

NORTH HERTFORDSHIRE  
DISTRICT COUNCIL



# STATEMENT OF LICENSING POLICY

as required by

## THE LICENSING ACT 2003

### 2016 - 2021

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**It is the Council's clear intention that this Policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.**

<b>SECTION A: DISTRICT OF NORTH HERTFORDSHIRE</b>
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- A1 Located less than 40 miles north from central London, North Hertfordshire is a predominantly rural district and contains interesting market towns and numerous picturesque villages and hamlets. It is an attractive area in which to live and work, and has a wide variety of attractions including museums and galleries, historic markets, parks and areas of natural beauty.
- A2 The 2011 Census first release shows that on 27th March 2011 (Census Day) there were an estimated 127,100 usual residents in North Hertfordshire District. Of these 125,800 (99%) lived in households and 1,300 (1%) lived in communal establishments. The 2001 census showed a population of 116,900 reflecting the growing population of North Hertfordshire. 49.10% of the usual resident population of North Hertfordshire District at the time of the 2011 Census were male compared to 50.90% who were female. There were 53,400 households with at least one usual resident.
- A3 The district was formed in 1974 combining the former Urban Districts of Hitchin, Letchworth, Baldock and Royston with Hitchin Rural District. It occupies the low chalk hills of the north-eastern Chilterns, extending north into the Bedfordshire and Cambridgeshire plain around Ashwell and Hinxworth, and south to the valley of the River Lea around Codicote. The area south and west of Hitchin is dominated by small hamlets linked by a network of winding lanes with high hedgerows, while to the east of Baldock, the landscape is open, with few hedges and larger, more nucleated villages.
- A4 Each of the towns has a distinctive character: Hitchin, Baldock and Royston are medieval market towns, each retaining numerous historic buildings, while Letchworth Garden City is world famous as the first Garden City.
- A5 The towns offer a wide range of shopping facilities, combining high street names with traditional markets, interesting antique and craft centres and small speciality shops. Farmers' Markets are held regularly at Hitchin, Letchworth Garden City and Royston, selling a range of local produce.
- A6 The villages of North Hertfordshire are very much community based, with cultural and community activities a key part of village life. Licensed premises such as community halls and village pubs are often central to village life.
- A7 Cultural and community activities are equally important in the four main towns, each also having a diverse and active night-time economy. Historically, music has played an important role in promoting the night-time economy and the district benefits from Knebworth Park, a historic concert venue playing host to artists such as Oasis, The Rolling Stones, Metallica, Robbie Williams and many more.

<b>SECTION B: THE COUNCIL'S VISION FOR LICENSING</b>
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- B1 North Hertfordshire District Council ("the Council") acts as the licensing authority for the purposes of the Licensing Act 2003 ("the Act") by virtue of section 3 of the Act. As the licensing authority, the Council must undertake its statutory function in respect of the licensing regime in accordance with the current legislation, with regard to the Statutory Guidance and with regard to its Statement of Licensing Policy.
- B2 In its role as the local authority, North Hertfordshire District Council performs its other statutory functions including the provision of responsible authorities for the purposes of the Licensing Act 2003.
- B3 These dual roles are two entirely separate functions and must not be confused.

- B4 Whilst the licensing authority must act in accordance with its statutory duties in terms of decision making under the Act, the Council may have strategic priorities which it seeks to achieve in its role as the local authority.
- B5 This section of the Policy highlights the strategic aims of the local authority which the Council is seeking to achieve for North Hertfordshire. This section in no way fetters the decision-making of the licensing authority but it seeks to outline the Council's vision for licensing in North Hertfordshire.
- B6 Our vision is:
- “To ensure that North Hertfordshire continues to offer a diverse range of well managed entertainment venues and community and cultural activities within a safe and enjoyable environment.”***
- B7 The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing Policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.
- B8 The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.
- B9 In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to and impacts on the community as a whole and will take a proportionate view on the weight to apply to representations.
- B10 The Council will seek to encourage cultural and community events in the district by allowing the appropriate use of its own public spaces and encouraging Town Centre Managers to obtain premises licences for town centres to remove the burden of community groups having to obtain their own permissions.
- B11 The Council will seek to promote the option for community premises to extend their licence to include the sale of alcohol without the need for a designated premises supervisor (a personal licence holder). Whilst the management committee members would assume joint and equal liability for the sale of alcohol, effective management would negate unnecessary risk and would allow community facilities to extend their letting capabilities currently restricted to twelve alcohol events (temporary event notices) per calendar year.
- B12 The Council recognises that conditions cannot be imposed on existing licences in relation to cultural or community events taking place in the district, however, all relevant licence holders may be encouraged to assist with the promotion of the licensing objectives in such circumstances. For example, if a large scale community event was taking place in a town, other licensed premises could be encouraged to assist wherever practicable, i.e. off licences could employ door supervisors to control underage access to alcohol and pubs could supply alcohol in plastic containers to patrons drinking outside. At a review hearing, if it was deemed appropriate based on the available evidence, the Council may consider imposing similar conditions on premises in locations where cultural and community events occur.

- B13 Wherever possible, the Council will monitor the impact of the licensing regime on the provision of regulated entertainment for community and cultural events, in particular live music and dancing. The Council will endeavour to assist with resolving these issues through advice and education, and by providing feedback through any national consultation process.
- B14 The Council wishes to encourage the use of temporary event notices as a light touch approach to the licensing of community and cultural events, particularly where the option of a premises licence is impractical or cost prohibitive.
- B15 The Council recognises that the cultural diversity of North Hertfordshire and its large geographical area, encompassing numerous villages and hamlets, gives rise to many cultural and community events. The organisers of these events, however, may be new to the licensing regime or have limited experience of licensing requirements. The Council will promote temporary event notices as the most effective method of licensing small scale events (under 500 persons at any one time) with cultural or community benefit. Organisers of such events are encouraged to contact the Council to discuss their events with licensing officers who can guide them through the process and offer the most practical and appropriate solutions.

## SECTION C: INTRODUCTION

### C1. Background

- C1.1 This Statement of Licensing Policy ("the Policy") has been produced in accordance with section 5 of the Licensing Act 2003 ("the Act") and has been drafted with regard to the Statutory Guidance ("the Guidance") issued periodically by the Home Office pursuant to section 182 of the Act. Its purpose is to give guidance to North Hertfordshire District Council ("the Council") when carrying out its functions and responsibilities acting as the licensing authority for North Hertfordshire under the Act for North Hertfordshire.
- C1.2 The Act has provided more flexibility for local businesses and North Hertfordshire has seen a significant increase in the number of venues offering regulated entertainment, in particular live music.
- C1.3 Where premises have caused problems to local residents, the police, trading standards and NHDC environmental health have successfully addressed issues relating to anti-social behaviour, noise and underage alcohol sales through the review process.

### C2. Consultation

- C2.1 In preparing and reviewing this Policy the Council has consulted with:

- (i) The Police;
- (ii) The Fire Authority;
- (iii) Other Responsible Authorities under the Licensing Act 2003;
- (iv) NHDC Community Safety;
- (v) NHDC Community Development;
- (vi) NHDC Legal Services;
- (vii) Neighbouring Councils in Hertfordshire and Bedfordshire;
- (viii) Town Centre Managers;
- (ix) NH CSP Responsible Authorities Group
- (x) Organisations representing business interest;;
- (xi) Existing premises licence/club premises certificate holders;
- (xii) NHDC Councillors; and
- (xiii) Residents of North Hertfordshire via internet consultation and public libraries.

- C2.2 Appropriate weight has been given to the views of all those consulted prior to the adoption of this Policy.
- C2.3 The Council will keep this Policy under review and continue to work in partnership with neighbouring local authorities (through the Herts & Beds Licensing Group), local Police, responsible authorities, local businesses and local people, towards the promotion of the Licensing Objectives.
- C2.4 The Council will publish its Policy every five years in accordance with the Act (or other such period in the light of a legislative change) and it will be kept under review in the intervening period.

### **C3. Review**

C3.1 In the intervening period between statutory reviews the Council will periodically review the Policy to ensure it remains relevant to emerging and local issues.

#### **C3.2 Significant Policy Amendments**

C3.2.1 Any amendment to this Policy, other than those made under section 3.3 below, will be subject to formal consultation and adoption.

#### **C3.3 Administrative Policy Amendments**

C3.3.1 Administrative amendments to this Policy, required by virtue of legislative changes or new Statutory Guidance, will be made by the Licensing Manager acting on behalf of the Council under the Scheme of Delegation contained within the Council's Constitution.

C3.3.2 Amendments under this section are restricted to those required to accurately reflect the current legislative position rather than amendments that change the focus of local policy.

C3.3.3 Amendments made under this section will not necessitate the adoption of a new Policy nor amend the stated five year period of the existing Policy so amended.

C3.3.4 All amendments to this Policy under this section will be publicised on the Council's website.

### **C4. The Purpose of the Licensing Policy**

C4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. This Policy applies to all those licensable activities identified as falling within the provisions of the Act, namely the:

- (i) retail sale of alcohol (including via the internet or mail order);
- (ii) supply of alcohol by or on behalf of a club member, or the order of a club member;
- (iii) provision of late night refreshment, which includes the supply of hot food and/or drink on or from any premises between 11pm and 5am to members of the public; and
- (iv) provision of 'regulated entertainment', whether indoors or outdoors, as defined by the Act which may include:
  - a performance of a play;
  - an exhibition of a film;
  - an indoor sporting event;
  - boxing or wrestling entertainment;
  - a performance of live and/or recorded music;
  - a performance of dance.

C4.2 The Council has a duty under the Act to carry out its functions and responsibilities with a view to promoting the prescribed 'licensing objectives'. Each objective has equal importance and they are of paramount importance at all times. The objectives are:

- (i) the prevention of crime and disorder;
- (ii) public safety;
- (iii) the prevention of public nuisance; and
- (iv) the protection of children from harm.

C4.3 This Policy is designed to assist:

- (i) individuals and organisations making licence applications;
- (ii) responsible authorities and residents when responding to licensing applications; and
- (iii) persons adversely affected by licensed activities.

## SECTION D: LOCAL LICENSING POLICY (GENERAL)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

### D1. The Licensing Process

D1.1 The powers of the Council under the Act will be carried out by the Licensing Committee, by a Sub-Committee of the Licensing Committee, or by one or more officers acting under delegated authority. Further details of the delegation of powers are contained within the Council's Constitution, available at [www.north-herts.gov.uk](http://www.north-herts.gov.uk)

D1.2 It is considered that many of the functions will be largely administrative with no perceived areas of contention. In the interests of efficiency most functions will be carried out by officers with delegated authority. The principles contained within this paragraph of the Policy are consistent with general good decision making principles.

D1.3 The Licensing Committee must consist of at least ten and a maximum of fifteen members of the Council. The committee may delegate its powers to a Sub-Committee of the Licensing Committee consisting of three members. The Licensing Committee, or its Sub-Committee, will deal with all applications where relevant representations are received from a responsible authority or other persons.

D1.4 When determining applications the Council will have regard to this Statement of Licensing Policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its Sub-Committee, will balance its decision against all other factors for and against the application.

D1.5 The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this Policy. To achieve this, the Council supports the principles set out in sections 8.33 – 8.36 of the Statutory Guidance which state:

#### 8.33

*In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

8.34

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.35

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

D1.6 Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.

D1.7 **The Council recognises, however, that in the absence of relevant representations, the application must be granted as applied for subject only to mandatory conditions and conditions consistent with the operating schedule supplied with the application.**

D1.8 Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.

D1.9 The Council will not solicit representations by distributing notification of applications to nearby residents; all applications are listed on the Council's website and subject to the prescribed advertising requirements which the Council believes to be sufficient.

## D2. Determining Applications

D2.1 Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.

D2.2 The Act makes it clear that unless relevant representations are received, the application must be granted subject only to the mandatory conditions and conditions consistent with those offered in the operating schedule accompanying the application.



- D2.3 The Council acknowledges that operating schedules should not just be reproduced on a licence; it has a duty to convert the operating schedule into proportionate and appropriate conditions. In doing so, the Council will not depart from the spirit or intention of the operating schedule, however reserves the right to amend wording accordingly providing it does not place added burden on the applicant.
- D2.4 In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.
- D2.5 The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.
- D2.6 Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a Licensing Sub-Committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.
- D2.7 Where a consultation period has closed and relevant representations have been received, the Council encourages dialogue between the applicant and those making representations to attempt to resolve any issues to all parties' satisfaction. Where a resolution is reached by way of amendments to the application and/or operating schedule conditions and all parties, including the Council acting as a responsible authority, agree a hearing is not necessary the Council will accept the applicant's amendments and grant the application as amended.
- D2.8 The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.
- D2.9 The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:
- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

D2.10 In seeking to promote the above stated aims, the Council will support local and national schemes designed at raising and/or maintaining high standards in licensed premises such as, but not limited to, 'Challenge 21', 'Challenge 25', Pubwatch and 'Safer Pubs and Clubs'. The Council will work with the licence holders to achieve these goals offering advice and support either through trade forums, trade newsletters or regular trade updates on the Council's website.

### **D3. Flexible Licensing Hours**

- D3.1 The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.
- D3.2 The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem..
- D3.3 Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives.
- D3.4 The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.
- D3.5 The Council has no intention to introduce the zoning of licensing hours. Experience in other areas has shown that this can lead to significant movement of people across boundaries in search of premises opening later and places greater pressure on town centres than is necessary. In addition, the Council recognises that zoning of licensing hours would undermine the principle of determining each application on its own merits.
- D3.6 With regards to shops, stores and supermarkets that provide sales of alcohol for consumption off the premises, the Council would normally expect to grant the sale of alcohol at any time the premises is open to the public, unless representations give good reason to restrict the hours in relation to the licensing objectives.
- D3.7 The Council is aware of the *R v Guildford Borough Council [2006] EWHC 815 (Admin)* case that held that it was possible for a policy to presume against longer licensing hours where there was evidence that it was necessary in terms of the licensing objectives to do so. The Council has no evidence that suggests such an approach would be appropriate, however, the situation will be kept under review and the Council would consider amending the Policy accordingly if necessary.

#### **D4. Cumulative Impact**

- D4.1 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. An example of this impact would be the increase in crime and disorder or public nuisance in a town centre resulting from a large concentration of licensed premises in one area over and above the impact of the individual premises themselves.
- D4.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can properly consider in developing its Licensing Policy Statement.
- D4.3 The Council recognises that there is a difference between the commercial need and the cumulative impact of premises in an area. Commercial need is the commercial demand for other licensed premises and is a matter for planning consideration and market forces. It does not form part of this Licensing Policy Statement.
- D4.4 The Council will not operate a quota of any kind, nor will it ordinarily seek to impose general limitations on trading hours in particular areas.
- D4.5 In considering issues of cumulative impact the Council will be mindful that, in addition to the licensing functions, there are a number of other mechanisms, both within and outside the licensing regime, for addressing nuisance and disorder. These include, but are not limited to:
- (i) planning controls;
  - (ii) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
  - (iii) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - (iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
  - (v) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices and new powers introduced by the Anti-social Behaviour, Crime and Policing Act 2014;
  - (vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - (vii) the confiscation of alcohol from children;
  - (ix) police and local authority powers to close down instantly for up to twenty-four hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
  - (x) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question..
- D4.6 The Council will also address the issue of crime and disorder through the North Herts Community Safety Partnership in line with strategic objectives for crime and disorder reduction within the district. The success of these measures in reducing nuisance and disorder will be subject to ongoing review.

#### **D5. 'Special Policies' relating to cumulative impact**

- D5.1 Where, after considering the available evidence and consulting relevant people and organisations, the Council is satisfied that it is appropriate to introduce a targeted approach to cumulative impact, it may introduce a special policy to combat the cumulative impact of licensed premises in a particular area.

- D5.2 Where such a policy is implemented in respect of any particular area, it would create a presumption that new licence applications should be refused, where relevant representations are received, unless it could be shown that the new premises would not increase the cumulative impact already being experienced in that area.
- D5.3 In determining whether to introduce a special policy the Council will take the following steps:
- (i) identify evidence of concerns about the crime and disorder or public nuisance;
  - (ii) consider whether it can be demonstrated that crime and disorder and/or public nuisance is occurring and is being caused by customers of licensed premises and, if so:
    - identify the area from which the problems are arising and the boundaries of that area; and
    - that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
  - (iii) undertake a public consultation as required; and
  - (iv) where a special policy is adopted by the Council, publish the special policy as part of this Licensing Policy Statement.
- D5.4 As with any other application under the Act, the Council will take account of all relevant circumstances surrounding any application and may depart from the Special Policy where the individual circumstances merit such a decision in the interests of the promotion of the licensing objectives. No Special Policy for a specific area will be absolute, each application will be considered on its own merits.
- D5.5 In considering the effect of an application on any Special Policy relating to cumulative impact, or on cumulative impact as a general issue, a person making a representation will still need to demonstrate how the premises would have an adverse affect on them in terms of the licensing objectives. A person making a representation would not be considered to be relevant if they failed to meet this requirement but submitted a representation concerning their general concerns with an area as a whole rather than the impact, or potential impact, of new premises.
- D6. Licence Conditions**
- D6.1 The Council acknowledges that it can only seek to impose conditions on a licence when a relevant representation has been made. In the absence of any relevant representations, the Council will grant the application subject only to the mandatory conditions and conditions consistent with the operating schedule (see paragraph D2.3).
- D6.2 The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.
- D6.3 Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.

- D6.4 Where appropriate the Council will draw upon the pool of model conditions attached at Appendix A. The pool of model conditions relate specifically to the four licensing objectives (see section F7).
- D6.5 The pool of model conditions, by its nature, is a live document that will evolve as best practice develops and professional bodies, such as the Institute of Licensing, publish similar documents. As the pool of model conditions is provided to assist all parties and promote consistency and transparency of decision-making, the Licensing Manager will periodically review Appendix A and amend where appropriate.
- D6.6 The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.
- D6.7 The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this Policy and the Guidance, is less likely to result in the imposition of conditions by a Licensing Sub-Committee following representations.
- D6.8 It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.
- D6.9 Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a Licensing Sub-Committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.

## **D7. Mandatory Conditions**

- D7.1 The Council is aware that there are mandatory conditions that apply to all premises licences and separate mandatory conditions that apply to all club premises certificates.
- D7.2 Section 19 of the Act contains a mandatory condition for premises licences whereby there can be no sale of alcohol without a designated premises supervisor named on the licence or where the designated premises supervisor does not hold a valid personal licence, and where every sale of alcohol must be made or authorised by a personal licence holder.
- D7.3 The Council does not expect the designated premises supervisor to be available at the premises at all times, however he/she is expected to exercise control over day-to-day management of the premises. In the absence of the designated premises supervisor, a senior member of staff should be authorised, preferably in writing, to deputise for the designated premises supervisor and the deputy's role should be made known to all staff.

