

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON FRIDAY 8 JANUARY
2021, AT 10.00 AM

PRESENT: Councillor R Bolton (Chairman)
Councillors J Jones and D Snowdon

ALSO PRESENT:

Councillors D Andrews and S Reed

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Sergeant Fitzgerald	- Hertfordshire Constabulary (Observing)
Stuart Matthews	- Applicant's Head of Security Team
Guy McCallan	- Hertfordshire Constabulary (Traffic

Brittany Melly	Management) - Applicant's Management Team
Police Licensing Sergeant Saab Minichello	- Hertfordshire Constabulary
Community Safety Sergeant Clare Ramirez	- Hertfordshire Constabulary
Eric Stuart	- Applicant's Safety Advisor
Tom Wilkes	- Applicant

20 APPOINTMENT OF CHAIRMAN

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

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

21 APOLOGIES

There were no apologies.

22 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of

Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 MINUTES - 20 NOVEMBER AND 9 DECEMBER 2020

It was moved by Councillor Jones and seconded by Councillor Snowdon that the Minutes of the meetings held on 20 November and 9 December 2020 each be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 20 November and 9 December 2020 each be confirmed as a correct record and signed by the Chairman.

25 APPLICATION FOR A NEW PREMISES LICENCE,
WATERBRIDGE 2021 AT WATERBRIDGE, FROGMORE HILL,
WATTON AT STONE, HERTFORD

The Chairman summarised the procedure for the Sub-

Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering a new premises licence application under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on the 29 October 2020, an application was received for a location known as at Waterbridge, Frogmore Hill, Watton at Stone.

The Senior Licensing and Enforcement Officer said that the application sought a number of licensable activities including the performance of plays, the exhibition of films and live and recorded music. The hours applied for were Friday to Sunday between 10 am and 11 pm and the applicant had also applied to supply alcohol on the premises between 11 am and 11 pm. The application was for numerous events between May and September 2021.

The Senior Licensing and Enforcement Officer said that steps to promote the licensing objectives had been included with the application and these included the use of SIA door staff and stewarding, CCTV and an incident book. The Sub-Committee was advised that all events would be seated and entry to the site would be staggered. A challenge 25 policy would be in use and there would be a prohibition of certain items being brought onto the site.

The Senior Licensing and Enforcement Officer said that event and fire risk assessments would be in place and volume levels would be limited and monitored on the site and no glass bottles or cups would be permitted. Members were advised that all of these steps would be

supported by conditions as agreed with Environmental Health Officers.

The Sub-Committee was advised that family entertainment in the form of outdoor cinema, theatrical performances, live and DJ music and comedy and events would be held on 2 days every other weekend between 1 May 2020 and 27 September 2021, except for the August Bank Holiday weekend and the following weekend of the 3rd, 4th, and 5th September.

The Senior Specialist Licensing Officers said that during the consultation period there had been a representation from the police acting as a responsible authority. The concerns of Hertfordshire Constabulary related to the number of proposed events and the intended numbers due to be present. The police were also concerned about the impact of traffic, noise and litter on the neighbouring area. The Sub-Committee was advised that the licensing objectives relating to the prevention of public nuisance, prevention of crime and disorder and public safety were all triggered by the police objection.

The Sub-Committee should determine the application with a view to promoting the four licensing objectives and if Members believed that the application would not undermine the licensing objectives, it should be granted as requested. If the Sub-Committee believed that the application would undermine the licensing objectives, it was within the remit of Members to take appropriate and proportionate steps to address their concerns.

The Senior Licensing and Enforcement Officer said that the application could be refused entirely if the Sub-Committee did not believe that there were any steps that could be taken to address concerns, but this should be the last resort.

The Sub-Committee was advised that the determination of Members should be evidence based and justified based on the promotion of the four licensing objectives. The decision of the Sub-Committee should also be proportionate in terms of what Members were seeking to achieve.

Councillor Bolton said that there was current licence in place in for 3 weekends for 3 day events. The Senior Licensing and Enforcement Officer confirmed that this was the case and said that this application was in addition to that existing licence.

