – Application for a New Premise Licence.
- 7.5 Appendix 'B' – Representations against the application.
- 7.6 Appendix 'C' – Map showing location of the premises.

Contact Member Councillor Peter Boylan – Executive Member for Neighbourhoods
peter.boylan@eastherts.gov.uk

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

Report Author

Brad Wheeler – Senior Licensing and
Enforcement Officer

Contact Tel No. 01992 531520

brad.wheeler@eastherts.gov.uk