- D7.4 At a review of a premises where relevant representations are received in relation to ineffective management of the premises when alcohol is available to the public, the Council will consider imposing a condition requiring a personal licence holder to be present at all times whilst alcohol is being supplied.
- D7.5 Section 20 of the Act contains a mandatory condition for premises licences restricting access for children to all exhibitions of films in accordance with a film classification body. The Council recognises the British Board of Film Classification as the appropriate film classification body and the classifications awarded by this body will ordinarily apply in respect of this condition.
- D7.6 Where a British Board of Film Classification certification does not exist, or the Council has advised that it wishes to exercise its discretion, the film will be classified by the Council, in its role as the licensing authority, and the subsequent classification awarded by the Council will apply in respect of this condition. The Council will base any classification it awards on the guidelines issued by the British Board of Film Classification.
- D7.7 When the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of section 19 of the Act with effect from 6<sup>th</sup> April 2010 and 1<sup>st</sup> October 2010, the Council chose not to re-issue all existing licences to include these conditions. When the Council processes an application to vary an existing licence the full range of mandatory conditions will be included on the licence. The absence of mandatory conditions on a licence does not invalidate those conditions; it is the licence / certificate holders' responsibility to be aware of, and comply with, all mandatory conditions.
- D7.8 The Council strongly believes that irresponsible drinks promotions, specifically those that encourage patrons to drink more than they otherwise would or within a shorter time period, should be discouraged and fully support the respective paragraphs in the Guidance.
- D7.9 In the case of a review of an existing licence or certificate where there is evidence that an irresponsible alcohol promotion is contributing to an adverse effect on the licensing objectives, the Council will consider this as evidence of the ineffectiveness of the management of the premises

## **D8. Live Music, Dancing and Theatre**

- D8.1 The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.
- D8.2 Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.
- D8.3 The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

## **D9. Minor Variations**

- D9.1 The Council is aware of the administrative burden and cost of making an application to vary a licence or certificate for changes that are unlikely to have an impact on the licensing objectives or attract representations, for example amending the layout plan of a premises or to remove/amend a condition that is no longer effective or necessary.

- D9.2 The Council will determine whether an application meets the criteria of a minor variation application on a case by case basis by having due regard to the Guidance which specifically excludes certain circumstances. Applicants are encouraged to seek pre-application advice on what constitutes a minor variation in order to prevent unnecessary variation applications.
- D9.3 Evidentially, the Council will require representations to be of the same standard and substance as those required for a full variation. Having initially determined that the application is unlikely to have an impact on the licensing objectives, and so meets the minor variation process criteria, the Council will not refuse an application based purely on an opinion from a responsible authority or other person that is not supported by appropriate evidence.
- D9.4 Whilst the Council acknowledges that conditions cannot be imposed as a result of a minor variation application, it is aware that the applicants can include operating schedule conditions as part of their proposed variation. The Council encourages discussions between the applicant and the responsible authorities or other persons in order that the application can include measures that would address any potential concerns and avoid representations.
- D9.5 The Council acknowledges that the Guidance is cautious in relation to minor variation applications to remove licence conditions imposed by a Licensing Sub-Committee, however, accepts that there may be occasions when the minor variation process would be appropriate. If a condition is no longer appropriate, for example a change in the nature of the business or the issues that the condition addressed no longer apply, then the use of the minor variation process will be encouraged. Pre-application discussions between licence holders and responsible authorities will assist the applicant in identifying whether or not an application is likely to attract a representation.
- D9.6 The Council will encourage the use of a minor variation application as an alternative to a request for a review where an agreed solution to a problem has been reached between licence holder and responsible authority. For example, rather than reviewing a licence to add a door supervisor condition that the licence holder accepts, the Council will encourage a minor variation application to add the agreed condition.

## **D10. Full Variations**

- D10.1 Where a licence/certificate holder wishes to amend an existing licence/certificate but the amendments fall outside the scope of a minor variation, a full variation will be required.
- D10.2 Full variations will be required in all instances to:
- (i) extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23:00hrs and 07:00hrs the following morning;
  - (ii) increase the total amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises; or
  - (iii) remove any conditions that the responsible authorities consider to still be appropriate.
- D10.3 A full variation cannot be applied for if a licence/certificate holder wishes to add the sale or supply of alcohol to the licence/certificate. In this instance, as this is a substantial change to the business operation which presents a higher risk, a new application will be required.
- D10.4 The process of applying for, and the determination of, full variations is almost identical to that of a new application. There is no requirement, however, to submit a plan unless one would be necessary in order to understand the application, for example a change to the plan or the addition of licensable activities in certain areas.

D10.5 As with all applications, it is for the applicant to ensure that their operating schedule fully reflects the need to promote the licensing objectives and has regard to this Policy. Pre-application discussions with responsible authorities are encouraged to minimise the likelihood of representations.

## D11. Reviews

D11.1 Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the Licensing Sub-Committee are:

- (i) to take no action;
- (ii) to modify the conditions of the licence;
- (iii) to exclude one or more licensable activities from the scope of the licence;
- (iv) to remove the designated premises supervisor;
- (v) to suspend the licence for a period not exceeding three months; or
- (vi) to revoke the licence.

D11.2 In determining whether or not an application for a review is relevant, the Council will have due regard to the Guidance in relation to whether an application is frivolous, vexatious or repetitious. The Council acknowledges that the Act precludes a representation by a responsible authority from being deemed frivolous, vexatious or repetitious.

D11.3 The Council recognises that the licensing authority itself can initiate the review process in its role as a responsible authority. This is entirely separate from the licensing authority's role of administering the process and determining the application at a hearing where evidence supporting any allegations will need to be submitted. The Council will ensure that these two separate functions are undertaken by different officers to ensure impartiality on the part of the licensing authority.

D11.4 The Council is strongly of the view that the primary responsibility for initiating a review lies with the responsible authorities or affected persons. The licensing authority acting as a responsible authority will ordinarily only seek to initiate a review in circumstances such as:

- (i) genuine concerns of repercussions from affected persons preventing them from requesting a review in their own right;
- (ii) inconsistencies with this Policy; or
- (iii) as an alternative to formal enforcement action in cases of licence breaches.

D11.5 The Council recognises the importance of partnership working between the licensing authority, licence holders, responsible authorities and other persons in achieving the promotion of the licensing objectives. The Council will endeavour to give licence holders an early warning of any potential problems at premises in order to resolve them informally where possible.

D11.6 When a review is requested in circumstances where the crime prevention objective is not being met, revocation of the licence may be considered as the first step if the seriousness of the evidence adduced at a review hearing is such that other options may prove inappropriate.

D11.7 The Council is aware that a request for a review is not intended to be a tool for further challenging the grant of an application following unsuccessful representations on an earlier occasion. Each review application will be considered on its own merits, however, the Council would ordinarily expect there to be an interval of at least six months from initial



grant to fully assess the operation of a premises in relation to the licensing objectives before a review application is accepted from a person other than a responsible authority.

D11.8 Additionally, the Council would ordinarily expect only one application for a review from a person other than a responsible authority within a twelve month period save for exceptional circumstances supported by compelling evidence.

D11.9 NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

## **D12. Enforcement**

D12.1 The Council has established a number of enforcement protocols focussing upon agreed problem and high risk premises that fall short in promoting the licensing objectives or complying with an authorisation, while providing a lighter touch to low risk premises that are shown to be well managed and maintained.

D12.2 Enforcement action will be taken with regard to the Council's Housing and Public Protection Enforcement Policy. Enforcement action will follow the five guiding principles of consistency, transparency, proportionality, fairness and objectivity. A copy of the Housing and Public Protection Enforcement Policy can be found on the Council's website at [www.north-herts.gov.uk](http://www.north-herts.gov.uk).

D12.3 Programmed inspections of all licensed premises will be undertaken by the licensing authority in accordance with a risk-rating system. This will ensure that enforcement is proportionate and targeted at higher risk premises which require greater attention, thus allowing a lighter touch in relation to lower risk premises.

D12.4 Multi-agency licensing compliance operations will be targeted predominately at higher risk premises and will be unannounced.

D12.5 The Council expects responsible authorities to lead on enforcement action that falls within their normal working remit. In respect of non-compliance with an authorisation, the licensing authority would ordinarily take the lead assisted, where applicable, by witness statements from responsible authorities.

D12.6 The Council will consider the use of Closure Notices under section 19 of the Criminal Justice and Police Act 2001 as a method of enforcing licence conditions. This procedure clearly identifies the actions a licence holder needs to take to rectify the situation within a set period of time and the consequences of not doing so. In the event of non-compliance with a Closure Notice, the Council will apply to the courts for a Closure Order.

D12.7 Reviews of existing premises licences/club premises certificates may be used by the licensing authority or a responsible authority as a means of enforcement where a review is likely to secure future compliance. Repeated or serious non-compliance is likely to result in formal enforcement action.

## **D13. Temporary Event Notices**

D13.1 The Council encourages the use of temporary event notices for small community or infrequent events as a light touch approach to licensing. Full details of how to apply are available on the Council's website [www.north-herts.gov.uk](http://www.north-herts.gov.uk)

- D13.2 When calculating the notice period for the giving of a temporary event notice the term 'working days' does not include Saturdays, Sundays, Public Holidays, the day of the event, or the first working day that the Council receives the notice. If the required 'working days' notice is not given to both the Council and any required consultees, the legislation precludes the temporary event notice from being authorised; for the avoidance of any doubt, the Council has no discretion in the matter.
- D13.3 The vast majority of these events will not present any problems, for example special occasions in a pub or community hall or charitable fundraising events. A temporary event notice is a light-touch approach to these events and the Council expects that representations will only be made in exceptional circumstances where compelling evidence exists of the effect or likely effect on the licensing objectives.
- D13.4 That said, the Council does not expect licence holders to utilise temporary event notifications as a method of avoiding restrictions imposed on an authorisation by way of conditions. The Council is aware that existing licence conditions can be transposed onto a temporary event notice where a Licensing Sub-Committee deem it appropriate based on any relevant representations.
- D13.5 The Council acknowledges that licensed premises can, and often do, enter into informal arrangements with the police in order to ensure that the crime and disorder objective is met. Whilst a temporary event notice giver may offer conditions and/or commitments to mitigate any concerns arising from a notification, the Council is aware that they cannot be imposed on the temporary event notice and are not enforceable.
- D13.6 For anything other than low-risk events (less than one hundred attendees), the Council recommends at least two month's notice to ensure that the event can be properly planned. This is only a recommendation, as the legislation only requires compliance with the statutory notice period.
- D13.7 The Council has established a Safety Advisory Group consisting of relevant Council Officials, the emergency services and other strategic partner agencies to give advice to organisers of public events. Event organisers are encouraged to use this team as part of their event planning process and the Council strongly advises that initial contact is made at the earliest opportunity.
- D13.8 For events of national significance, for example a sporting world cup, the Council encourages co-operation between licence holders and the police in order to ensure the licensing objectives are met. Voluntary agreements to employ additional door staff or to use plastic drinking vessels are two such examples. Where a police objection to a temporary event notice has been received in such circumstances, the Council is likely to issue a Counter Notice preventing the event from taking place where voluntary agreements have been sought by the police but not entered into by the applicant.
- D13.9 NHDC's Environmental Protection & Housing Team will consider an application for a temporary event notice in relation to the prevention of public nuisance licensing objective. A representation may be submitted to the licensing authority in certain circumstances, for example, where the premises that is the subject of the application has a current noise abatement notice served upon it, if there are known noise issues at the premises or if the proposed activities and timings are not appropriate for the location. Where the temporary event notice is at a premises with a current premises licence or club premises certificate, it may be appropriate to request that existing licence conditions are imposed on the temporary event notice in order to promote the prevention of public nuisance licensing objective.

## **D14. Annual Licence Fees**

- D14.1 The Council is aware that the payment of an annual fee for a premises licence/club premises certificate is a statutory requirement by virtue of the Act. The responsibility for ensuring prompt payment rests entirely with the licence/certificate holder.
- D14.2 The Council will not accept the absence of a reminder letter or an invoice as a reason for non-payment as there is no statutory requirement for the Council to issue such documents.
- D14.3 In accordance with section 55A of the Act, the Council will ordinarily issue suspension notices for any outstanding fee which prevent licensable activities from being provided during the period of suspension. The suspension will remain until such time as full payment of any outstanding fee has been received by the Council and the licence/certificate holder has received a payment receipt.

## **SECTION E: THE LICENSING OBJECTIVES**

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **E1. Prevention of Crime and Disorder**

#### **E1.1 Door Supervisors**

- E1.1.1 All persons employed at licensed premises to carry out any security activity must be licensed with the Security Industry Authority.
- E1.1.2 Conditions may be imposed on licensed premises requiring supervision by door supervisors in order to reduce crime and disorder and/or public nuisance in order to address the licensing objectives. The conditions may provide that door supervisors must be employed at the premises at all times, at specific times, or at such times when certain licensable activities are being carried out.
- E1.1.3 Ordinarily, door supervisors are more likely to be required at premises licensed for the sale of alcohol, however where evidence of disorder or likely disorder exists it may be appropriate for door supervisors at late night refreshment premises such as takeaways.
- E1.1.4 Where premises have a policy of searching patrons prior to entry, the Council recommend that at least one male and one female door supervisor is employed.

#### **E1.2 Controlled Substances**

- E1.2.1 The Council recognises the risk of controlled substance use in licensed premises, particularly dance and nightclub environments. Conditions may be imposed to prevent the use and consumption of controlled substances, including alcohol, and to create a safer environment for patrons that may have taken them. When imposing conditions, the Council will have regard to any national guidance relating to controlled substances and may seek advice from the local Drugs Action Team and the Police.
- E1.2.2 Where evidence of controlled substances issues exist, door supervisors may be required to operate a targeted search policy of patrons using the premises. Additionally, regular patrols of the premises both internally and externally (including the toilet areas) may be appropriate to monitor such issues.
- E1.2.3 The Council expects responsible licence holders at premises where problems with controlled substances exist, or where there is a high risk of such issues, to have a written controlled substance policy with appropriate training given to all employees.

E1.3 New Psychoactive Substances (NPS)

E1.3.1 NPS mimic the effects of illegal substances such as cocaine, ecstasy and cannabis and are designed specifically to evade any controls. Whilst NPS are not specifically regulated under the Act, the Council is acutely aware of their potential to impact on the licensing objectives, particularly when NPS are combined with alcohol consumption.

E1.3.2 The Council expects applicants to consider the risks of NPS as part of their operating schedule and demonstrate what control measures they will use to ensure the promotion of the licensing objectives.

E1.3.3 Where there is evidence of the sale/use or potential sale/use of NPS at premises, the Council may consider imposing conditions preventing the sale of NPS at premises or requiring control measures, such as door searches, to prevent NPS from being brought onto licensed premises.

E1.3.4 Some NPS products may contain controlled substances which would make them illegal. Where the Council is aware of illegal substances associated with a premises they will inform the police and consider whether a review of the licence/certificate is appropriate to ensure the promotion of the licensing objectives.

E1.4 Capacity

E1.4.1 The Council understands that the setting of capacity limits for the purposes of fire safety is not permitted, however, it may be appropriate to restrict capacity in premises in order to help control overcrowding and disorder.

E1.4.2 Where a condition is imposed restricting capacity to promote the prevention of crime and disorder objective, it is likely that a condition requiring door supervisors will also be appropriate to manage capacity.

E1.4.3 If it is deemed appropriate to restrict or manage capacity to promote the prevention of crime and disorder objective, it may be appropriate to impose a condition specifying the ratio of tables and chairs to patrons and for areas to be allocated as permanent seating areas in order to prevent overcrowding which in turn could lead to violence and disorder.

E1.5 Closed-Circuit Television (CCTV)

E1.5.1 The Council encourages the use of CCTV recordings, with appropriate warning signage, where they would assist with the promotion of the licensing objectives.

E1.5.2 Equally, the Council is mindful that a blanket CCTV requirement without assessing its appropriateness and proportionality to the individual premises would be an unnecessary financial burden on the premises.

E1.5.3 Where there is evidence of disorder or likely disorder, the Council may deem it appropriate to impose conditions relating to CCTV in order to promote the licensing objectives. Each case will be determined on its own specific circumstances, however, considerations may include, but are not limited to:

- the type of camera and number of cameras
- the locations of the cameras
- the recording capability of the cameras in terms of providing evidence quality images
- the times during which the cameras should be operational
- procedures for repairing the cameras should they become inoperable
- staffing requirements in respect of a working knowledge of the equipment

- storage requirements for recordings
- date/time stamping of recordings
- provision of recordings to the police on request

E1.5.4 The Council acknowledges that licence holders using CCTV recording equipment have responsibilities for handling the data appropriately and must be satisfied that any request for recordings meet any Data Protection responsibilities.

E1.5.5 Ordinarily, the provision of CCTV should be restricted to the minimum requirements to cover entrances, exits and till areas to a standard enabling facial recognition. Higher levels of coverage, based on factors such as the type and location of the premises, premises history and risk of serious crime and/or disorder may be appropriate at specific premises. In such circumstances, before imposing conditions requiring a higher level of coverage, the Council would expect the police to indicate why the higher CCTV requirements were appropriate to the individual premises and details of the suggested CCTV solution.

E1.5.6 Conditions requiring the provision of CCTV should be specific and easily-understandable to allow the licence holder to ensure compliance. A condition requiring the provision of CCTV "to the satisfaction of the police", or similar, will be avoided as it is non-specific and allows for varying opinions from different police officers.

#### E1.6 Drinking Vessels

E1.6.1 The Council encourages the use of drinking vessels made of toughened glass, plastic or other materials to ensure that no sharp edges occur when broken.

E1.6.2 Additionally, the Council encourages licence holders to ensure that bottles are not passed to patrons (with the exception of bottles of wine served with a table meal); if bottles are passed to patrons the Council encourages the use of bottles made from plastic or other materials.

E1.6.3 The Council expects the police to encourage the use of shatter-proof or crumpleable drinking vessels at specific premises at times when there is a risk, or perceived risk, of disorder.

E1.6.4 The Council encourages the use of drinking vessels made of toughened glass, plastic or other materials for outdoor consumption, particularly where patrons may leave the premises to participate in town or village events.

E1.6.5 If evidence exists of disorder or threats to public safety at, or in the proximity of, a licensed premise, appropriate conditions of this nature may be imposed at licensing hearings where the Sub-Committee's discretion has been engaged.

#### E1.7 Fly-Posting

E1.7.1 Due to its diverse cultural and community entertainment, North Hertfordshire often faces localised instances of illegal fly-posting. This activity impacts on the prevention of crime and disorder objective, as well as the prevention of public nuisance objective, as it proves unsightly and causes widespread annoyance.

E1.7.2 Whilst legislation exists to tackle fly-posting, and duplication of other regulatory regimes should be avoided, it is often ineffective in preventing this type of advertising. The Council is particularly concerned that this type of advertising is often left to event promoters hired by licence holders that claim they have no control over promoters' activities.

E1.7.3 The Council believes that responsible licence holders should take responsibility for promoters' actions relating to their premises to ensure the promotion of the licensing

objectives. Applicants should address this concern in their operating schedule as part of the application and explain what control measures they intend to utilise to control this illegal activity.

E1.7.4 Licence holders using event promoters are encouraged to have specific written contract arrangements with named individuals or companies to address potential fly-posting issues and to maintain a record of these arrangements for inspection should problems occur. Where appropriate based on evidence or where consistent with the applicant's operating schedules, the Council may impose conditions to this effect.

## E1.8 Pub Watch

E1.8.1 The Council recognises that a condition requiring attendance at Pub Watch meetings is too vague to be enforceable and will not impose such a condition on licences.

E1.8.2 That said, the Council recognises the invaluable contribution of an effective local Pub Watch scheme and encourage licensed premises to be part of any local scheme that exists in order to share information and best practice. If available, premises are encouraged to participate in any local Pub Watch radio scheme that provides links with local police and CCTV controllers.