Mr Wilkes, owner and organiser for this premises, said that he had lived in the area for 35 years. He introduced Brittany Melly, health and safety and event management, and Stuart Matthews, head of security and also Eric Stuart, who was an event security consultant.

Mr Wilkes said that his intention was to hold events on a maximum of 12 weekends between the beginning of May and the end of September. He said that the events would range from theatrical performances, open air cinema, orchestra and DJ and band events and these would all end at the latest by 11 pm. The events would be for a maximum of 1500 people and would be held

over two days on Friday, Saturday and Sunday.

Mr Wilkes referred to concerns raised in respect of traffic and noise and said that he had held larger events on this site for 12 years with a good safety record and these events had met with the full approval of Hertfordshire Constabulary, Hertfordshire Fire and Rescue and Environmental Health, with no review of the licence. He said that he believed that for these much smaller events, the traffic could be managed without any significant disruption.

Mr Wilkes said that he was happy to take advice from and work with the police on traffic management for these smaller events. He said the record of this site as regards noise was always within regulations and his intention was to provide safe COVID-19 compliant events for the local community. He stated that he suggested conditions to mitigate the concerns that had been raised by the Police and his management team were happy to find mutually acceptable solutions to satisfy the four licensing objectives. He said that there had been no objections from the public or from Datchworth and Aston Parish Council.

Councillor Snowdon asked for the applicant to articulate how he planned to address difficulties people might encounter in accessing public transport from this site, given the challenges in accessing the station at Watton at Stone and also the fact that public transport from that location would have ceased by 11 pm anyway.

Mr Wilkes said that he had held a number of events

since 2012 whereby over 2,000 people had exited the site safely without a TTRO or any other form of traffic management within 20 minutes. He said that attendance rate of taxis had been much better in 2019 and he acknowledged that there had been an issue back in 2018.

Councillor Snowdon asked Mr Wilkes about assistance offered to vulnerable people. Mr Wilkes said that security staff would escort intoxicated or vulnerable people to Aston and security personnel would be posted in Aston to prevent vehicles coming back to the site from Aston village at night.

Councillor Jones asked Mr Wilkes how he would be deciding which 2 days an event would take place on over a 3 day weekend period. He also asked whether Wilkesfest would still go ahead in 2022 should this licence be granted. Councillor Jones asked whether the 12 weekend events would be run under the provisions of a TTRO.

Mr Wilkes said that he could not confirm exactly which acts would be present on any given day at this stage. He confirmed to Councillor Jones that it could be a film on the first day and a theatrical performance or DJ set on the second day. He said that Wilkestock would be held under the provisions of this licence, if granted, as a day event for 1500 people only. He confirmed that the original licence for Wilkestock would not be used in 2021 should this licence be approved today.

Mr Wilkes confirmed that he had been under the impression that a TTRO was not required for a smaller

event for 1500 people but he was happy to work with the police to implement a TTRO if this worked better between 9:30 pm and 1 am.

Councillor Bolton asked for clarification regarding the TTRO for 2019 events. Mr Wilkes confirmed that in 2019 there had been a traffic management plan in place as well as a road closure and one way system. He commented on the complaints that had been received regarding the back and beyond event in 2018 and also in July 2019. He also made the point that there was no public representation at the hearing or any complaints from the Parish Council.

Councillor Bolton asked for Mr Wilkes to clarify the number of days that would be run from this site should this licence be granted. Mr Wilkes confirmed that 12 two day events equated to 24 days on this site.

Councillor Bolton asked about the Event Management Plan and the possibility of tickets being sold at the entry point for these events. Mr Wilkes said that an event Management Plan would be submitted as a blue print for how each event would be run. He also said that some tickets could be sold at the gate depending on the number that had been sold in advance.

Mr Wilkes confirmed to Councillor Bolton that the events would not involve any camping and would only be daytime events. Councillor Bolton asked about the challenge 25 policy and how this would work with table service. Mr Wilkes and his health and safety event manager confirmed that the table arrangement was run via an app and the people serving the drinks would

verify age on arrival at the table.

