

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 13 October 2021

Report by: Jonathan Geall (Head of Housing and Health)

Report Title: Determination of a Temporary Events Notice for Ms Nina Rampling at Redricks Lakes, Redricks Lane, Sawbridgeworth, Hertfordshire, CM21 0RL for 30th and 31st October
21/0897/TEN

Ward(s) affected: Sawbridgeworth

Summary

- A Temporary Event Notice (TEN) has been made and a representation against the application have been received from the Police acting as a Responsible Authority. Of note, issues have also been raised by members of the East Herts Safety Advisory Group, including Environmental Health, who although not making a representation, have requested a noise management plan be prepared by the applicant given the lack of clarity about the proposed noise control arrangements. When representations have been received against an application and have not been withdrawn, it is for a Licensing Sub-Committee to decide that application. This report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(A) The application for a new premises licence be determined.

1.0 Proposal(s)

- Members of the Licensing Sub-Committee should determine the Temporary Event Notice 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 The Licensing Sub-Committee has power to determine Temporary Event Notices where objections are received taking into consideration the Licensing Objectives, the council's Statement of Licensing Policy and the guidance issued under section 182 of the Licensing Act 2003.
- 2.2 The Police and Environmental Health are the only Responsible Authorities who may object on the grounds of any of the four licensing objectives.
- 2.3 There is no scope in law for public consultation in respect of a Temporary Event Notice.
- 2.4 Where valid objections have received the Licensing Authority's discretion is engaged. A Licensing Sub-Committee has the delegated authority to determine the Temporary Event Notice. 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.
- 2.5 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 Temporary Event Notice was served on the council as the Licensing Authority by Ms Nina Rampling on 29th September 2021 for an event to be held at Redricks Lakes on the 30th and 31st October. The notice has been consulted upon as required by legislation and regulations.
- 3.2 The Temporary Event Notice requests the following licensable activities:

Licensable Activity	Day	Hours applied for:	Occupancy
Supply of Alcohol (for consumption on the premises) The provision of regulated entertainment	30 th and 31 st October 2021	12:00 – 22:00	499

- 3.3 This Temporary Event Notice is for the car-park of the premises which itself is not licenced and shall be used alongside the premises licence for Cre8 Glamping.
- 3.4 A redacted copy of the application form and supporting documents are attached as **Appendix 'A'**.
- 3.5 The event is described as a Halloween themed dance music event with DJs.
- 3.6 During the three working day statutory public consultation period an objection was received from the the Police. This representation is attached as **Appendix 'B'**.
- 3.7 The main concerns from the Police are based on an incomplete Event Management Plan (EMP) that contains

inconsistencies and causes the Police concern about the access to the site and arrangements for the the prevention of public nuisance , crime and disorder and public safety, the promotion of which are all Licensing Objectives.

- 3.8 Whilst Environmental Health have not made a formal objection, the Licensing Sub-Committee's attention is drawn to the fact that they have been considering this application as part of the Safety Advisory Group. In this context, Environmental Health have requested a Noise Management Plan so as to assess the applicant's noise control measures. This will be discussed in detail with the applicant at the Safety Advisory Group of 12th October 2021.
- 3.9 For information only current premises licence and conditions for Cre8 Glamping attached as **Appendix 'C'**.
- 3.10 A plan of the area in which the premises is located is attached as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.10 Section 8 of the East Herts Statement of Licensing Policy (herein 'the Policy') contains information on how the Licensing Authority considers applications under the prevention of crime and disorder licensing objective.
- 3.11 Section 9 of the Policy states that *"The format and content of objections are not defined in legislation or guidance. It would assist the licensing authority in their decision making if responsible authorities could include in their submissions as much of the following information as possible in support of their position:*
- *a commentary on past events at the venue / event*
 - *any evidence of breaches of relevant statutory requirements*
 - *a summary of complaints, if any, from the public concerning*

thepremises”

- 3.12 Paragraph 7.34 of the government’s revised Guidance issued under section 182 of the Licensing Act 2003 (herein ‘the Guidance’) states:

“Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.”

Officer observations

- 3.13 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.
- 3.14 If the Sub-Committee believes that the Temporary Event Notice would not undermine any of the Licensing Objectives then they should take no action.
- 3.15 The Sub-Committee members should consider if they believe the premises user has provided evidence that the Temporary Event Notice would promote and not undermine the Licensing Objectives. This evidence should be balanced against the evidence given by those making objections that the Licensing Objectives would be undermined.
- 3.16 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.

4.0 **Options:**

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

- accept the Temporary Event Notice if they feel the application would promote and not undermine the Licensing Objectives;

or

- if Members believe that there is evidence that shows that the Temporary Event Notice sought would not promote the Licensing Objectives the Sub-Committee shall issue a counter notice to the premises user, thereby refusing the notice

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 the Sub-Committee has 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 its decision on the application it gives clear reasons on how and why it has made its 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 There has been a statutory three working day day consultation with the Police and Environmental Health.

Community Safety

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

Data Protection

Where the appendices originally contained 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 Magistrate's Court and the authority chooses to defend that appeal, although if the appeal was subsequently dismissed by the court, the council could recover (at least some of) its costs.

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 – Sawbridgeworth

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 2021-2026
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Statement_of_Licensing_Policy.pdf
- 7.3 **Appendix 'A'** – Temporary Events Notice and Supporting Documents.
- 7.4 **Appendix 'B'** – Objections against the application.
- 7.5 **Appendix 'C'** –Premise Licence for Cre8 Glamplung.
- 7.6 **Appendix 'D'** - Map showing location of the premises.

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