## E2. **Public Safety**

E2.1 The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

E2.2 The Council is aware that applicants are legally responsible for complying with a range of public safety legislation, for example the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005, and for conducting suitable risk assessments in relation to their premises. Failure to comply with these requirements may lead to representations from responsible authorities when public safety is put at risk.

E2.3 The Council takes its responsibility for public safety seriously and is aware of a growing trend nationally to encourage alcohol consumption by adding substances to alcohol to make them more attractive to customers either in appearance or by increasing the speed of alcohol ingestion, for example liquid nitrogen in cocktails. This practice is strongly discouraged due to the inherent risks to public safety and the Council will actively use its regulatory powers where premises licence/club premises certificate holders ignore this advice.

## E2.4 Capacity

E2.4.1 "Safe capacities" should only be imposed on licences where necessary for the promotion of public safety or the prevention of disorder. If a capacity has been imposed through other legislation it would be unnecessary to reproduce it as a licence condition. It would also be wrong to impose conditions that conflict with other legislation. If no safe capacity has been imposed by other legislation, however, a responsible authority may consider it necessary for a new capacity to be attached. For example, a capacity limit may be necessary to prevent disorder as overcrowded premises can increase the risk of crowds becoming frustrated and hostile.

E2.4.2 In the case of premises that converted an existing public entertainment licence during the transitional period, all conditions were transferred to the new licence as embedded restrictions unless a subsequent application was made to remove them. The public

entertainment condition restricting capacity was not specifically imposed for fire safety reasons and therefore remains on the licence as a current enforceable condition.

## E2.5 Entertainment Venues

E2.5.1 Where venues providing entertainment use equipment or special effects that may affect public safety, such as strobe lighting, smoke machines, etc., the Council will expect the premises licence holder to have carried out risk assessments and taken the necessary actions to safeguard patrons at the premises.

E2.5.2 Venues that provide facilities for music and dancing, in particular nightclubs, should consider additional measures that may be appropriate such as, but not limited to:

- air conditioning and ventilation
- cloakroom facilities (any charges kept to a reasonable amount)
- quiet areas away from the music and dancing
- prevention of overcrowding, particularly on the dance floor
- regular collection of used drinking vessels

## E2.6 Fire Safety

E2.6.1 From 1<sup>st</sup> October 2006, the Regulatory Reform (Fire Safety) Order 2005 (“the Order”) replaced previous fire safety legislation. By virtue of Article 43 of the Order, any licence conditions that fall within the Order’s remit automatically cease to have effect. The Council will not seek to impose fire safety conditions where the Order applies however the Council will impose public safety conditions where appropriate.

E2.6.2 Whilst the Council is aware that they should not be duplicating other statutory responsibilities in relation to fire safety, conditions may be appropriate for the protection of public safety for matters outside the remit of the Order.

## E2.7 Public Safety Assessment

E2.7.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency
- policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues
- policies in relation to admission and readmission particularly control of capacity and queuing
- policies in relation to the safe dispersal of patrons from the premises and locality
- sufficient basic first aid provision and responsibilities for contacting the emergency services.

E2.7.2 In order to assist applicants with promoting the public safety licensing objective, NHDC’s Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size of the premises and the requested activities.

<p><u>Planning and Management</u></p> <p>The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence.</p> <p>The maximum capacity of the premises, including individual room capacities, based on available space excluding fixtures, fittings and furniture, number of available exits and exit widths and stairs and other hazards.</p> <p>The applicant should have a means of accurately counting the total number of customers and staff on the premises.</p> <p>The applicant should have arrangements for supervising contractors on the premises, including the ability to act on poor performance.</p>
<p><u>Venue Design</u></p> <p>The premises should be designed so any change in level is clearly indicated by contrasting colour nosings (or similar) to reduce the risk of tripping.</p>
<p><u>People Management</u></p> <p>Where a premises employs door supervisors there needs to be an effective means of communication between staff.</p>
<p><u>Transport Access</u></p> <p>Pedestrian and vehicle access routes need to be clearly separated wherever possible</p>
<p><u>Barriers</u></p> <p>Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.</p>
<p><u>Temporary Demountable Structures</u></p> <p>Any temporary structure (for example marquees, stages, etc.) should be installed and signed-off as 'fit for purpose' by a competent person. The structure should be monitored throughout its use by a competent person to ensure the safety of staff, performers and customers at the premises.</p>
<p><u>Electrical Installations and Lighting</u></p> <p>Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use and checked in accordance with national standards.</p>
<p><u>Water Supply</u></p> <p>If extending the water supply network outside of fixed premises, please seek advice from Environmental Health.</p>
<p><u>Special Effects</u></p> <p>Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.</p>
<p><u>LPG</u></p> <p>Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.</p>

## E2.8 Sanitary Facilities

E2.8.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

<b>Capacity</b>	<b>Female</b>	<b>Male</b>
Less than 20	1 x WC 1 x Wash Hand Basin	Shared with female customers
20 to 50	1 x WC 1 x Wash Hand Basin	1 x WC 1 x Wash Hand Basin
51 to 100	2 x WC 2 x Wash Hand Basin	1 x WC 1 x Urinal 2 x Wash Hand Basin
100 plus	2 x WC per 50 persons up to 200 then add 1 x WC per 100 persons thereafter 1 x Wash Hand Basin per WC	1 x WC per 100 persons up to 400 then add 1 x WC per 250 persons thereafter 1 x Urinal per 50 persons 1 x Wash Hand Basin per WC plus 1 x Wash Hand Basin per 5 urinals



### **E3. Prevention of Public Nuisance**

#### **E3.1 Overview**

E3.1.1 Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.2 The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:

- (i) appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and
- (ii) adoption of best practice guidance such as, but not limited to:
  - the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;
  - Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;
  - the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and
  - the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.

E3.1.3 The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.1.4 Where there is the potential for public nuisance and the applicant's operating schedule does not fully address the concerns, NHDC's Environmental Protection & Housing Team may request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions are included in the attached appendix of Model Conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if he/she believes they are not appropriate or proportionate. If the applicant does not wish to volunteer the suggested conditions then a representation may be made which will result in the matter being referred to a Licensing Sub-Committee for determination.

#### **E3.2 Noise from Entertainment**

E3.2.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;

- installation of noise-limiting devices;
- provision of acoustic lobbies;
- no externally played music;
- restrictions on the times and types of entertainment;
- keeping windows and doors closed (i.e. with self-closing devices).

E3.2.2 Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

E3.2.3 Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:

2.16

*Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.*

### E3.3 Noise and Disturbance from Customers

E3.3.1 This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);
- cessation of the use of certain areas of the premises;
- supervision of outdoor areas, entrances and exits;
- suitably worded, clear and prominent signage;
- restriction of seating in outdoor areas of the premises;
- restriction of times that drinks can be taken in specified outdoor areas of the premises;
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).

### E3.4 Noise from Plant and Equipment

E3.4.1 This includes noise and vibration from ventilation, air conditioning and refrigeration equipment. Measures to prevent a public nuisance may include:

- installation of acoustic enclosures or barriers;

- installation of soundproofing;
- relocation of equipment;
- replacement of equipment with new and/or quieter models;
- timing devices to limit the use of equipment at certain times.

E3.4.2 Please be aware that such measures may require planning consent from the local planning authority; it is advisable to discuss any intended changes with them prior to undertaking any works.

### E3.5 Noise from Servicing

E3.5.1 This may include noise from deliveries, collections and on-site disposal of bottles and other waste or recyclable materials. Measures to prevent a public nuisance may include:

- restrictions on times that deliveries, collections and disposal of bottles and other waste or recyclable materials can take place;
- prevention of such activities in specific areas of the premises.

### E3.6 Odour

E3.6.1 This can include the generation of odour from refuse storage, smoking areas and kitchen extraction/ventilation systems. Measures to prevent a public nuisance may include:

- suitably located refuse storage, smoking areas and kitchen extraction/ventilation systems;
- incorporation of an appropriate filtration system into the kitchen extraction/ventilation system (i.e. carbon or UV filters).

### E3.7 Lighting

E3.7.1 This can include external lighting, security lighting and lighting displays. Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and with appropriate shielding);
- suitably located and directed lighting installations.

E3.7.2 The Council is aware that security lighting plays an important part in securing the premises and promoting the prevention of crime and disorder objective. Before imposing conditions restricting security lighting, the Council will give consideration to paragraph 2.19 of the Guidance which states:

2.19

*Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.*

### E3.8 Litter

E3.8.1 Measures to prevent a public nuisance may include:

- entering into a waste contract agreement;
- provision of external litter bins for customers;
- regular litter picks in the immediate surrounding area of the premises.

E3.8.2 The Council is aware that it would be unreasonable and disproportionate to require licence holders to be responsible for littering associated with their products when patrons have gone beyond their control. The Council will, however, expect licence holders to take responsibility for ensuring that the immediate surrounding area is regularly cleared of litter associated with their business operation.

E3.8.3 Whilst accepting that littering beyond the control of a licence holder cannot be controlled by licence conditions, litter constituting a public nuisance under the Licensing Act 2003 may still require the licensing authority to restrict opening times or ultimately suspend or revoke a licence where the nuisance cannot be appropriately mitigated.

#### E3.9 Balancing the Council's Vision with the Prevention of Public Nuisance

E3.9.1 The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant night-time economy.

E3.9.2 The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule

E3.9.3 Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

#### **E4. Protection of Children from Harm**

E4.1 The Council recognises that the protection of children from harm objective relates primarily to children accessing or using licensed premises, or being exposed to activities taking place without having to access the premises (for example, underage alcohol sales, exposure to performances or advertising of an adult nature whether within or outside a premises).

E4.2 The Council welcomes the diversity of premises that will be licensed under the Act. The premises may include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. The Council will not ordinarily seek to limit the access by children to any premises unless it is considered appropriate for the prevention of physical, moral or psychological harm to them.

E4.3 When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.

E4.4 The Council believes that it is totally unacceptable to sell alcohol to children or expose them to entertainment of an adult or inappropriate nature. Premises where concern for the protection of children may arise include, but are not limited to, premises where:

- entertainment of an adult or sexual nature is provided;
- there is a strong element of gambling on the premises;
- there is a known association with drug taking or dealing;
- a member or members of the current management have been convicted for serving alcohol to children;
- it is known that unaccompanied children have been permitted access to the premises;
- there is evidence of heavy, binge or underage drinking at the premises; or
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

E4.5 There are a range of alternatives which the Council may consider for limiting the access of children which include, but are not limited to:

- a limit on the hours when children may be present;
- a limitation or exclusion when certain activities are taking place;
- the requirement to be accompanied by an adult;
- limited access to parts of the premises; and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

E4.6 Safeguarding against Child Sexual Exploitation (CSE)

E4.6.1 Whilst the Council encourages a diverse and vibrant night-time economy and will not seek to limit access by children without appropriate reasons, it is acutely aware that licensed premises have the potential to expose children to the risk of child sexual exploitation.

E4.6.2 The Council acknowledges that CSE awareness does not just apply to children on licensed premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

E4.6.3 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

E4.6.4 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person;
- children in the company of a group of older persons;
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons are buying alcohol for children;
- children outside of licensed premises developing relationships with older persons, particularly older persons buying alcohol for children;
- children leaving the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

E4.6.5 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate and should be precluded from the night-time economy, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

E4.6.6 The Hertfordshire Safeguarding Children Board (HSCB) has a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function in relation to the protection of children from harm objective. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice [www.hertssafeguarding.org.uk](http://www.hertssafeguarding.org.uk)

- E4.6.7 Of particular relevance to applicants is the Information Handbook for Licensed Premises available from the HSCB website. The Council expects applicants to read this handbook and ensure that the operating schedule identifies all management controls, particularly preventing CSE, appropriate for the promotion of the prevention of children from harm objective.
- E4.6.8 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.
- E4.7 Conditions requiring the admission of children to premises cannot be attached to licences or certificates. Where no restriction or limitation is imposed, the issue of access will remain a matter of discretion of the individual licensee or club or holder of a temporary event notice.
- E4.8 The Council recognises the HSCB as being competent to advise on matters relating to the protection of children from harm.
- E4.9 The Council supports voluntary Codes of Practice such as “Challenge 21”, “Challenge 25” or “PASS” (or other similar) accredited systems as relevant at any given time. Alcohol should be packaged and promoted in a socially responsible manner so as not to encourage drinking amongst those who are under eighteen years old.
- E4.10 The Council expects applicants to be clear in their operating schedules about the activities and times of intended adult entertainment in order to determine when it would be appropriate to enter the premises.
- E4.11 The Council expects applicants to fully set out the steps they propose to take to protect children from harm when preparing an operating schedule. Dependant on the nature of the proposed business model, there may be times when the presence of children in the premises would be inappropriate. The Council encourages applicants to undertake a self-assessment of their proposed business model in relation to the welfare of children and propose any appropriate restrictions as part of their operating schedule.

## SECTION F: GENERAL CONSIDERATIONS

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **F1. Context**

- F1.1 For ease of understanding, this Policy has been written from the perspective of advising applicants and the public and includes many references to ‘applicant’ or ‘applicants’.
- F1.2 The Policy applies equally to existing licence holders for the duration of a licence and during review proceedings. The term ‘applicant(s)’ should be read equally as ‘licence holder(s)’ in this context.
- F1.3 It is the Council’s clear intention that this Policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.

**F2. Meaning of ‘appropriate’**

F2.1 There are many references throughout this Policy to the term ‘appropriate’. The Act states at section 18(3)(b) that when relevant representations are received the Licensing Sub-Committee has to consider what steps “*it considers appropriate for the promotion of the licensing objectives*”.

F2.2 There is no current legal definition of the term appropriate, however the Guidance states:

9.39

*The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

9.40

*Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.*

F2.3 The Council anticipates that, in due course, case law will provide clarity on the meaning of ‘appropriate’. Until such time that the courts make a judgement the Council will give ‘appropriate’ its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4 European case law has defined ‘proportionate’ as generally requiring a four-step test, namely:

- there must be a legitimate aim for a measure;
- the measure must be suitable to achieve the aim;
- the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and
- the measure must be reasonable, considering competing interests.

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5 The Council acknowledges that proportionality is a key factor in assisting with the definition of ‘appropriate’.

**F3. Integrating Strategies**

F3.1 Through consultation, the Council will endeavour to secure integration with local crime prevention, planning, transport, tourism, cultural and community strategies.

F3.2 The Council may give due consideration to wider strategic issues when dealing with applications. The Licensing Committee may receive reports, when appropriate, on the:

- (i) needs of the local tourist economy;

- (ii) cultural strategies for the area;
- (iii) employment situation and the need for local investment; and
- (iv) planning considerations that may affect licensed premises.

F3.3 The Council recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation between the planning and licensing regimes to avoid duplication and inefficiency. That said, it will not be of benefit to the applicant or community to have a clear conflict between planning and licensing decisions.

F3.4 The Council acknowledges that a minority of customers will behave badly and unlawfully once away from well-managed licensed premises. Whilst the Council cannot use its licensing function to directly control the behaviour of customers once they are away from licensed premises, it can place control measures on customers in the immediate surrounding areas of the premises where they remain within the licence holder's control. Where customers move beyond the control of the licence holder, other control measures outside the licensing function include:

- planning policy and controls;
- the power to ban alcohol consumption in designated areas and police powers to confiscate alcohol within these areas;
- police enforcement of the law relating to anti-social behaviour and disorder, including the use of dispersal powers, fixed penalty notices and the new powers introduced under the Anti-social Behaviour, Crime and Policing Act 2014 (such as Community Protection Notices, Public Space Protection Orders and Criminal Behaviour Orders); and
- positive measures to create and maintain a safe night-time economy in partnership with local businesses, transport providers and trade bodies (such as Business Improvement District Companies).

F3.5 The Council will work with partner agencies to integrate its licensing function with other local strategies by establishing best working practices and utilising some of the controls available to the Council under the licensing function such as:

- powers to close down licensed premises immediately for up to twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise associated with the premises;
- powers for responsible authorities or residents to request a review of an existing authorisation under the Act;
- targeted joint agency enforcement against premises failing to promote the licensing objectives or contravening legislation;
- promoting Challenge 25 (or equivalent) proof of age schemes; and
- supporting an information sharing agreement between responsible authorities to ensure timely targeted action against problem premises.

#### **F4. The Avoidance of Duplication**

F4.1 In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.2 Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.



F4.3 The decision of one statutory authority (for example, the licensing authority or the planning authority) is no indication of the likely decision of the other. Indeed, statutory authorities may make representations to each other under each authority's legislation.

## **F5. Planning**

F5.1 Planning and licensing are two entirely separate processes and neither authority is bound by a decision of the other. Planning is predominately a decision about what the premises can be used for in relation to local amenity, whilst licensing is predominately a decision about what activities can be provided and how that premises is managed.

F5.2 The Council must ensure that any licensing decision is restricted to addressing the four licensing objectives and is not simply a re-run of the planning process.

F5.3 Whilst there may be occasions when licensing hours differ from those granted by the planning authority, or vice versa, the two authorities should seek to ensure that there are not significant differences which may cause confusion for the applicant and residents alike. Paragraph 9.41 of the Guidance states:

*"Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs."*

In situations where conflicting permitted hours do apply, the licence holder must observe the earlier closing time.

F5.4 The Council will ensure that there is proper integration with the planning authority by providing licensing updates, when appropriate, in respect of the general impact of licensed premises on the respective localities.

F5.5 The planning authority is a responsible authority under the Act and can make representations on applications, however it can only make representations in respect of the licensing objectives. Nuisance and crime and disorder are shared concerns of both regimes and may attract representations under both processes. Concerns that relate to the character of an area and local amenity but fall short of being a public nuisance are outside the scope of the licensing objectives and are matters solely for the planning authority.

F5.6 The absence of lawful planning use is not a matter for the licensing function. Although the planning status may be brought to the attention of officers and the Licensing Sub-Committee, the absence of lawful planning use is a matter for the planning authority.

F5.7 Conversely, the existence of lawful planning permission does not preclude the Council from considering an application in relation to the licensing objectives and making an appropriate determination, which may include refusal.

## **F6. Street Trading**

### **F6.1 Tables and Chairs**

F6.1.1 The Council is aware that businesses often wish to encourage a 'café culture' within towns and villages and provide tables and chairs outside of their premises for the consumption of food and drink. If these areas are within the control of the applicant they should be clearly marked on the plan accompanying an application and the management of these areas should be fully considered within the operating schedule.

F6.1.2 If the area used for the provision of tables and chairs is not part of the curtilage of the premises and falls within the definition of the 'highway', permission must be sought from Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F6.1.3 For the avoidance of doubt, for the purposes of the licensing function the Council will consider any area where tables and chairs are provided by the premises for the consumption of food and/or drink as within the control of the licence holder and subject to any appropriate licence conditions.

## F6.2 'A' Boards and Other Advertising Structures

F6.2.1 Similarly, the provision of A boards or other advertising structures on the highway requires the consent of Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F6.2.2 The Council recognises that a proliferation of such advertising structures on the highway can cause considerable nuisance to pedestrians, particularly persons with disabilities or adults with young children. Given that the Council considers public nuisance under the Act in its widest sense and this is a matter within the control of the licence holder, the Council may consider licence conditions restricting, prohibiting or controlling the use of such structures as appropriate in order to promote the prevention of public nuisance licensing objective.

## F6.3 Stalls and the Sale of Goods

F6.3.1 Community and cultural events involving licensable activities, for examples village fetes, fundraising events, music festivals, etc., often involve the provision of market-type stalls where goods can be purchased.