Police Sergeant Clare Ramirez said that Mr Wilkes had been holding events at this location for a number of years. She commented at length of the numbers of people that were estimated to have been present at various events on this site. She expressed concerns over dispersal from the site and said that Mr Wilkes had not demonstrated that access and egress to and from the site could be achieved in a controlled manner.

Councillor Bolton proposed and Councillor D Snowdon seconded, a motion that the press and public be excluded from the meeting to allow for CCTV to be shown to the Sub-Committee, as it might be possible for individuals to be identified in the CCTV footage. This motion was supported by the Sub-Committee and was declared CARRIED.

The hearing continued live on zoom after the CCTV footage had been viewed. Police Sergeant Ramirez said that the matters that had been highlighted were the main issues that police had had to assist with in managing events at this location. She said that it was worth noting that the role of the police was to manage the impact on police resources rather than monitoring all the ins and outs of every aspect of an event.

Sergeant Ramirez drew the attention of the Sub-Committee to her report and the issues detailed within it. She referred to the photos of narrow lanes in the vicinity of this site and the associated limitations in terms of access and egress. She said that numbers

should be limited to 1000 where those present were all due to leave that same night and the numbers leaving in the dark could have been managed better in the dark on country lanes at past events.

The Sub-Committee was advised that the police had worked closely with Mr Wilkes since 2016 on his event management plans (EMP) to ensure that they were of a certain standard. Sergeant Ramirez said that she could not understand why Mr Wilkes was still unable to submit an EMP without significant input from the police.

The Sub-Committee was advised that the police had a reasonable expectation that an event organiser should be able to produce, with the assistance of experts in certain fields, adequate event management plans for a safe event with minimal input from the police.

Sergeant Ramirez expressed a number of concerns about the approach of Mr Wilkes in not producing adequate EMPs to manage risks and he had 'cut corners', unless pushed to take action by the police. She said the police had constantly had to chase Mr Wilkes for unmet conditions and missing items from EMPs and it was his responsibility to ensure these matters were covered and it was not the job of the police.

Sergeant Ramirez refuted the assertion made by Mr Wilkes that the residents were informed and happy with the application. She said that she had spoken to a resident who had been unaware of the application, as were other residents he had been in contact with. She

suggested that given the location of the event, it was not realistic to expect residents to be aware of the application under the provisions of the licensing act for publicising applications.

The Sub-Committee was advised that Mr Wilkes had failed to adhere to current conditions on his licence for the submission of EMPs and had shown an unwillingness to work with police unless forced to do so.

Sergeant Ramirez concluded that she did not believe there were any conditions that could mitigate the risks of this application and she believed it should be refused as it would pose risks to public safety, and result in public nuisance and crime and disorder.

Guy McCallan, Hertfordshire Constabulary, said that the site presented challenges in terms of traffic management, some of which could be mitigated by a traffic management plan. An early version of the plan was too generic and lacked sufficient detail and did not include a TTRO. He commented on the need for specific details of changes required by the different audience profiles for each planned event. He highlighted a number of specific concerns regarding pedestrians such as the lack of a footway on narrow country lanes.

Mr McCallan commented on a number of suggestions that had been made to Mr Wilkes such as providing a segregated pedestrian route between this location and a footway on the public highway network. Another suggestion had been for the provision of a minibus to

convey people between the venue and an identified safe location. The Sub-Committee was advised the Hertfordshire County Council (HCC) had concerns in relation to the frequency and number of events planned on this site. Mr McCallan referred to other events and planned works in the area, including HCC closures, which would mean that there would be insufficient road space for the events Mr Wilkes had planned for this site.

Sergeant Ramirez expressed a concern that the applicant had not consulted with Mr McCallan or Mr David Morgan of Hertfordshire Highways prior to submitting this application, as suggested in the Council's Statement of Licensing Policy.