F6.3.2 The provision of stalls on the highway (with the term highway encompassing the carriageway, footways and adjoining public spaces) requires a consent from North Hertfordshire District Council if it takes place within the four main conurbations and/or the respective arterial roads.

F6.3.3 The Council recommends that applicants considering applications that involve the provision of stalls consult the North Hertfordshire District Council's Street Trading Policy available on the Council's website <http://www.north-herts.gov.uk/home/licensing/street-trading>

F6.3.4 In order to use Council-owned land for such events, applicants are required to obtain a land licence from North Hertfordshire District Council. Further information is available by clicking on the following link <http://www.north-herts.gov.uk/home/leisure/events/organising-event> In order to assist in minimising administration for applicants, the granting of a land licence includes the necessary street trading consent to provide stalls.

## F7. **Model Licence Conditions**

F7.1 The Council accepts that the wording of licence conditions, either by applicants or a Licensing Sub-Committee, is challenging to achieve the requirements of being clear, reasonable, proportionate and enforceable.

F7.2 Additionally, the duty of the Council to convert an operating schedule into licence conditions should be consistent and transparent.

- F7.3 To assist applicants and Licensing Sub-Committees with this process the Council has included an appendix to this Policy detailing model licence conditions. The conditions included in Appendix A have been developed since the introduction of the Act and represent best practice and effective existing conditions.
- F7.4 Appendix A is not intended as a 'wish list' for Licensing Sub-Committees to select conditions or as a list of requirements for applicants to replicate in order to obtain a licence. The pool of model conditions is provided in order to assist with the drafting of conditions that are proportionate, reasonable and enforceable where it has been deemed appropriate to impose a condition. Any conditions drawn from the pool of model conditions will be tailored to the individual premises and activities specific to each application and will still be subject to the need to promote the licensing objectives and be appropriate to address concerns raised through representations.
- F7.5 The Council acknowledges that this pool of model conditions must not fetter the discretion of the decision maker but must instead be used solely to ensure consistency of approach where the particular circumstances of an application merit the imposition of a condition.
- F8. Matters within the Licence Holder's Control**
- F8.1 The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.
- F8.2 That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.
- F8.3 The Council recognises that initiatives are available that assist with calming or reducing the incidences of disorder or nuisance as customers leave a premises and expects these to be fully considered in the operating schedule.
- F9. Late Night Refreshment**
- F9.1 The Council is of the view that late night refreshment premises, in particular takeaways, play an important part of a vibrant late-night economy. That said, badly managed premises contribute to late night disorder and applicants should consider the potential impact of their premises in the operating schedule of an application.
- F9.2 Where appropriate, for example in areas with known late-night economy disorder, the Council may impose conditions in relation to door supervision and evening litter collections. Such conditions will only be imposed, however, where appropriate for promoting the prevention of crime and disorder and/or prevention of public nuisance objectives.
- F9.3 The Council is aware that section 71 of the Deregulation Act 2015 amends the Licensing Act 2003 to allow councils to designate areas within their boundaries where late night refreshment is exempt from licensing. Given the potential impact these premises can have on the licensing objectives, the Council has no current plans to designate any exempt areas.

## SECTION G: LOCAL LICENSING POLICY (LARGE SCALE OUTDOOR EVENTS)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### G1. General

- G1.1 This section of the Policy deals with events with an intended capacity of five hundred and above. Capacities below that figure can be dealt with ordinarily by way of a temporary event notice which applies a ‘light touch’ approach to licensing, however, this does not preclude an application for a premises licence/club premises certificate.
- G1.2 This section is to be read in conjunction with and supplementary to all other sections of the Policy.
- G1.3 This section of the Policy is designed to assist applicants, responsible authorities, the public and Licensing Sub-Committees with applications in relation to large-scale events provided outdoors. Events such as music festivals, community fun days, etc. which take place on land open to the air but with the use of temporary demountable structures are considered to be outdoor events for the purposes of this Policy.
- G1.4 For clarity, this section of the Policy does not apply where licensable activities are proposed to take place solely within permanent structures that are used solely or regularly for such licensable purposes.
- G1.5 The Council acknowledges that unless its discretion is engaged by means of relevant representations, the application must be granted as applied for subject only to mandatory conditions or conditions consistent with the operating schedule supplied as part of the application. This section details the method of determination used by the Council once its discretion has been engaged and a hearing takes place.
- G1.6 The Council will take this general approach to the determination of all applications for the grant of a premises licence or club premises certificate, that are made for events that are occasional in nature and/or are large in scale as defined in this section of the Policy.
- G1.7 The Council will also have regard to this section for all applications made to vary or review licences or certificates. As variation or review applications can often be less complex than the initial application for the grant of a licence/certificate, the Council will determine whether the timescales included in this section apply based on the individual merits of the variation being sought. Applicants are advised to contact the licensing team so that early discussions on this matter can commence.
- G1.8 Due to the specialist nature of large scale events, particularly in respect of temporary demountable structures, the appropriate responsible authority will consult with the NHDC’s Building Control Team on all large scale event applications (as defined by section G1 of the Policy) to ensure the licensing authority has all relevant information when considering the licensing objective of public safety. This paragraph does not preclude the appropriate responsible authority obtaining Building Control (or other) advice on non-large scale applications, particularly when the use of bespoke temporary demountable structures is proposed.

### G2. Authorisation under a premises licence / club premises certificate

- G2.1 Occasional and/or large scale events can be authorised by a one-off, a time-specific, or a permanent licence/certificate. Applicants are encouraged to seek advice on the most appropriate type of application from the Council’s licensing team.

- G2.2 These events have significant potential to considerably undermine the promotion of the licensing objectives, due to their sheer size, complexity and the potential implications for the planning of a safe event. The Council strongly believes that this risk can only be adequately mitigated by the early submission of an up to date and detailed operating schedule that is specific to the proposed event on each separate occasion.
- G2.3 The Council acknowledges that it is inherent in the Act that responsible authorities and other persons should be given the opportunity to make representations related to the nature of the individual event which is planned. The potential for adverse effects on the promotion of the licensing objectives can vary significantly between events, even when similar events are held on a regular basis. In order to support the promotion of the licensing objectives, the Council believes that responsible authorities have a role in ensuring the safety of every large scale event, in particular when annual or multiple events are held under a single permanent premises licence.
- G2.4 Additionally, the Council's Enforcement Policy may be less effective because of the short duration and occasional nature of these events. The Council's incremental and proportionate response to problems arising may not be as effective in resolving issues on an occasional and irregular basis, particularly with changing event personnel. This paragraph should not be construed as meaning that the Enforcement Policy does not apply, or will not be applied, to large scale events.
- G2.5 Whilst the Council acknowledges the applicant's right to submit a one-off or time specific licence/certificate application, it encourages applicants to submit an application for a permanent licence/certificate. This provides the applicant with the flexibility of a licence that would allow the submission of an up to date and detailed operating schedule on each occasion the event is to be held, but safeguards the rights of responsible authorities and other persons to hold the licence/certificate holder to account by way of an application for a review.
- G2.6 Sites for large occasional events are not usually purpose built for the variety of licensable activities that can take place, therefore there is considerable work involved before, during and after such events in planning and organising the event as well as co-ordinating and ensuring the full involvement of all the emergency services to ensure a safe and well managed event. The Council believes that this can only be adequately achieved by the full and ongoing involvement of the licensing authority and responsible authorities in liaising with the applicant, whilst they are compiling the operating schedule for each individual event.
- G2.7 For these reasons, the Council considers that where an applicant attempts to submit an operating schedule that may refer to a series of events, potentially over a period of years, the detail and relevance of this important document is likely to be critically diluted unless it includes time-specific conditions relative to each event to allow the responsible authorities to consider the potential impact on the licensing objectives of each event.
- G2.8 The Council acknowledges that it is under a statutory obligation to administer and enforce the licensing regime to promote the licensing objectives. The organiser of an event, however, has additional and fundamentally different considerations in planning, organising and managing their event including financial concerns (the amount of profit made for either charitable or private gain) and satisfying the demands of those attending the event (for example, music sound levels to meet the expectations of the audience). These considerations and other matters can conflict with the priorities of the Council in terms of the promotion of the licensing objectives.

- G2.9 Whilst the Council can only consider the application before them based on the individual merits of the case, the Act allows an application for the transfer of any such licence / certificate. In these circumstances, only the police may object and then only in respect of the prevention of crime and disorder objective. This clearly does not permit consideration of the potential impact of the new management structure upon the other equally important licensing objectives. This is of particular concern to the Council given the high level of organisational and management skills required in connection with providing such events. Additionally, the Council is aware that a review application is not necessarily suitable to mitigate such a high risk due to the length of time required to hold a review and the burden of proof required in making the case.
- G2.10 Whilst the ability to request a review has the potential to deal with problems arising with a licence/certificate, the Council recognises that the aim of the Act is to prevent problems arising at the outset rather than merely reacting to actual or anticipated problems at a later date.
- G2.11 The Council has therefore adopted the following policy that will apply to large scale events when relevant representations have been made and the application is referred to a Licensing Sub-Committee for determination:
- (i) In respect of an application for a one-off, time-specific or permanent licence/certificate for the holding of occasional and/or large scale events the Council will consider, amongst other matters, whether the operating schedule:
    - (a) defines the events proposed with sufficient certainty to enable responsible authorities and the Council to adequately consider the risks to the licensing objectives arising from the event; and
    - (b) defines the measures proposed to avert those risks with sufficient certainty to enable responsible authorities and the Council to make a balanced judgment as to whether the measures will be sufficient to mitigate those risks.
  - (ii) The Council will generally require a high degree of certainty before deciding that the operating schedule fulfils this requirement, but will decide that matter on the individual merits of each case.
  - (iii) In cases where the Council determines that the operating schedule is not drafted with sufficient certainty, the application will normally be refused, save in exceptional circumstances. It is unlikely that the circumstances will be considered exceptional unless the applicant gives assurances and safeguards that the licensing objectives will be met despite the lack of certainty in the operating schedule and suitable conditions can be imposed on the licence to mitigate this risk.
  - (iv) In cases where the Council determines that the operating schedule is drafted with sufficient certainty then, in determining the application, the Council will consider any relevant risks arising from the temporary nature of the events proposed in the application in relation to the promotion of the licensing objectives.

**G3. Minimum periods of notice that should be provided by an applicant prior to the intended use of such a licence**

- G3.1 The Council requires the following minimum periods in order to process applications for large scale events, however, the Council encourages the submission of applications as early as possible:

Maximum capacity at any one time (inc. staff and performers)	Minimum Notice Period for Application
500 - 900	2 months
1000 – 4999	3 months
5000 – 14999	4 months
15000 – 19999	5 months
20000 +	6 months

Note: the starting point of two months is based on the minimum amount of time needed for an application to be considered allowing for the prescribed consultation period and a Hearing if necessary.

Where relevant representations have been made and the application is referred to a Licensing Sub-Committee for determination, the Council will generally refuse all such applications that are not submitted, and duly made, in accordance with the minimum notice periods prior to the event, except in exceptional circumstances.

G3.2 The Council's reasons for this policy principle are the following:

- (i) These events have significant potential to considerably undermine the promotion of the licensing objectives due to the numbers of people attending, the sometimes temporary nature of facilities and, most importantly, the variety and complexity of matters that may be relevant to the planning and organising of such events. The Council believes these potentially adverse impacts can only be mitigated in a full and proper manner by an applicant engaging with the licensing process at an appropriate time before the event.
- (ii) Furthermore, where less notice is provided there may be insufficient time for the licensing process to run its full course, namely there may insufficient time prior to a proposed event for any party to appeal the Council's decision if they are not satisfied. It is clear that such cases can be complex and controversial, potentially involving considerable court time on appeal; this may create a situation where for any aggrieved party to an application to engage in the appeal process becomes effectively impossible due to time constraints before a proposed event.
- (iii) Alternatively, an appeal decision may be made that due to its proximity to an event either does not:
  - (a) deter some of those hoping to attend from still doing so (where the application has been refused) which could potentially adversely impact upon the licensing objectives; or
  - (b) where an application has been granted, the resources spent on such an appeal may have adversely affected the promotion of an event or undermined the planning and management of it.
- (iv) If less notice is given by an applicant, they may have insufficient time to respond fully to representations that may have been submitted. This is particularly relevant where responsible authorities and/or other persons take the view that an application is lacking in detail and substance, and where the licensing process becomes drawn out in the lead up to the proposed event. This can lead to pressures on an organiser in the crucial lead up time to an event itself.

#### **G4. Issues that an applicant should address in the operating schedule for such applications**

G4.1 The Council is aware that responsible authorities, and sometimes other persons, often engage with applicants prior to submission of an application until sometimes after an event

has taken place. This concept is referred to in the Guidance, as it would assist in promoting the licensing objectives by fostering a partnership approach. The Council supports this concept, but with an additional caveat. Prior to such engagement, applicants are expected to consider, and to make reference in their operating schedule to:

- (i) relevant technical advice from any professionals they employ/involve in the planning of the event (such as Health & Safety Consultants, Event Management Companies, etc.);
- (ii) relevant National Guidance (such as The Event Safety Guide, MUTA's Best Practice Guide, etc.); and
- (iii) relevant professional advice from agencies that are not responsible authorities under the Act (such as the Highways Authority, local transport providers, medical service providers, etc.)

G4.2 The Council's reasons for this policy principle are the following:

- (i) The demands on the responsible authorities can be disproportionate to their resources, particularly in light of the Council's policy of encouraging cultural activities such as music, dancing and theatre. This may place undue pressure on such bodies, undermining the level of scrutiny of such applications.
- (ii) It must be considered that the legal responsibilities connected to holding such events rests primarily with the organiser and land owner. Where an application does not contain reference to such guidance and expertise, statutory bodies may be placed in an untenable position where they may be open to litigation due to the level of input/advice they may have to provide, and by implication may have taken an inappropriate degree of legal responsibility/liability in connection with the event. The Council believes it is pertinent, therefore, to attempt to avoid such a problem arising.
- (iii) Where an applicant does not consider such advice and guidance before making an application, this can place responsible authorities and/or other persons in a difficult position due to the fact that many aspects of an application may be lacking and it may not allow full and proper consideration of the proposals during the consultation period. This may undermine their full and proper consideration of an application.

#### **G5. Incorporating flexibility into an operating schedule to allow occasional events to develop under a permanent premises licence**

G5.1 In addition to encouraging applicants for occasional/annual events to apply for a permanent premises licence, the Council actively encourages applicants to build flexibility into their operating schedules. This allows for the event to evolve and incorporate best practice without undo restrictions on the management of the event and the site layout.

G5.2 The Council recommends an operating schedule that contains basic management control conditions that would apply from event to event but with the majority of event management details to be incorporated into an Event Management Plan (EMP). One of the basic management control conditions can then link the final EMP to the operating schedule making it an enforceable operating schedule condition.

G5.3 The content of the EMP can be defined by an operating schedule condition, ordinarily under generic headings, with any specific requirement of a responsible authority included as sub-headings. Varying timescales for each responsible authority and the provision of specified information can be incorporated within the EMP ensuring flexibility for the licence holder to develop the event and react to evolving issues such as ground/weather conditions or the availability of products/service providers.



- G5.4 The Council encourages an applicant to include an operating schedule condition stating required timescales for the issue of a draft EMP and the final EMP, ideally a specified number of days prior to the commencement of event build-up on site or the opening of the event to the public. This condition should also include any consequence of the failure to meet this requirement, for example, certain licensable activities are not permitted until compliance has been achieved or the event will not be permitted without the express approval of the licensing authority.
- G5.5 This type of EMP operating schedule condition (in effect a 'promise to provide' licence) allows the applicant flexibility to amend the details and layout for each event without the need to vary the premises licence whilst maintaining suitable control measures for the responsible authorities and the Council to ensure the promotion of the licensing objectives. As the EMP would be attached as a licence condition, failure to comply with its content would render the licence holder liable for operating otherwise than under an authorisation (section 136 of the Act).
- G5.6 The Council has encouraged this type of event premises licence for a number of years leading to successful annual events at venues such as Knebworth Park and recommends applicants to enter into pre-application discussions at the earliest opportunity to explore the suitability of this option.

## **G6. The prevention of crime and disorder**

### **G6.1 General**

G6.1.1 Large scale events, in particular music festivals, have the potential to significantly impact on the prevention of crime and disorder objective for reasons such as, but not limited to:

- a significant number of event attendees being attracted to North Hertfordshire and the creation of 'an event community', often the size of small town;
- disorder associated with travel to and from the venue;
- potential criminal elements being attracted to the event, particularly multi-day events; and
- the additional pressures on police resources associated with the event.

G6.1.2 In preparing an application, applicants are encouraged to have early discussions with the police about the potential for crime and disorder associated with or at the event in order that any concerns can be addressed in the operating schedule.

G6.1.3 Given the potential impact on the licensing objectives of a large scale event, the Council will place significant weight on any representation received from the police and will give serious consideration to refusing the application unless the concerns raised in the representation are fully addressed.

### **G6.2 Dispersal Orders**

G6.2.1 Where evidence exists that an event is likely to, or has the potential to, attract crime and/or disorder into North Hertfordshire, the police may consider the implementation of dispersal powers available by virtue of the Anti-social Behaviour, Crime and Policing Act 2014. This would allow the removal of any problem persons from a specified area to address these concerns (for example, rogue traders, known criminal gangs, disorderly persons, etc.)

G6.2.2 A decision relating to the implementation of dispersal powers is not a decision for the Council as part of the licensing function and dispersal powers cannot be imposed as a licence condition. That said a decision on whether or not to implement dispersal powers

may be considered as part of the Sub-Committee's allocation of weight to a police representation.

G6.2.3 Additionally, an applicant's willingness or otherwise to support and assist with dispersal powers can be considered by a Licensing Sub-Committee as part of its determination.

### G6.3 Police Resourcing

G6.3.1 The Council is strongly of the view that it is not the responsibility of the police to provide a free security service for event organisers. The responsibility for security at events rests solely with the event organiser.

G6.3.2 Whilst it can be reasonably expected that the police will undertake their normal duties in support of an event, this service would be in addition to on-site security deployed by the event organiser.

G6.3.3 The Council is aware of existing case law in regard to the payment for policing resources at events and recognise the financial impact for event organisers. That said, if a police presence at an event is appropriate for the promotion of the licensing objectives, the Council accept that, save for exceptional circumstances, the need to secure the promotion of the licensing objectives outweighs the financial burden on the applicant.

G6.3.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider the imposition of conditions requiring a formal resourcing agreement with the police, including the advanced payment for such resourcing, to be entered into and complied with in order for the event to proceed.

G6.3.5 For events where the capacity, audience profile or perceived risk leads the Council to believe that a police presence on site is appropriate to promote the licensing objectives, the Council may consider the imposition of conditions requiring the applicant to make on site provision for any infrastructure required for the police to reasonably carry out their duties. These requirements may include, but are not limited to:

- a temporary custody area;
- a visible and accessible area for event patrons to attend;
- suitable accommodation on site for Police Commanders;
- suitable on site welfare provision for police personnel; and
- suitable IT equipment (telephony, internet, etc.) in order to facilitate any reasonable police request.

### G6.4 Event Security

G6.4.1 As part of an operating schedule or an EMP, the Council expects an applicant to fully apprise the police of the event security plan (including any requested details of security companies and operatives) and comply with any reasonable requests from the police in finalising the event security arrangements.

G6.4.2 For events that will have the potential to pose a significant risk to the licensing objectives, applicants should give serious consideration to including a Security and Stewarding Plan (SSP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a SSP to be agreed with the police in advance of the event.

G6.4.3 Where appropriate based on the evidence and/or any perceived risk, the Council expects the security companies and operatives employed by the applicant to work closely with the police in regard to:

- information sharing;
- best practice;
- attendance at police briefings; and
- co-operation and assistance during the event.

G6.4.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions in relation to closed-circuit television (CCTV) at events for monitoring of audiences, camping, parking and ingress/egress.

G6.4.5 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions relating to a security search requirement on entry to an event site.

#### G6.5 Camping Provision

G6.5.1 The Council is aware that the provision of on-site camping for multi-day events increases the risk of crime and disorder, predominately through organised criminal elements that target festivals and festival campsites.

G6.5.2 Applicants are expected to liaise with local police to establish any perceived risk or intelligence associated with an event and address these concerns in the operating schedule or EMP. Control measures may include:

- 24hr campsite security patrols and car park stewarding;
- security fencing around the campsite;
- controlled entry points to campsites including identification wristbands (or similar);
- secure storage for campers (campsites and arenas); and
- raised security observation points.

#### G6.6 Traffic Management

G6.6.1 Large numbers of event attendees give rise to pressures on local transport networks, particularly main and local roads, railway stations and taxi provision. The Council expects applicants to liaise with local transport providers, having assessed their target audience profile, and address any transport concerns within the operating schedule or EMP.

G6.6.2 For events that will have a significant impact on the local road/railway network, applicants should give serious consideration to including a Transport Management Plan (TMP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a TMP to be agreed with the police in advance of the event.

G6.6.3 Where large numbers are expected to use local transport venues, such as railway stations, the Council considers these venues as areas that are causally linked to the event and within the licence holder's control. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing conditions in relation to the provision of security at local transport venues to control event patrons.

G6.6.4 If the event venue is a considerable distance from key transport providers, such as railway stations, the Council expects the applicant to consider the implications of a significant number of pedestrians attending the event. This is particularly relevant for venues adjacent to main arterial routes such as Knebworth Park.

G6.6.5 Where appropriate to promote the licensing objectives the Council may consider imposing conditions requiring the provision of an additional transport provision between the venue and the main transport provider (such as railway stations), for example shuttle buses or organised taxi provision within the venue.

G6.6.6 Additionally, due to the causal link between the venue and the large number of pedestrians attending, the Council may consider imposing conditions relating to the stewarding of pedestrian routes where appropriate for the promotion of the licensing objectives.

#### G6.7 Emergency Liaison Team

G6.7.1 For events that due to their size, nature and/or duration effectively create a temporary community at the event venue pose additional risks and the Council expects operating schedules to address how this temporary community will be managed to promote the licensing objectives.

G6.7.2 In circumstances where one or more of the emergency services deem it necessary to have a permanent on-site presence, or where an event is deemed high risk by the Council, it may be appropriate for the applicant to provide a control centre permanently staffed by the key agencies and event management in order to monitor the event and provide a combined response to any problem or emergency that may arise. This control centre is often referred to as an ELT (Emergency Liaison Team).

G6.7.3 The Council considers it good practice for an applicant to provide an ELT as part of an operating schedule or EMP. In circumstances where an applicant doesn't intend to provide an ELT, the Council would expect the operating schedule to demonstrate other suitable management arrangements to ensure the promotion of the licensing objectives.

G6.7.4 Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring the provision of a fully-staffed ELT throughout the event (or at specified times dependant on the individual circumstances of the application).

G6.7.5 Applicants should be aware that if the Council deems it appropriate to impose a condition requiring the provision of an ELT it is likely to impose a condition requiring the applicant to provide and maintain suitable telephony and IT to allow the effective operation of the ELT.

### **G7. Public safety**

#### G7.1 General

G7.1.1 The Council recognises that the public safety objective is concerned with the physical safety of the people attending the event and not with public health, which is dealt with in other legislation.

G7.1.2 Given the nature of large scale events, particularly those that involve camping, the Council recognises that the applicant's responsibility in promoting the public safety objective is much wider than that of permanent premises with much shorter customer visiting periods.

G7.1.3 Where appropriate for the promotion of the licensing objectives, depending on the size, nature and duration of the event, the Council will expect applicants to address these wider responsibilities in the operating schedule or EMP. Examples of these wider issues include, but are not limited to:

- washing and showering facilities;
- medical provision (first aid, on-site hospital, hospital transfer capability, etc.);
- suitable food and beverage provision;
- quiet areas away from entertainment; and
- emergency planning

G7.1.4 The Council is aware that the responsibility for enforcing health & safety at outdoor events is shared between the local authority and the Health & Safety Executive (HSE). In general

terms, the HSE enforce throughout the build-up and strike phases, whilst the local authority enforce throughout the event. As the HSE is not a responsible authority in its own right under the Act, applicants are encouraged to include the HSE in any pre-application discussions and address their concerns in the operating schedule or EMP.

G7.1.5 Applicants should be aware that if a Licensing Sub-Committee is not satisfied that an operating schedule adequately promotes the public safety objective it is likely to impose conditions from the model conditions attached to this Policy. In cases where there are insufficient conditions to fully address the public safety objective or the risk to the public is so significant a Licensing Sub-Committee is likely to refuse the application.

## G7.2 Hertfordshire Fire & Rescue Service

G7.2.1 The Fire & Rescue Service play a crucial role in securing public safety at large scale events with the role much wider than just the consideration of fire safety. Applicants are encouraged to seek early advice from the Fire & Rescue Service in relation to all aspects of public safety, including but not limited to:

- safe capacities;
- exit widths and routes;
- crowd densities;
- temporary demountable structures;
- pyrotechnics and special effects; and
- ignition sources

G7.2.2 Whilst the Regulatory Reform (Fire Safety) Order 2005 gives the Fire & Rescue Service powers to deal with fire safety that should not ordinarily be duplicated under the licensing regime, the prohibition of structures and venues on the day of the event under the Order would cause undue risk to the promotion of the licensing objectives. Any form of prohibition that prevented or limited public access for large numbers of people is likely to lead to disorder or a risk to public safety. For that reason, the Council expects applicants to address all aspects of public safety with the Fire & Rescue Service through the operating schedule or EMP to ensure prohibitions on the day of the event are only necessary in exceptional circumstances.

G7.2.3 In order to assist applicants in fully considering the public safety requirements of the Fire & Rescue Service, model conditions are included in Appendix A. The model conditions are provided to assist applicants but should not be interpreted as requirements in order to obtain a licence. Applicants have the opportunity to address public safety through their own licence conditions which should be tailored to the specific nature of an event.

G7.2.4 The Council is strongly of the view that public safety at large scale events is of paramount consideration and a Licensing Sub-Committee, where appropriate for the promotion of the licensing objectives, is likely to consider imposing the Fire & Rescue Service model conditions where the operating schedule does not fully address public safety concerns.

## G7.3 Catering Concessions and Crew Catering

G7.3.1 Large scale events usually require the provision of on-site catering concessions for the public and crew catering for production and site personnel. Whilst catering concessions are often provided in purpose-built mobile units, they can also be provided by way of temporary demountable structures.

G7.3.2 Given the temporary nature of event catering, the risk to the public from poor conditions of hygiene and/or the quality and fitness to consume of the products is increased. The effect of a food poisoning incident within crew catering puts the public at significant risk if event safety staff are unable to undertake their duties effectively.

G7.3.3 The Council expects applicants to fully demonstrate in the operating schedule or EMP how they will mitigate this increased risk and ensure the promotion of the public safety objective.

G7.3.4 NHDC supports the Food Standard Agency's national Food Hygiene Rating Scheme (FHRS) used to display the hygiene standards of businesses. The Council encourages applicants to use catering concessions and crew catering providers that have a FHRS rating of three (3) or above.

G7.3.5 Where an operating schedule does not adequately promote the public safety objective in relation to catering concessions, a Licensing Sub-Committee may consider imposing a condition, where appropriate, requiring a FHRS rating of three (3) or above.

#### G7.4 Water Supply

G7.4.1 Large scale outdoor events, particularly greenfield sites, often involve a temporary or extended water supply network which has the potential to adversely affect the public safety objective.

G7.4.2 The water supply and distribution network must meet the standards required by BS 8551 and applicants should have due regard to the guidance provided by the document 'Guidelines for the Provision of Temporary Drinking Water Supplies at Events'.

G7.4.3 The Council expects applicants to provide a Water Management Plan (WMP), including an appropriate risk assessment, which should include provision of an alternative water supply in the event of loss of the original supply.

G7.4.4 If an operating schedule does not fully address public safety concerns in respect of the water supply a Licensing Sub-Committee may consider imposing a condition, where appropriate for the promotion of the licensing objectives, requiring the applicant to produce a WMP as part of the operating schedule or EMP.

G7.4.5 The Council encourages applicants to have early discussions with NHDC's Commercial Team to enable them to address any issues associated with temporary water supplies in the operating schedule or EMP.

#### G7.5 Body piercers and tattooists

G7.5.1 Large scale events often attract tattooists and body piercers that provide their services to event attendees. All such businesses are required to be registered with their local authority who undertakes regular inspections to ensure they are operating professionally and hygienically.

G7.5.2 Providing this service from mobile units or temporary demountable structures increases the potential risk to hygiene requirements. For that reason, the Council expects applicants to notify NHDC's Commercial Team of all tattooists and/or body piercers that are to be available as part of the event.

#### G7.6 Public Safety Risk Assessment

G7.6.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- (i) safe capacities in identifiable areas of the event site, including camping and car parking, that can be evacuated quickly in the case of emergency;
- (ii) policies in relation to ingress, re-admission and egress, particularly control of capacities, queuing and safe dispersal from the locality;

- (iii) policies in relation to securing the safety of patrons whilst at the event, including camping and car parking; and
- (iv) sufficient on-site medical provision, including procedures for contacting the emergency services.

G7.6.2 In order to assist applicants with promoting the public safety licensing objective, NHDC's Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size, nature and location of the event.

<u>Planning and Management</u>
The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence. The maximum capacity of the site, including individual arenas and structures based on the available space excluding any obstacles and the number of available exits and exit widths. The applicant should have a means of accurately counting the total number of customers and staff on site and in each individual arena and structure. The applicant should have a reliable means of communication between staff independent of the mobile telephone network. The applicant should have arrangements for supervising contractors (including security staff) on the premises, including the ability to act on poor performance.
<u>Venue Design</u>
A detailed scale plan of the event site should be included as part of the operating schedule or EMP.
<u>Crowd Management</u>
The applicant should have a detailed Crowd Management Plan including methods of assessing crowd density and movement.
<u>Transport Access</u>
Pedestrian and vehicle access routes need to be clearly separated, particularly between event site and car parking, at shuttle bus/taxi provision and where pedestrian access crosses main roads.
<u>Barriers</u>
Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.
<u>Electrical Installations and Lighting</u>
Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use, checked in accordance with national standards, protected against the elements, protected from damage and routed through a suitable residual current device (RCD).
<u>Special Effects</u>
Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.
<u>LPG</u>
Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.

## G7.7 Sanitary Facilities

G7.7.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

<b>Public Gate Opening Time</b>	<b>Female (minimum requirements)</b>	<b>Male (minimum requirements)</b>
Less than six (6) hours after the gate opens to the public	1 x WC per 120 persons	1 x WC per 600 persons Plus 1 x Urinal per 175 persons
Six (6) hours or more after the gate opens to the public	1 x WC per 100 persons	1 x WC per 500 persons Plus 1 x Urinal per 150 persons

- G7.7.2 The Council expects the applicant to undertake an analysis of the expected audience demographic and keep it under review in light of actual and forecast ticket sales when calculating the appropriate sanitary facility provision. The applicant should demonstrate in the operating schedule or EMP how the final sanitary facility provision will be calculated.
- G7.7.3 If children are expected to attend the event, applicants are expected to make suitable additional sanitary facility provision, for example baby changing facilities (if appropriate) or suitable height urinals.
- G7.7.4 Applicants are reminded of their responsibilities under the Equality Act 2010 and the Council will expect applicants to demonstrate that they have provided appropriate sanitary facility provision to cater for the needs of disabled persons. Considerations for the provision of disabled sanitary facilities include, but are not limited to:
- level access, including wheelchair access;
  - suitable cubicle door widths;
  - suitable level hand-washing facilities;
  - suitable locations relative to stages, camping and other amenities.
- G7.7.5 Applicants for events that provide camping facilities will need to consider separate sanitary facility provision within the campsite. Adequate sanitary facilities should be provided in all camping areas and publicly accessible areas of the event site independent of other areas; it is not acceptable to the Council to have one centrally located sanitary facility provision serving all areas of the event site including camping.
- G7.8 Temporary Demountable Structures (TDS)
- G7.8.1 Outdoor events rely heavily on TDS to transform greenfield sites and other open spaces. The Council is aware of the risk associated with the construction and use of TDS and will expect applicants to take every possible measure to ensure the promotion of the public safety objective.
- G7.8.2 Whilst the Council wish to make clear that the responsibility for TDS rests with the applicant, NHDC's Commercial Team acts as the lead responsible authority for public safety in terms of TDS. The Team will liaise with applicants and offer advice where appropriate about suitable operating schedule conditions to promote the public safety objective. Ordinarily, the Council will expect applicants to include in their operating schedule or EMP a condition that any TDS will be:
- installed and signed-off as fit for purpose by a competent person; and
  - monitored throughout its use by a competent person to ensure the safety of staff, performers and event attendees.
- G7.8.3 Whilst the Council accepts that standard TDS provided by specialist companies can be installed and signed-off by a competent person associated with the event, it will expect the applicant to demonstrate the competency of the named person(s) to the satisfaction of the responsible authorities. Where bespoke TDS are utilised, the Council will expect the applicant to engage the services of an independent structural engineer to over see the installation and use of the TDS, including responsibility for signing-off.
- G7.8.4 For the avoidance of any doubt, whilst the Council and responsible authorities may be provided with structural calculations and details of TDS, they accept no responsibility for the suitability of the structures and give no consent or approval of their usage.
- G7.8.5 To assist applicants in the preparation of an operating schedule and/or EMP, model conditions are included as part of the attached Appendix A. These model conditions are not to be interpreted as a requirement of obtaining a licence, they are intended as a guide



to the measures likely to be needed to promote the public safety licensing objective. Applicants are free to word their own conditions based on the specific nature of their event having regard to this Policy.

G7.8.6 If the applicant's operating schedule and/or EMP does not fully satisfy the public safety licensing objective and representations are received, a Licensing Sub-Committee is likely to consider imposing, where appropriate, conditions similar to the model standard conditions.

G7.8.7 Applicants should be aware that the Fire & Rescue Service has an important role to play in the promotion of the public safety licensing objective and Appendix A contains some model conditions suitable for that purpose (see section G7.2 above).

G7.8.8 The Council is aware that weather and ground conditions can often play a vital part in decisions relating to TDS, even as late as during site build. By adopting the approach recommended in this section of the Policy of having a permanent premises licence with an EMP as a licence condition, applicants have maximum flexibility in adjusting the site layout and/or TDS used to adapt to prevailing weather and ground conditions.

## **G8. The prevention of public nuisance**

### **G8.1 Supplementary to section E3 of this Policy**

G8.1.1 Applicants are reminded that for brevity, paragraphs of policy relating to the prevention of public nuisance that appear in section E3 of this Policy are not repeated here. It is important, therefore, that applicants read this section in conjunction with and supplementary to section E3 of this Policy.

### **G8.2 Overview**

G8.2.1 Large scale outdoor events have significant potential to impact adversely on communities through public nuisance that may arise from their operation, in particular in relation to noise from live or recorded music. The Council expects applicants to seek early engagement with NHDC's Environmental Protection & Housing Team when preparing an operating schedule.

G8.2.2 Where the applicant's operating schedule does not fully address concerns in relation to the prevention of public nuisance objective, NHDC's Environmental Protection & Housing Team will initially request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions specific to large scale outdoor events are included in the attached appendix of model conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if he/she believes they are not appropriate or proportionate to the application. If the applicant does not wish to volunteer the suggested conditions then a representation is likely and the matter will be referred to a Licensing Sub-Committee for determination.

G8.2.3 Applicants should be aware that if a Licensing Sub-Committee is not satisfied that an operating schedule adequately promotes the prevention of public nuisance objective it is likely to impose conditions from the model conditions attached to this Policy. In cases where there are insufficient conditions to fully address the prevention of public nuisance objective or the risk of nuisance is so significant a Licensing Sub-Committee is likely to refuse the application.

### **G8.3 Noise from Entertainment**

G8.3.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. playing of films). Measures to prevent a public nuisance may include:

- restrictions on the number of days that entertainment is held during an event;
- restrictions on the timings and types of entertainment, including sound propagation testing and pre-event sound checks;
- limiting the overall front of house sound levels including, where appropriate, limiting specific frequencies;
- suitably located and orientated stages to minimise the potential for noise nuisance;
- limiting the number of stages and/or sound sources that can be used for the provision of entertainment at any one time;
- use of noise control measures, for example directional sound systems, noise limiting devices and acoustic barriers or enclosures;
- employing a competent noise consultant to plan and implement noise control measures before and during the event.

G8.3.2 The Council is aware that the potential for noise nuisance must be proportionately balanced against the benefits to the community and each application must be determined on its individual merits. That said, the Council will give additional weight to concerns where an event has the potential to affect a large number of the public (for example, multiple communities such as neighbouring towns and/or villages).

#### G8.4 Noise from Plant and Equipment

G8.4.1 This includes noise from generators or other mobile plant or equipment. Measures to prevent a public nuisance may include:

- use of silenced generators;
- installation of acoustic enclosures or barriers;
- appropriate location and orientation of equipment;
- timing devices to limit the use of equipment at certain times (where practicable).

#### G8.5 Noise from Servicing

G8.5.1 This may include noise from deliveries, collections and site build-up and break-down before, during and after an event. Measures to prevent a public nuisance may include:

- restrictions on timings for deliveries to and collections from site before, during and after the event;
- limiting the locations for deliveries and collections, including limitations on local routes used before, during and after the event;
- restrictions on timings for site build-up and break-down.

#### G8.6 Lighting

G8.6.1 This may include external lighting, security lighting and light displays (for example, laser shows and other special stage effects). Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and/or with appropriate shielding);
- suitably located and directed lighting installations.

#### G8.7 Litter

G8.7.1 The Council believes that an applicant's responsibility for litter directly associated with an event is not confined to the event site itself. Where an event has a clearly identifiable pedestrian access (for example, a direct route between the event site and a railway station) or utilises an identifiable transport venue (for example, a railway station or car parking site),

the Council expects the applicant to identify in the operating schedule or EMP what measures they will use to ensure the prevention of public nuisance for those routes and/or venues.

G8.7.2 Measures to prevent a public nuisance may include:

- entering into waste contract agreements;
- provision of litter bins adequate for the size and nature of the event;
- provision of rubbish bags for non-day ticket holders (i.e. campers);
- regular litter picks in the identified vicinity, on access routes and on associated transport venues.

#### G8.8 Noise Management Plan (NMP)

G8.8.1 Section G5 of this Policy details the Council's recommendation that an applicant utilises an Event Management Plan as a condition of a premises licence to allow maximum flexibility for multiples events. For the same reasons, the Council also recommends that applicants utilise a Noise Management Plan (NMP) as a condition of a premises licence.