Councillor Jones asked Sergeant Ramirez about a number of possible conditions that might make the application more acceptable to the police. Sergeant Ramirez said that her concern was that for events happening every other weekend, her concerns would not be alleviated by reducing the numbers attending. Her principle concern was that in 2018 and 2019, important information was not forthcoming from Mr Wilkes and she did not believe he could ensure the safe running of events every other weekend.

Sergeant Ramirez stressed that the police do engage with applicants to ensure safe events but it was not the role of police to write event management plans and the onus was on the applicant to provide the police with an adequate document. She also said that Mr Wilkes was not adhering to the conditions on his existing licence.

Councillor Bolton asked the police about the matter of blue light access and their thoughts on this. Sergeant Ramirez expressed a concern that the blue light access referred to in the application was not one that would be kept sterile from other traffic or pedestrians, particularly as there was no TTRO in place for each event.

The Legal Services Manager put a question to the police via the Chairman about whether there was an acceptable marker for the police in terms of the number of events. Sergeant Ramirez said that her concern was the ability of Mr Wilkes to manage the number of events and she would not wish to see more than 3 events, as per the terms of the existing licence.

Mr Wilkes referred to the 2018 event and the CCTV footage that had been shown. He said that the problems shown were down to the security company and this firm had not been used since that event. He asked Sergeant Ramirez on what basis was it required that he submit a TTRO for an event under 1,500 people. She confirmed that since the issues at the 2018 event, the police had informed Mr Wilkes that a TTRO should in place for all events on this site.

Mr Wilkes asked Sergeant Ramirez if there had been any reports of crime and disorder in this area, within the last 12 years. Sergeant Ramirez said that there was certainly an issue in terms of disorder, as stated by residents who had said that they had been disturbed. She confirmed that running an event was about identifying risks and managing those risks.

Mr Wilkes asked the police in respect of any complaints received from residents in respect of public nuisance. Sergeant Ramirez confirmed that she had received eight emails from residents.

The Senior Licensing and Enforcement Officer confirmed to the applicant's safety adviser that had been no breach of procedure regarding this application under the terms of the licensing act 2003.

The safety adviser, Mr Eric Stuart, asked the police if there had been recorded calls to 999 or 111 regarding crime or public disorder for events at this site in the last 12 years. Sergeant Ramirez said that she could not comment for the last 12 years and there had been no reported crimes aside from the incident with the fire extinguisher.

Mr Stuart asked whether the licence had been called into review after the 2018 event. Sergeant Ramirez said that a review was certainly something that had been considered following the 2018 event. She said that police had been reassured by Mr Wilkes about future event management. She said that based on her review of the situation regarding the 2019 events and past correspondence, she was minded to believe that the current licence might need to be reviewed based on that information.

Mr Wilkes asked the police if there was evidence that he was incompetent in terms of being able to run safe events. Sergeant Ramirez said that she had supplied evidence of the incompetent way that events had been

managed, in terms of cutting corners and breaches of the licence.

Mr Wilkes asked for further evidence to back up the concerns raised by the police. Sergeant said that she did not believe that Mr Wilkes organised and planned safe events that managed all possible identified risks. A representative of the police, Saab Minichello, confirmed that there had been a call to the police about a sexual assault in September 2019.

The Police and the applicant both made a brief closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager and the Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and the Democratic Services Officer returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the police as the responsible authority.

The Sub-Committee had significant concerns over the serious issues raised by the police as the responsible authority regarding historic events and the ability of the applicant to run a responsible event. The Sub-Committee were sympathetic to the applicant's wish to hold entertainment events to support the community.

The Sub-Committee had considered possible

conditions but could not identify any that were appropriate and proportionate to mitigate the concerns of the police and to ensure that the following licensing objectives would not be undermined:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

The application is therefore refused. This decision will be issued in writing and there is the right of appeal within 21 days to the magistrate’s court.

RESOLVED – that the application for a new Premises Licence at Waterbridge, Frogmore Hill, Watton at Stone, Hertford, be refused.

26 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12:55

Chairman
Date