G8.8.2 A NMP gives maximum flexibility for an applicant to adapt the measures required for managing any potential noise nuisance from an event by reacting to amended site plans, differing artiste profiles, weather conditions, etc.. It removes the need for inflexible fixed noise levels on a premises licence and allows the applicant to work with environmental protection officers to ensure the most appropriate controls are applied proportionately for each event.

G8.8.3 The Council acknowledges that a NMP cannot be a requirement to enable an applicant to obtain a licence, however it is the Council's preferred option to balance appropriate control and flexibility for the applicant.

G8.8.4 In order to assist applicants with the preparation of appropriate operating schedule conditions in relation to a NMP the attached appendix of model conditions includes some examples of NMP licence conditions that work effectively for various existing licence holders.

G8.8.5 Where a Licensing Sub-Committee determines that an operating schedule does not adequately promote the prevention of public nuisance objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions in respect of a NMP.

G8.8.6 Applicants should be aware that if they volunteer, or a Licensing Sub-Committee imposes, a licence condition requiring a NMP to be approved by NHDC's Environmental Protection & Housing Team, they should submit the NMP with sufficient time for the NMP to be considered and amended where necessary.

#### **G9. The protection of children from harm**

G9.1 The Council is aware of the added risk to the protection of children from harm objective arising from large scale outdoor events, particularly those with camping facilities that create a temporary community within the event site.

G9.2 In addition to identifying in an operating schedule or EMP the measures to be taken to address section E4 of this Policy, the Council expects applicants to consider what other control measures are appropriate based on the specific nature of the event.

G9.3 Measures to protect children from harm at large scale outdoor events may include, but are not limited to:

- restricting access to unaccompanied children below a specified age;
- additional supervision of and/or restricted access to concessions selling age-restricted products;
- an identifiable wristband scheme to distinguish children from adults (including additional entry and sales policies to ensure children cannot access adult tickets);
- policies in relation to lost children (specifically, lost children points, welfare arrangements, contact with the police, secure or coded communication between agencies)
- additional security clearance for staff that may come into contact with children;
- mitigating additional risk factors in terms of the prevention of CSE;
- restricting access to children from events where the entertainment or nature of the event is not suitable for children.

G9.4 In order to assist applicants with the preparation of an operating schedule, the attached appendix contains some model conditions that have worked successfully at similar events within North Hertfordshire. These conditions are not to be interpreted as a requirement to obtain a licence.

G9.5 Where a Licensing Sub-Committee determines that an operating schedule does not fully address the protection of children from harm objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions.

#### **G10. The role of the Council acting as the licensing authority**

G10.1 The Council in its role as the licensing authority is responsible for the administration of the application process and ensuring compliance with the terms of the licence including licence conditions.

G10.2 The Council has no responsibility for approving the design, construction or use of any TDS or any other infrastructure or management controls provided by the applicant; responsibility rests solely with the applicant. Whilst information may be provided to the Council acting as the licensing authority or council officers acting as responsible authorities, this information is provided solely on the basis of ensuring compliance with a licence. No consent or approval, implied or otherwise, is to be taken from the provision of this information.

G10.3 The Council (including council officers acting as responsible authorities) is likely to attend the event, including during the site build-up and break-down, to monitor compliance and undertake other statutory functions. The Council (including any council officers acting as responsible authorities) will not accept any responsibility for the management of the event or offer solutions to any issues found; responsibility rests solely with the applicant. No consent or approval, implied or otherwise, is to be taken from officer attendance at an event.

G10.4 Where an operating schedule requires the applicant to provide a fully staffed ELT throughout the event, the Council (including council officers acting as responsible authorities) will not provide a staffing resource for this purpose. The responsibility for responding to any situation during an event rests solely with the ELT and council officers will not participate in this process.

G10.5 The Council may attend scheduled ELT briefings to provide any feedback from council officers that may be appropriate to bring to the attention of the ELT but will otherwise be attending as observers for the purposes of monitoring licence compliance. No consent or approval of proposed actions, implied or otherwise, is to be taken from officer attendance at an ELT briefing.

## **SECTION H: LOCAL LICENSING POLICY (THE ROLE OF THE SAFETY ADVISORY GROUP)**

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **H1. North Hertfordshire District Council Safety Advisory Group (NH SAG)**

H1.1 NH SAG consists of officers from within NHDC, responsible authorities under the Licensing Act 2003, ‘blue light services’, highways officers and any other relevant organisation with responsibilities for ensuring public safety at events. Its role is to offer support and advice to organisers of events within North Hertfordshire.

### **H2. The Role of NH SAG**

H2.1 Whilst the Council accepts that NH SAG has no statutory role within the licensing regime and the responsibility for organising and managing a safe event lies with the event organiser, it strongly believes that NH SAG can provide invaluable experience and advice to applicants.

H2.2 This Policy encourages early discussions between applicants and the responsible authorities prior to the submission of an application and the NH SAG offers applicants access to a wide range of experience and knowledge. This facility is of particular assistance to applicants where an EMP is required as a licence condition. NH SAG can meet regularly with the applicant to review an EMP throughout its development, offering further advice and support where appropriate.

H2.3 No consent or approval of any proposals concerning event management or infrastructure, implied or otherwise, is to be taken from applicant attendance at NH SAG.

### **H3. General**

H3.1 The Council will not impose any licence conditions requiring applicants to obtain the consent of NH SAG for any aspect of event management or infrastructure.

H3.2 When considering representations, a Licensing Sub-Committee may consider an applicant’s willingness or otherwise to liaise with NH SAG as an indication of their commitment to the promotion of the licensing objectives and ability to deliver a safe event.

## **SECTION I: LOCAL LICENSING POLICY (GARAGES)**

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **I1. Definition of Garage**

I1.1 Section 176 of the Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- (i) the retailing of petrol;
- (ii) the retailing of derv;
- (iii) the sale of motor vehicles; and
- (iv) the maintenance of motor vehicles.

## **12. Primary Use**

12.1 The Council will judge 'primary use' on the basis endorsed by the courts in R (on the application of) *Murco Petroleum Limited v Bristol City Council* [2010] EWHC 1992 (Admin), and any subsequent cases, which is the intensity of customer usage. For example, if a rural garage shop is used more intensely by customers purchasing other products (non-garage) than by customers either purchasing the products or services listed in paragraph 11.1 above (garage) or by customers purchasing a combination of the two (non-garage and garage), then the premises may be eligible to apply for a premises licence to authorise the sale or supply of alcohol.

12.2 Paragraph 5.23 of the Guidance states:

*'If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.'*

The Council is of the opinion that to grant a licence that would not have effect would be irresponsible and may create a legitimate expectation on behalf of the applicant that the sale or supply of alcohol was permitted. The Council will not ordinarily grant a licence until such time as the primary use issue has been resolved.

## **13 Establishing Primary Use**

13.1 The Council encourages applicants to submit all available evidence to resolve this issue with the application so that a decision can be made at the end of the consultation period. The Council encourages applicants to submit both footfall and turnover figures (net of all taxes) under the three separate headings of 'fuel', 'shop' and 'mixed'. The figures for footfall and turnover should ideally be for the same trading period and the Council encourages figures covering a period of at least twelve months.

13.2 An application will not be accepted by the Council as a duly made, valid application unless it is accompanied by sufficient evidence to satisfy the Council that the premises are capable of not being excluded premises. On such occasions, the application will be returned as invalid with guidance as to the information required to allow the application to be duly made.

13.3 If representations are received and a hearing is held, the Council will determine the application in the normal way and if minded to grant, will grant with effect from such time as the primary use issue is resolved to the Council's satisfaction. If there is insufficient information for the Council to be able to determine the issue of primary use, the Council will adjourn the hearing to a prescribed date with directions to the applicant as to the additional information requested.

13.4 The Council acknowledges that there will be occasions when the data necessary to resolve the primary use question will be unavailable, for example in the case of a brand new premises. In order to reassure responsible authorities and interested parties who may have raised concerns, the sub-committee may wish to grant the licence with the following condition:

*The data that the premises licence holder produces to satisfy themselves that they are not an excluded premises shall be submitted to the licensing authority via the licensing officer on a quarterly basis for a period of two years or such lesser period where the licensing authority are satisfied that primary use has been established.*

- 13.5 In order to assist applicants in avoiding unlawful sales when the premises is an excluded premises, and to assist the Council with its enforcement function, a sub-committee may consider imposing the condition listed in paragraph 13.4 above on any application where the particular circumstances of the application deem such a condition to be appropriate.
- 13.6 In accordance with section 176 of the Act, a licence will cease to have effect at any time when the primary use of the premises is such that it became an excluded premises. A letter advising the applicant of the implications of section 176 of the Act will be issued with all granted licences reminding the licence holder that it is their responsibility to continually monitor the issue of primary use at their premises.

## SECTION J: LOCAL LICENSING POLICY (ADULT ENTERTAINMENT)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

This section is to be read in conjunction with and supplementary to Section E: Licensing Objectives.

### J1. Adult Entertainment

- J1.1 Due to the nature of adult entertainment and its potential to impact on the licensing objectives, the Council will expect applicants to suitably address in the operating schedule issues such as, but not limited to:
- external displays of indecent material or performances
  - changing facilities for performers
  - restrictions on performer/audience contact
  - restrictions on recordings of performances
  - age, welfare and security of performers
  - age of audience members
- J1.2 Applicants will be expected to ensure suitable control measures are in place to ensure that the premises are conducted in a decent and orderly manner at all times. In particular, the applicant will be expected to take whatever steps are appropriate to ensure that none of the following take place:
- indecent behaviour, including sexual intercourse, in public
  - the offer of any sexual or other indecent service for reward
  - any acts of violence against persons or property and/or the attempt or threat of such acts likely to cause a breach of the peace
- J1.3 The Council has adopted the requirements of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that requires a premises to obtain a Sexual Entertainment Venue (SEV) licence if it provides adult entertainment that includes:
- any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*
- providing that:
- *there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;*

- *no such occasion has lasted for more than 24 hours; and*
- *no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period).*

J1.4 Where a SEV licence is required, the Council will not seek to duplicate its requirements or impose any licence conditions adequately dealt with under the SEV licensing legislation. (see the Council's Sex Establishment Policy available at [www.north-herts.gov.uk](http://www.north-herts.gov.uk))

J1.5 Where an application for a licence under the Licensing Act 2003 is received and there are no details within section K adult entertainment, or a comment such as 'none' is entered, a licensing condition consistent with this part of the operating schedule would be imposed on the licence as follows:

*No adult entertainment will be permitted on this premises unless under the authorisation of a Sexual Entertainment Venue licence.*

## SECTION K: LOCAL LICENSING POLICY (PUBLIC HEALTH)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **K1. Public Health as a Responsible Authority**

K1.1 The Council welcomes the addition of the Director of Public Health for Hertfordshire as a responsible authority as it believes health bodies may hold relevant information which other responsible authorities do not. This information may assist the Council in its decision-making under the Act.

K1.2 Whilst health bodies may make representations in their own right or support representations by other responsible authorities, all representations must relate to one or more of the licensing objectives. Representations relating purely to issues of public health are not relevant under the Act.

K1.3 The Council encourages the Director of Public Health to create and maintain regular contact with the licensing authority to develop a good working relationship to ensure best use of public health data within the licensing process. Wider discussions with the North Hertfordshire Community Safety Partnership are also encouraged.

### **K2. The Role of Health Bodies**

K2.1 Health bodies can make representations on any of the four licensing objectives however the Council believes that the most relevant representations will focus on accidents and injuries from violence resulting in attendance at emergency departments and/or the use of the ambulance service where alcohol is a contributory factor. The police may not always be aware of these incidents from a crime and disorder perspective and any data collected in relation to these incidents may assist the licensing authority in their assessment of applications.

K2.2 The Council acknowledges that health bodies may also have relevant representations to make in relation to the protection of children from harm objective as this objective encompasses the moral and psychological well-being of children as well as their physical safety.

K2.3 Whilst health bodies may have representations in respect of new premises, the Council believes that health data can be invaluable in assessing the impact of premises on the licensing objectives when determining a licence review. Data provided by health bodies will



specifically assist with considering the impact of alcohol sales at premises in relation to the prevention of crime and disorder and the protection of children from harm objectives.

- K2.4 The Council considers health body data in relation to alcohol-related incidents involving persons under the age of eighteen as particularly relevant in the determination of applications.
- K2.5 Less obvious is the role health bodies may have in the assessment of public nuisance representations. They may have data relating to the physical and/or psychological effects of late night noise and light pollution from licensed premises or persons congregating outside licensed premises.

### **K3. Data Collecting and Sharing**

- K3.1 The Council is aware that one of the major barriers to health bodies becoming more actively involved in the licensing function is that the specific data referred to in this section of the policy is not routinely collected.
- K3.2 The Director of Public Health for Hertfordshire is encouraged to work closely with the Council and other responsible authorities to understand their requirements in relation to data required to assist with the licensing function.
- K3.3 The Council further encourages the Director of Public Health for Hertfordshire to work closely with responsible authorities to enable any representation to be supplemented by available health data or for a representation to be submitted from the health body in its own right.

<b>SECTION L: LOCAL LICENSING POLICY (EARLY MORNING ALCOHOL RESTRICTION ORDERS)</b>
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In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### **L1. Early Morning Alcohol Restriction Order (EMRO)**

- L1.1 The ability to implement an EMRO is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. An EMRO would enable the Council to restrict the sale of alcohol in the whole, or in part, of the district between midnight and 06:00hrs on all or some days.
- L1.2 The Council would consider making an EMRO in relation to problem areas if it had evidence that the order is appropriate for the promotion of the licensing objectives.
- L1.3 It is important to be aware that the restriction would only relate to the sale or supply of alcohol and would have no effect on regulated entertainment.

### **L2. Current Position in relation to EMROs**

- L2.1 The Council is strongly of the view that an EMRO is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- L2.2 An EMRO is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so significant that only an EMRO would offer a viable solution.

L2.3 The Council has no plans to implement any EMROs at the time of writing this policy.

## SECTION M: LOCAL LICENSING POLICY (LATE NIGHT LEVY)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

### M1. Late Night Levy (“levy”)

- M1.1 The ability to implement a levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. This would enable the Council to charge a levy to all persons who are licensed to sell alcohol within a specified time period between midnight and 06:00hrs as a means of raising a contribution towards the costs of policing the late-night economy.
- M1.2 The levy would apply to all premises where the licence allowed alcohol sales within the specified period irrespective of whether or not they were trading during those hours. Additionally, the levy would apply to the district as a whole, including premises such as village pubs that are often the centre of a community with little or no impact on the licensing objectives.
- M1.3 A minimum of seventy percent of the levy must be given to the police however there is no statutory requirement for it to be spent on policing the late-night economy or even on the district in which it was levied.
- M1.4 The Council would consider making a levy if it had evidence that the order is appropriate for the promotion of the licensing objectives.

### M2. Current Position in relation to a Late Night Levy

- M2.1 The Council is strongly of the view that a levy is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- M2.2 As a levy would impact on all businesses within the specified timings it would be an unreasonable charge for well-managed premises that were not impacting on the licensing objectives.
- M2.3 A levy is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so widespread within the district that only a levy would offer a viable solution.
- M2.4 Any decision to implement a levy would require a public consultation.
- M2.5 The Council has no plans to implement a levy at the time of writing this policy.

## SECTION N: DELEGATION

### N1. Licensing Sub-Committee Membership

- N1.1 Ordinarily, Councillors will not be invited to sit on sub-committees considering applications within their Ward.
- N1.2 If it is established during a hearing that a member of the sub-committee has a Prejudicial or Disclosable Pecuniary Interest that Councillor will not participate any further in the hearing or take part in the determination of the application. This does not apply to applications

made by North Hertfordshire District Council itself. In those circumstances it is unlikely that councillors would have a Prejudicial or Disclosable Pecuniary Interest in the matter before them.

- N1.3 A licensing sub-committee will adjourn a hearing and refer the matter to another licensing sub-committee where it is unable to deal with an application because one or more of its members are unable to take part in the determination due to a Prejudicial or Disclosable Pecuniary Interest.
- N1.4 If a member of a sub-committee becomes unwell or otherwise unable to continue during the course of a hearing or determination, the sub-committee will adjourn the hearing until a specified date when all three sub-committee members can continue the hearing.
- N1.5 If a member of a sub-committee has to leave the hearing temporarily, the hearing will be adjourned until such time as the absent member returns.
- N1.6 If a member of a sub-committee has been present throughout the hearing and determination but has to leave prior to the formal giving of the decision the sub-committee chair will advise all parties of this fact. All members of a sub-committee must sign the formal decision notice to signify their full participation in the hearing and determination and confirm that the decision notice is an accurate reflection of the sub-committee's decision.

## N2. Delegation of Function

- N2.1 The Act provides that the functions of the licensing authority are to be taken or carried out by its licensing committee. The licensing committee may delegate these functions to sub-committees and/or officers of the licensing authority with the exception of the adoption of the statement of licensing policy which is reserved for the full council.
- N2.2 The licensing committee has further delegated licensing functions as follows:

Matter to be dealt with	Licensing Sub-Committee (3 Councillors)	Officers
Application for personal licence	If a police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection made	All other cases
Application for interim authority	If a police objection made	All other cases
Application to review premises licence/club premises certificate	All cases	

Matter to be dealt with	Licensing Sub-Committee (3 Councillors)	Officers
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Decision to object when local authority acting as a responsible authority		All cases
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Decision to postpone a hearing beyond the 20 working day time limit		All cases
Withdrawal of club premises certificate under section 90 of the Act		All cases
Administrative policy amendments required by changes to legislation or Guidance.		All cases

N2.3 The above scheme of delegation does not preclude officers from referring matters up to a licensing sub-committee, or a licensing sub-committee referring matters up to the full licensing committee where appropriate.

## SECTION O: MISCELLANEOUS

### O1. Relationship to other Statutory Duties

O1.1 The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:

- (i) Crime and Disorder Act 1998  
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.
- (ii) Human Rights Act 1998  
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.

(iii) Equality Act 2010

Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

**O2. Without Prejudice**

- O2.1 Any premises licence or club premises certificate granted by the Council relates solely to the provisions of the Licensing Act 2003 and considerations related thereto.
- O2.2 Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

**O3. Role of Councillors**

- O3.1 The Council believes that local councillors play a vital role in representing and supporting their local communities and may act on behalf of people affected by licence applications.
- O3.2 Affected persons may choose to be represented at a licensing hearing by their local councillor who can speak on their behalf, providing the affected person has made a representation. Equally, a local councillor can make a representation on behalf of the community that he/she represents.
- O3.3 Local councillors with a Prejudicial or Disclosable Pecuniary Interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence but must withdraw from the meeting immediately afterwards.
- O3.4 Any representation from a local councillor, whether in his/her own right or on behalf of the community, will be considered and apportioned weight in exactly the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee,

**O4. Representations**

O4.1 General

O4.1.1 Any responsible authority and/or any other person are entitled to make representations to the Council, irrespective of their geographic proximity to the premises, in relation to:

- (i) applications for the grant, variation, minor variation or review of a premises licence or club premises certificate; or
- (ii) applications for the grant of a provisional statement.

Additionally, responsible authorities and/or other persons are entitled to make applications for the review of a premises licence or club premises certificate.

O4.1.2 Representations may be made either for or against an application provided they are relevant.

O4.1.3 Responsible authorities are the statutory consultees listed in paragraph O5.1 below.

O4.1.4 Other persons are defined as any individual, body, business or member of the licensing authority.

O4.1.5 Whilst any other person may act in their own right, they may also request that a representative (for example, a friend, a Member of Parliament, or a local councillor) makes the representation to the Council on their behalf.

#### O4.2 Relevant Representations

O4.2.1 In order for a representation to be relevant it must be:

- (i) made during the prescribed consultation period;
- (ii) relate to the effect or likely effect on the licensing objectives;
- (iii) not be frivolous or vexatious [other persons only]; and
- (iv) in the case of reviews, not be repetitious [other persons only]

O4.2.2 The Council gives the term 'frivolous' its ordinary meaning and may consider a representation frivolous for reasons such as, but not limited to:

- (i) a lack of seriousness;
- (ii) concerns raised are minor, at most; or
- (iii) no remedial steps would be appropriate or proportionate.

O4.2.3 The Council gives the term 'vexatious' its ordinary meaning and may consider a representation vexatious for reasons such as, but not limited to:

- (i) disputes between local businesses;
- (ii) attempts to protect business by making representations against competitors;
- (iii) intention to cause aggravation or annoyance without reasonable cause or justification; or
- (iv) making the same or similar representation repeatedly without reasonable cause or justification (in effect, re-visiting the consideration of a previous representation where the person making the representation was not satisfied with the previous decision).

O4.2.4 In order to assist other persons in making representations, the Council recommends that representations should:

- (i) be made in writing (a legal requirement); email is an acceptable form of writing;
- (ii) state the name and full address of the person, body or business making the representation;
- (iii) indicate the premises to which the representation relates;
- (iv) indicate the proximity of the premises to the person making the representation, particularly where the person is making reference to the direct effect on them of issues such as noise or disorder;
- (v) indicate any specific evidence relating to the impact on the licensing objectives or evidence of an existing problem that may be effected by the application; and
- (vi) clearly state the grounds for making the representation including how the grounds relate to the licensing objectives

O4.2.5 Representations that do not contain a genuine name and postal address will not be considered as relevant representations by the Council.

O4.2.6 Officers will make professional judgements on the relevancy of representations and give reasons in writing when a representation is deemed not relevant. If there is an element of doubt over relevancy, the benefit of the doubt will be given to the writer of the representation and the Sub-Committee can consider the weight (if any) to apportion to the representation as part of their determination.

### O4.3 Petitions

O4.3.1 Petitions will only be accepted by the Council if:

- (i) the full explanation of the reasons for the petition is printed at the top of each page;
- (ii) the explanation relates to the licensing objectives;
- (iii) the petition is received within the prescribed consultation period; and
- (iv) each person signing the petition includes their name, address and a signature.

Each entry on a petition will be considered against this criteria and any entry not meeting the criteria will be excluded.

O4.3.2 The Council will only correspond with the person submitting the original petition not with each individual signatory.

O4.3.3 The Council will advise a Licensing Sub-Committee in respect of the weight to apportion to a petition based on the individual merits of each case.

### O4.4 Representations in the Public Domain

O4.4.1 The Council acknowledges that it is a statutory requirement to provide copies of representations to applicants in order that they have the opportunity to consider their response. The name and address of the person making the representation will not be withheld from the applicant however email addresses and telephone numbers will be deleted.

O4.4.2 Representations, including names and addresses, are included in the reports considered by Licensing Sub-Committees which are publicly available documents.

O4.4.3 In exceptional cases, the Council may consider that a person making a representation has a genuine fear of intimidation if their name and/or address were made available to the applicant or in the public domain. Ordinarily, the Council would only make such a judgement on advice from the police. In these circumstances the Council will consider an alternative approach to safeguard the person(s) making the representations.

### O4.5 The Council acting as a Responsible Authority

O4.5.1 Ordinarily the Council will not make representations where other responsible authorities have done so. The Council will ordinarily only make representations where:

- (i) it has evidence that other responsible authorities do not possess;
- (ii) an application conflicts with this Policy;
- (iii) it can assist with improving the wording of operating schedule conditions; or
- (iv) it acts on behalf of persons who are not in a position to act for themselves.

## O5. **Responsible Authorities**

O5.1 The specific contact details for the responsible authorities In North Hertfordshire are:

*The Licensing Officer*  
Licensing Department, Hitchin Police Station, College Road, Hitchin, SG5 1JX  
[LicensingEasternArea@herts.pnn.police.uk](mailto:LicensingEasternArea@herts.pnn.police.uk)

*Fire Protection Manager*  
Hertfordshire Fire & Rescue, Fire Protection, Mundells-MU103, Welwyn Garden City, AL7 1FT  
[administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

Chief Trading Standards Officer  
Hertfordshire Trading Standards, Mundells, Welwyn Garden City, AL7 1FT  
[hcc.tradstad@hertfordshire.gov.uk](mailto:hcc.tradstad@hertfordshire.gov.uk)

Commercial Manager (Environmental Health)  
North Hertfordshire District Council, Council Offices, P O Box 480, M33 0DE  
[env.health@north-herts.gov.uk](mailto:env.health@north-herts.gov.uk)

Environmental Protection & Housing Manager,  
North Hertfordshire District Council, Council Offices, P O Box 480, M33 0DE  
[env.health@north-herts.gov.uk](mailto:env.health@north-herts.gov.uk)

Development and Conservation Manager  
North Hertfordshire District Council, Council Offices, P O Box 480, M33 0DE  
[planning.control@north-herts.gov.uk](mailto:planning.control@north-herts.gov.uk)

Licensing Manager,  
North Hertfordshire District Council, Council Offices, P O Box 480, M33 0DE  
[licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk)

Health Improvement Manager  
Public Health, Postal Point SFAR232, Farnham House, Six Hills Way, Stevenage, SG1 2FQ  
[publichealth@hertfordshire.gov.uk](mailto:publichealth@hertfordshire.gov.uk)

Safeguarding Children Manager,  
Hertfordshire Safeguarding Children Board, Room 127, County Hall, Pegs Lane, Hertford, SG13 8DF  
[admin.lscb@hertfordshire.gov.uk](mailto:admin.lscb@hertfordshire.gov.uk)

- O5.2 Whilst the responsible authorities listed above are the only statutory bodies permitted to submit representations under the Act, this does not preclude the responsible authorities from seeking professional and/or specialist advice from other persons where it is appropriate to ensure the promotion of the licensing objectives.

## O6. Application Forms

- O6.1 Application forms, details of application fees and further guidance on the application process can be obtained from the Council's website [www.north-herts.gov.uk](http://www.north-herts.gov.uk) or the Government website [www.gov.uk/alc-hol-licensing](http://www.gov.uk/alc-hol-licensing)

## O7. Assistance and Advice

- O7.1 For further assistance, please contact:

Licensing, North Hertfordshire District Council, P O Box 480, M33 0DE  
01462 474000 or [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk)

## SECTION P: GLOSSARY

the Act	the Licensing Act 2003
the Council	North Hertfordshire District Council acting as the licensing authority
the Guidance	Statutory Guidance issued by the Home Office pursuant to section 182 of the Licensing Act 2003
the Order	the Regulatory Reform (Fire Safety) Order 2005
the Policy	North Hertfordshire District Council's Statement of Licensing Policy
BBFC	the British Board of Film Classification



CCTV	closed-circuit television
CSE	child sexual exploitation
ELT	emergency liaison team
EMRO	early morning alcohol restriction order
EMP	event management plan
FHRS	food hygiene rating scheme
HSCB	Hertfordshire Safeguarding Children Board
HSE	Health & Safety Executive
levy	late night levy
NHDC	North Hertfordshire District Council
NH SAG	North Hertfordshire Safety Advisory Group
NMP	noise management plan
NPS	new psychoactive substances
SEV	sexual entertainment venue
TDS	temporary demountable structures
TMP	traffic management plan
WMP	water management plan

Proposed Policy (referred from LAC to Full Council)

<b>APPENDIX A: MODEL LICENCE CONDITIONS</b>
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**A1. The prevention of crime and disorder**

- The premises licence holder shall install and maintain a comprehensive closed-circuit television (CCTV) system that will record all entry and exit points to the premises; the recordings will enable frontal identification of every person entering the premise in all lighting conditions.
- The premises licence holder will ensure that the closed-circuit television (CCTV) system shall continually record whilst the premises are open for licensable activities and at all times whilst customers are present on the premises.
- All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.
- The premises licence holder shall ensure that closed-circuit television (CCTV) system recordings will be made available upon request of a police or other authorised officer throughout the retention period specified in the premises licence.
- The premises licence holder will ensure that staff employed at the premises are conversant with the operation of the closed-circuit television (CCTV) system whilst the premises are open to the public. Staff should be able to operate the system fully and be able to show footage as captured to both the police and other authorised officers on request.
- The premises licence holder will ensure that a minimum of *(as determined by the applicant)* Security Industry Authority licensed door supervisors shall be on duty at the premises during the hours of *(as determined by the applicant)* on the following days *(as determined by the applicant)*.
- The premises licence holder will ensure that all sales of alcohol for consumption off the premises shall be in sealed containers only and that they shall not be consumed on the premises.
- The premises licence holder will ensure that an incident log shall be kept at the premises for a period no less than six (6) months, and made available on request to an authorised officer of the licensing authority or the police, which will note the following:
  - all crimes reported to the venue, or by the venue to the Police
  - names and/or descriptions of all ejected patrons
  - any complaints received
  - any incidents of disorder
  - seizures of drugs, offences weapons, fraudulent ID or other items
  - any faults in the CCTV system or searching equipment or scanning equipment
  - any refusal of the sale of alcohol
  - any visit by a relevant authority or emergency service
  - the times on duty, and the licence number of all licensed door supervisors employed by the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises on the handling of fraudulent identification used to obtain the sale of alcohol.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises relating to illegal drugs found on persons or on the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised office of the licensing authority for the premises relating to unlawful weapons being found on persons present on licensed premises.
- The premises licence holder will provide twenty-eight (28) days notice to Hertfordshire Constabulary of any events to be held at a licensed premise which are organised by an outside promoter, including full details as to the nature of the event and the promoter.

- The designated premises supervisor (DPS) must ensure that a working radio-link radio is in use/operation at all times the premises are open for licensable activities and that this is carried by the designated premises supervisor or nominated deputy whilst they are on duty.
- The premises licence holder will ensure that there is a personal licence holder on duty at all times the premises are authorised to sell alcohol.
- The premises licence holder will ensure that there is no admittance/re-admittance of patrons to the premises after (to be determined by the applicant) hrs.
- The premises licence holder will ensure that there is prominent signage on display at the premises that displays the permitted hours for the sale of alcohol.
- The premises licence holder will ensure that a log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the licensing authority at all times whilst the premises are open.
- The premises licence holder will ensure that the rules of admission to the premises shall be clearly and prominently displayed at each entrance to the premise.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.
- The premises licence holder will ensure that alcohol shall be served to customers by waiter/waitress service only.
- The premises licence holder will ensure that there shall be no sale of alcohol for consumption off the premises.
- The premises licence holder will ensure that there will be no admission to customers after (to be determined by the applicant) other than to:
  - Residents of the hotel and their bona fide guests
  - Persons who have pre-booked to attend a function at the premises.
- The premises licence holder will ensure that no entertainment, performance, service or exhibition involving nudity or sexual stimulation shall be permitted to take place on the premise.
- The premises licence holder will ensure that no miniature bottles of spirits of 20cl or below will be sold from the premises.

## **A2. Public safety**

- The designated premises supervisor (DPS) or a nominated deputy will ensure that no drinks shall be served in glass containers at any time for alcohol to be consumed on the premises.
- The premises licence holder will ensure that the designated queuing area outside of the premises shall be enclosed within appropriate barriers to ensure that the footway is kept clear at all times that this is in operation.
- The premises licence holder shall ensure that no single cans or bottles of beer or cider shall be sold from the premises.
- The premises licence holder will ensure that no super-strength beer, lager or cider of 5.5% ABV (alcohol by volume) or above will be sold from the premises.
- The premises licence holder will ensure that the sale of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
- The premises licence holder will ensure that no unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
- The premises licence holder will ensure that any special effects or mechanical installations to be used on the premises shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on ten

(10) working days prior notice being given to the licensing authority where consent has not previously been given.

- dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics, including fire works
  - firearms, including imitation or toy firearms
  - lasers
  - explosives and highly flammable stances
  - real flame
  - strobe lighting
- The premises licence holder will ensure that no person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
    - NOTE: this condition does not apply to exhibitions given under the provisions of s2(1A) and 5 of the Hypnotism Act 1952 for which written permission has been given by the licensing authority.
  - The premises licence holder will ensure that there shall be in place a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the licensing authority.
  - The premises licence holder will ensure that alcohol is to be served in polycarbonate, plastic or shatter-proof glasses on agreed dates/events as specified on the licence, or when notified by Hertfordshire Constabulary a minimum of twenty-eight (28) days in advance of a specific event taking place.
  - The premises licence holder will ensure that any customer who behaves violently (verbally or physically) will be put forward to their local Pub Watch for consideration of a ban from all premises within a specified area.
  - The premises licence holder will ensure that at all times that the premises are open to the public that there is a minimum of one (1) competent person able to administer first aid, and that there is an adequate supply of first aid equipment and materials as necessary.
  - The premises licence holder will ensure that clear, legible notices shall be placed at each entry point to the premises advising those attending that it is a condition of entry that customers agree to being searched, and that the police will be notified of any person found to be in possession of a controlled substance, or an offensive weapon.
  - The designated premises supervisor or a nominated deputy will ensure that all Security Industry Authority (SIA) licensed door supervisors shall wear high-visibility clothing and shall wear their SIA issued badge in accordance with their regulations.
  - The designated premises supervisor or a nominated deputy shall maintain a register/log of the licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details, and the times that they were on duty.
  - The designated premises supervisor or a nominated deputy will ensure that the licensed door supervisors remain on duty at the premises for thirty (30) minutes after the premises have closed to assist with the safe dispersal of patrons from the premises and the vicinity of the premises.
  - In premises where existing legislation does not adequately provide for the safety of the public, the premises licence holder will ensure that consideration be given as follows:
    - whilst disabled persons are present, that adequate arrangements exist that will enable their safe evacuation from the premises in the event of an emergency;
    - disabled patrons are aware of the evacuation procedures through the adequate display of public notices.
  - For premises providing indoor sporting events, the following conditions are to be employed by the premises licence holder:
    - an appropriately qualified medical practitioner is to be present throughout sporting events such as boxing, wrestling, Greco-Roman wrestling, judo, karate or other sports entertainment of a similar nature.

- where the use of a ring is involved, that this be constructed and supported to the satisfaction of the licensing authority; any materials used in its structure are to be flame retardant in nature.
- at any event where wrestling or other entertainment of a similar nature is being displayed, that the public do not occupy any seat within two and a half (2.5) metres of the ring.
- at water sport events, staffs adequately trained in rescue and life safety procedures are on duty, and that they remain in the vicinity of the water sports area at all times.
- The premises licence holder will enter into an agreement with either a hackney carriage and/or private hire company to provide transportation for their customers, with contact telephone numbers readily made available to customers who will be encouraged to use such services.
- The premises licence holder will ensure that all external emergency exit doors are fitted with sensor alarms to alert staff when the emergency doors have been opened.
- The club premises certificate holder will ensure that a list of the names and addresses of the club members shall be kept on the premises at all times, together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
- The club premises certificate holder will ensure that alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by the police or an authorised officer of the Council.
- The premises licence holder will have the means in place to accurately count the total number of customers and staff on the premises.
- During times the premises are providing licensable activities, the premises licence holder will have arrangements in place for the supervision of contractors whilst they are on the premises. These arrangements are to include provisions to act on poor performance.
- The premises licence holder will ensure that any changes to floor level, including the use of steps, are marked by a contrasting colour to aid with the reduction of possible trips and falls.

### **A3. The prevention of public nuisance**

- The premises licence holder will ensure that a suitable sound limiting device is installed in the premises and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned officer. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the device has been installed and set in accordance with this condition.
- Once the noise control device has been installed on the premises and set to the satisfaction of North Hertfordshire District Council, the device must not be removed, adjusted or replaced without:
  - (a) twenty-eight (28) days prior notification to the Council's Noise Control Officer; and
  - (b) the written consent that the removal, adjustment or replacement of the device is permitted, and that documentation stating that this is received from the Council's Noise Control Officer.

Following receipt of the documentation stated in (b) above, all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place at the premises is not permitted until such time that the premises licence holder has received written confirmation from the Council's Noise Control Officer that it is permitted.

- In the event of a malfunction of the noise control device, the premises licence holder will ensure that the Council's Noise Control Officer is notified within two (2) working days of the problem, and the remedial action they propose. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the noise control device is properly functioning and, if appropriate, has been reset to the satisfaction of the

Councils Noise Control Officer and/or the Councils Noise Control Officer has received and approved in writing the necessary documentation confirming this.

- The premises licence holder will ensure that the noise controlling device shall be secured in a manner approved by the Noise Control Officer so as to prevent unauthorised access to, and tampering with, the controls as set.
- The premises licence holder will ensure that equipment used for the amplification of music and regulated entertainment is routed through the noise control limiter and that this device is operational at all times that regulated entertainment is provided.
- The premises licence holder will ensure that loudspeakers shall not be located at entrance lobbies or outside areas.
- The premises licence holder will ensure that all windows and external doors will be kept closed between *(to be determined by the applicant)* hrs, save for access to and egress from the premises.
- The premises licence holder will ensure that there are notices prominently displayed at all exit points requesting patrons to respect the needs of local residents and to leave the area quietly.
- The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles between the hours of 21:00hrs to 08:00hrs the following morning.
- The premises licence holder will ensure that at least *(to be determined by the applicant)* door supervisors will be employed to monitor the smoking area when the premises are open between the hours of *(to be determined by the applicant)* on *(to be determined by the applicant)*.
- The premises licence holder will ensure that the playing of live or recorded music in the external areas of the premises will not be permitted to take place between the hours of *(to be determined by the applicant)*.
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area, are restricted to between the hours of *(to be determined by the applicant)* Monday to Saturday and *(to be determined by the applicant)* on a Sunday.
- The premises licence holder will ensure that flashing and/or particularly bright lights, on or outside the premises shall not cause a nuisance to nearby properties.
- The premises licence holder will ensure that no person on behalf of the premises, or on behalf of a person carrying on, or attempting to carry on a licensable activity shall cause, permit, or employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the district boundary, for the purposes of bringing customers to the premises.
- The premises licence holder will ensure that no deliveries to the premises shall take place between *(to be determined by the applicant)* the following day.
- The premises licence holder will ensure that patrons drinking and/or smoking outside the premises will do so in an orderly manner and that they are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- The premises licence holder shall ensure that a process is in place, where necessary, to control any entry queue, external area of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented, thereby minimising disturbance to those near to the premises.
- The designated smoking area shall be located at *(to be determined by the applicant)*. A maximum of *(to be determined by the applicant)* persons will be permitted to smoke in this area at any one time.
- The premises licence holder will ensure that no drinks are taken into the smoking area at all times the premises are open to the public.
- The premises licence holder will ensure that no drinks are permitted to be taken into the external areas of the premises after *(to be determined by the applicant)* until closing Sunday to Thursday, and after *(to be determined by the applicant)* until closing Friday and Saturday.
- The premises licence holder will ensure that live and/or recorded music constituting regulated entertainment shall only take place on *(to be determined by the applicant)* days per week, and on no more than *(to be determined by the applicant)* consecutive days.
- A noise assessment shall be carried out by a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise

Consultants. A noise mitigation scheme designed to minimise the impact of the noise shall be submitted to the Council's Noise Control Officer. Following receipt of the noise mitigation scheme the Council's Noise Control Officer will consider the measures proposed by the consultant and will advise which measures shall be carried out, including any additional measures identified.

- Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in *(to be determined by the applicant)* is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted. This will not be granted until all the measures required by the Council's Noise Control Officer have been undertaken and are fully implemented.
- The noise mitigation measures required by the Council's Noise Officer shall be maintained in accordance with the approved details thereafter.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.

#### **A4. The protection of children from harm**

- The designated premises supervisor or a nominated deputy will ensure that entry by children under the age of 18 to the premises will be prohibited between the hours of *(to be determined by the applicant)*.
- The premises licence holder will ensure that no events for persons under eighteen (18) years of age will be permitted to take place on the premises at any time.
- The designated premises supervisor or a nominated deputy will ensure that entry by persons under eighteen (18) years of age to the premises will be prohibited, unless the person(s) are accompanied by an adult over eighteen (18) years of age.
- The designated premises supervisor will attend a training course on avoiding underage sales such as the National Certificate for Designated Premises Supervisors, or the BIIAB Award in Responsible Retailing, and provide the licensing authority with awarded certificate post completion.
- In addition to any company specific training, the premises licence holder will ensure all staff are trained to prevent under age sales, and to maintain the refusals book for any attempted sales where the individual is not able to satisfy the seller of their age, and that this training is recorded on the individual employees file.
- The premises licence holder will ensure that clearly visible signage will be displayed at the entrances to the premises, and at the point of sale terminals indicating that it is illegal to sell alcohol to persons less than eighteen (18) years of age.
- The premises licence holder will ensure that a Challenge 25 scheme will be in operation to ensure that any person attempting to purchase alcohol who appears to be under eighteen (18) years of age shall provide documented proof that they are eighteen (18) years of age or over. The proof of age can either be a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age identification card (PASS).
- The premises licence holder will ensure that, during the times that adult entertainment is provided to patrons, those persons under eighteen (18) years of age will not be able to see this from outside of the premises at any time.
- For events that are open to persons under eighteen (18) years of age, the premises licence holder will employ an age verification scheme by way of coloured wrist bands that easily identify that the individual is under eighteen (18) years of age.
- The premises licence holder will ensure that the premises implements a "challenge 25" policy, whereby all customers who appear to be under 25 will be required to produce photographic identification in the form of a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age card (PASS) before being allowed to enter the premises whilst licensable activities are taking place.

## **A5. LARGE SCALE OUTDOOR EVENTS**

### **A5.1 The prevention of crime and disorder [large scale outdoor events]**

1. The premises licence holder will ensure that he or his representative meets with Hertfordshire Constabulary representatives (at times nominated by Hertfordshire Constabulary) to discuss existing and historical crime trends at similar events, and in the local area. The premises licence holder will act upon the advice given and implement any necessary crime prevention requested by Hertfordshire Constabulary.
2. The premises licence holder will provide all closed circuit television (CCTV) as mutually agreed with Hertfordshire Constabulary and the event planning team (including any associated ancillary equipment such as, but not limited to, lighting) around the venue and will ensure that this is monitored in Event Control under the supervision of a suitably experienced Emergency Liaison Team Manager at all times agreed with Hertfordshire Constabulary on an event specific basis. All CCTV required by virtue of this condition will be maintained in working order at all times whilst the premises is open to the public. The premises licence holder will provide a draft CCTV plan no later than two (2) months prior to the commencement of each event and provide the final agreed CCTV plan no later than one (1) month prior to the commencement of each event.
3. The premises licence holder will ensure that Hertfordshire Constabulary are consulted on the 'conditions of entry' and will impose any additional 'conditions of entry' deemed necessary by Hertfordshire Constabulary in pursuant of the 'prevention of crime and disorder' licensing objective. The premises licence holder will ensure that these 'conditions of entry' are clearly displayed on tickets, where time scales allow, in advance booking information and displayed in a prominent position at entry points. These 'conditions of entry' will include, but are not limited to:
  - a) that patrons will agree to allow themselves and any bags etc. to be searched by security/police officers;
  - b) details of prohibited articles; and
  - c) ejection policies
4. The premises licence holder will ensure that a draft Security Plan is submitted by the Head of Security to Hertfordshire Constabulary no later than three (3) months prior to the commencement of each event. The Security Plan will be updated as necessary and must be agreed by Hertfordshire Constabulary no later than two (2) weeks prior to the commencement of each event. The Security Plan will include details of security deployment numbers and locations, known threats and risks, and other relevant information as requested by Hertfordshire Constabulary.
5. The premises licence holder will take all appropriate steps to ensure that glassware is not brought onto site or is utilised on the premises. All drinks must be served in plastic / polycarbonate bottles or must be decanted into plastic / polycarbonate drinking vessels.
6. The premises licence holder will notify Hertfordshire Constabulary of the dates of each year's event at least five (5) calendar months prior to the commencement of the event.
7. The premises licence holder will allow for police officers to be deployed on the premises to support the 'prevention of crime and disorder' licensing objective and to ensure a prompt response to any major incident on site. The numbers of police officers deployed will be determined by The Chief Constable of Hertfordshire Constabulary and will be based on threat, current intelligence and risk. These numbers can be subject to change depending on changes in information and / or intelligence. All resources required under this condition will be paid for in full by the premises licence holder. Hertfordshire Constabulary will provide the event management team with a full deployment plan of police resources prior to the commencement of the event.



8. The premises licence holder will ensure that the promoter will sign a Statement of Intent and request for special police services for each event in order to ensure that Hertfordshire Constabulary can effectively plan and resource the events. The premises licence holder will pay (*to be determined on an event by event basis*) per event to Hertfordshire Constabulary no later than three (3) months prior to the commencement of the event. Fifty percent (50%) of the remaining costs of each event will be paid no later than four (4) weeks prior to the commencement of the event and the balance must be paid in full seven (7) days prior to the commencement of the event. Should an event be cancelled, any monies paid to Hertfordshire Constabulary will be refunded, save for any costs incurred prior to the cancellation.
9. The premises licence holder will provide all necessary structures, IT and equipment required by Hertfordshire Constabulary on site to fulfil their statutory responsibility to prevent and detect crime at each event. This will include, but will not be limited to, a public enquiry post, police command suite, report writing area and refreshment area.
10. The premises licence holder will provide Hertfordshire Constabulary with details of planned event dates not less than five (5) months prior to the commencement of each event, with the artiste(s) notified not less than three (3) months prior to the commencement of the event. The policing charges will initially be based at full cost of high risk so that Hertfordshire Constabulary have the necessary resources in place. Once the acts are known and the risk and threat is understood, the policing charges will be reviewed.
11. The premises licence holder will provide incremental updates for each event, initially monthly, and then weekly to Hertfordshire Constabulary on ticket sales including, where possible, anticipated method and direction of travel.
12. The premises licence holder will provide a draft Event Safety Plan for each event to Hertfordshire Constabulary not later than three (3) months prior to the commencement of the event. This will be regularly updated and a final, agreed version for each event will be submitted no later than two (2) weeks prior to the commencement of the event. It will include, but will not be limited to:
  - a) evacuation plans;
  - b) stewarding plans, including skills and deployment details;
  - c) first aid provision;
  - d) insurance details for temporary structures;
  - e) certification of any temporary structures;
  - f) nominated safety officer and deputy;
  - g) event control management and meeting plan;
  - h) capacity calculations, including car parking areas;
  - i) internal traffic management plan up to the entry point at A1 Junction 7;
  - j) an external traffic management plan covering major routes, agreements with British Transport Police and the relevant rail companies pertaining to Stevenage Train Station;
  - k) plans regarding any off site parking;
  - l) lost and found property / people plans; and
  - m) welfare services
13. The premises licence holder will ensure that he or his representatives engage with local residents for each event. This engagement will be documented and address any concerns that local residents may have.
14. The premises licence holder will ensure that the main arena is cleared of general public no later than one (1) hour after the regulated entertainment ends.

15. The premises licence holder will ensure that no regulated entertainment will be permitted to continue beyond the licensed hours.
16. The premises licence holder will ensure that all children under the age of fourteen (14) years must be accompanied on the premises by an adult.
17. The premises licence holder will ensure that a 'Challenge 21' or 'Challenge 25' scheme will be operated at all bars, shops or structures where alcohol can be obtained.
18. The premises licence holder will ensure that persons that are able to prove that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol.
19. The premises licence holder will agree a final Security Plan with Hertfordshire Constabulary each year, no later than two (2) weeks prior to the commencement of each event. The agreed Security Plan will not be amended after this date without written agreement from Hertfordshire Constabulary and will contain details of:
  - a) site security (including during site build);
  - b) site search policy on entry;
  - c) staff deployment;
  - d) staff accreditation;
  - e) protocols for handing information or persons to the Constabulary
20. In the event of any of the above conditions 1 to 19 inclusive not being met, the event will not be permitted to take place without the written permission of Hertfordshire Constabulary.
21. The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security team present throughout its operation. It will operate for each event from one (1) hour before the public are first admitted to the licensed area until one (1) hour after the licensed area has closed to the public on the final day. The Event Control Room will run 24 hours/day but have a reduced capacity during non-event times; or  

The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security team present throughout its operation. It will operate from one hour before the public are first admitted to the licensed area until one hour after the licensed area has closed to the public on the final day, however, it may operate on a reduced basis from Campsite Control between the hours of midnight and 11:00hrs each day.
22. The premises licence holder will ensure that a schedule of multi-agency meetings are held on site during each event and that a full multi-agency debrief is held as soon as possible, but no later than three (3) months after the event taking place each year.
23. The premises licence holder will provide forecast attendances based on ticket sales to Hertfordshire Constabulary at the beginning of each calendar month from <to be determined> until <to be determined>, then on a weekly basis from the beginning of <to be determined> until the commencement of the event.

#### **A5.2 Public safety [large scale outdoor events]**

- The premises licence holder should have a written explanation of the management arrangements for the event.
- The maximum capacity shall be calculated by the premises licence holder following a risk assessment.
- The premises licence holder shall have a means of accurately counting the total number of customers and staff on the premises.

- The premises licence holder needs to have arrangements in place for the supervision of contractors on their premises, including the ability to act on poor performance.
- The premises licence holder should submit an Event Safety Manual no less than three (3) months before the event date. This manual should be agreed with the relevant responsible authorities no less than twenty-eight (28) days prior to the commencement of the event. The manual should contain as a minimum the following:
  - a scale plan of the proposed event and its layout should be included with the events safety manual. This plan should also include details of pedestrian routes and vehicular access, including that of emergency services.
  - details of the emergency plan as devised from the events risk assessment.
  - management of people, in particular crowds. This should include details of evacuation processes in the event of an emergency arising.
  - communication methods for all staff outside of the use of mobile phones.
  - the use of temporary electrical installations (to conform to the required British Standard and be protected by means of a residual current device (RCD)).
  - details of the water supply and network available at the event (BS 8551).
- The premises licence holder is to provide a water management plan for their event to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This plan is to be accompanied by a risk assessment which should detail alternative water supplies should the main supplies fail.
- The use of pyrotechnics is to be notified to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This is to be accompanied by a risk assessment and management plan for their use.
- Should an outdoor/large scale event include the art of tattooing or body piercing, the premises licence holder is to ensure that all persons engaging in the art of tattooing/body piercing are registered with North Hertfordshire District Council no later than twenty-eight (28) days prior to the commencement of the event.
- All persons involved in the art of tattooing/body piercing are to have regard to the current tattooing and body piercing guidance.
- Should the event include the use of LPG, the premises licence holder will ensure that a suitable risk assessment has been undertaken for its use. This risk assessment is to include assessment as to storage, usage and the replacement of canisters throughout the duration of the event.
- A scaled plan showing the location of all proposed temporary structures within the licensable area is to be provided to responsible authorities as part of the Event Management Plan (EMP) for the event and is to be finalised no later than twenty-eight (28) days prior to the commencement of the event. As a minimum, the plans are to show the following information:
  - description and type of each structure.
  - the person(s) responsible for each structure, with their competency proven for the:
    - (i) construction of each structure;
    - (ii) sign-off for each structure, including the format for the certificate;
    - (iii) for non-standard structures or designs, those responsible for third party accreditation with regards to design and sign-off;
    - (iv) for monitoring the structure during the licensed period.
  - location and availability of the 'fit for use' completion certificates;
  - monitoring of structures in line with the risk assessment;
  - details of the limitations placed upon the structure other than wind speed;
  - details of the limiting wind speeds for each structure, the method of assessing the wind speed during the event and what action is to be taken at relevant speeds
  - any barriers to be used as part of the event are to be of the appropriate type and design suitable for the location it is to be used within. The barriers are to be installed by a competent person, following an assessment of the risks for which they are there to mitigate.

**A5.3 Public safety (Hertfordshire Fire & Rescue) [large scale outdoor events]**

1. The premises licence holder will notify the Fire Authority of the dates of each year's event no later than <to be determined> calendar months prior to the commencement of the event.
2. The premises licence holder will provide draft copies of the Event Management Plan and Risk Assessments to the Fire Authority no later than <to be determined> calendar months prior to the commencement of each year's event.
3. The premises licence holder will provide a final copy of the Event Management Plan to the Fire Authority no later than forty-two (42) days prior to the commencement of the event build-up on site of each year's event. The final Event Management Plan will form part of the premises licence operating schedule conditions for each year's event.
4. The premises licence holder will ensure that the Event Management Plan covers the following areas to the complete satisfaction of the Fire Authority:
  - i) a scaled electronic site plan showing how each part of the area will be used, identification of all structures, access routes and ingress/egress points;
  - ii) capacities and evacuation plans for all areas of the event;
  - iii) roles and responsibilities of all key personnel responsible for managing the event, including names, contact telephone numbers and back-up contact details in the event of non-availability;
  - iv) risk assessments for all activities relating to public safety, including fire;
  - v) full details of security and stewarding arrangements including the use of any barriers;
  - vi) details of any proposed special effects and the proposed safety arrangements associated with their use;
  - vii) details for managing all traffic and vehicle movements on site, including within parking areas, during the event build-up phase, during the event and during the site breakdown phase;
  - viii) management arrangements for site access and egress, including specific arrangements for emergency services;
  - ix) details of any camping and provided sleeping accommodation, in respect of event attendees, staff and volunteers;
  - x) details of power supplies, including all generators;
  - xi) provision of artificial lighting, including emergency escape lighting;
  - xii) provision of adequate fire-fighting cover, including facilities, personnel and water supplies;
  - xiii) technical details for all proposed temporary demountable structures;
  - xiv) details of all proposed safety barriers and fencing to be erected on site, including the positioning;
  - xv) relevant independent certification or manufacturers' details to demonstrate that any fabric, or other material, used in the construction of, or in conjunction with, tents, marquees and similar structures, roof coverings, weather protection covers, curtains, drapes, backdrops, scrims and other materials used in, or upon, structures shall be rendered flame resistant to the current applicable British Standard;
  - xvi) identification of competent persons, including proof of competence, in relation to the construction of structures and the continual monitoring of them during the event;
  - xvii) details of the proposed maximum occupancy of each area, the method of controlling numbers therein and evacuation policies to be adopted in the event of an emergency;
  - xviii) details of a suitable communication network;
  - xix) means for giving warning of an emergency, including the initiating and effecting of any evacuation, including from structures;
  - xx) provision of adequate emergency exit routes and emergency exits, both within structures and externally, and suitable provision of emergency signage;

- xxi) the profiles of the performers and the anticipated attendees;
- xxii) contingencies in respect of degraded systems;
- xxiii) contingencies in respect of points i) to xxi) inclusive above regarding the effects of adverse weather conditions including, but not limited to, wind, rain and heat.

5. In the event that the premises licence holder requires the attendance of a representative from the Fire Authority within the Emergency Liaison Team, other than in the event of an emergency response, the cost of the attendee will be paid by the premises licence holder.
6. If the premises licence holder, due to exceptional or unforeseen circumstances, wishes to make any amendment to the final Event Management Plan (that being the version that forms part of the premises licence operating schedule conditions) that would impact upon any public safety issue covered by conditions 1 to 4 inclusive above, he may only do so with written consent from the Fire Authority.

#### **A5.4 The prevention of public nuisance [large scale outdoor events]**

- The premises licence holder shall appoint a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. The licensing authority and the Council's Noise Control Officer shall be advised of the name and contact details of this individual/company, no later than three (3) months prior to the commencement of any event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer.
- The premises licence holder shall liaise with the Council's Noise Control officer, the noise consultant, the sound system suppliers and the sound engineers, prior to, during, and after the event.
- The Council's Noise Control Officer will advise, in writing, if a noise survey to determine the background levels will be required in any particular year, within one (1) calendar month of being notified of details of the proposed events for that year.
- The premises licence holder will ensure that the background noise level monitoring shall take place at locations agreed in writing with the Council's Noise Control Officer. If required in a particular year, the premises licence holder shall ensure that the information obtained from this survey is made available to the licensing authority and the Council's Noise Control Officer no later than two (2) months prior to the commencement of the event.
- The premises licence holder shall ensure that a noise management plan is submitted to, and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of any event. The plan shall include, but not be limited to the following:
  - details of all music sources and other significant noise sources within the licensed area including a site plan of their location and orientation;
  - comprehensive sound level predictions at agreed noise sensitive locations based on the type of event proposed within the licensable area;
  - a scheme designed to minimise the impact of noise from the event to noise sensitive premises;
  - specifications of appropriate noise criteria that shall be achieved during the event;
  - details of proposed noise propagation tests;
  - details of on-site noise monitoring proposed specifically designed to control off-site noise levels.
- Only in exceptional circumstances will the premises licence holder request a reduction in the timescales for compliance with the condition for noise management timelines, and it shall only be granted if the Council's Noise Control Officer confirms the revised timescales in writing.
- Where conditions relating to a noise management plan have been met, if there are any subsequent proposed changes to the event which may impact on noise following the approval of the noise management plan, the premises licence holder shall ensure their

noise consultant liaises with the Council's Noise Control Officer to ascertain if any additional measures, noise predictions or noise criteria are required. If the Council's Noise Control Officer or the premises licence holder's noise consultant determine that additional measures are required, they will form part of the revised noise management plan.

- No changes to the noise management plan will be permitted in the period commencing seven (7) days prior to the commencement of the event.
- If the noise management plan is not approved in writing by the Council's Noise Control Officer, their requirements will form part of the final noise management plan.
- The premises licence holder shall ensure the approved noise management plan is fully implemented and the agreed noise criteria are met during the event.
- The music noise level must not exceed 45dB(A) LAeq over a five (5) minute period at a distance of one (1) metre from the façade of noise sensitive premises and/or suitable proxy locations agreed by the Council's Noise Control Officer between 23:00hrs – 09:00hrs on any given day during the event.
- The premises licence holder shall ensure that noise measurements are routinely taken outside the licensed area to ensure that the noise criteria specified in the premises licence conditions and the noise management plan are not exceeded.
- The premises licence holder shall ensure that the licensing authority and the Council's Noise Control Officer shall have access to the results of any noise monitoring at all times.
- If there is a breach of the noise criteria specified in the premises licence conditions or agreed in the noise management plan, the premises licence holder shall ensure that remedial action is taken forthwith to prevent further breaches of the noise criteria.
- If noise complaints are received in respect of the event, the premises licence holder will ensure they are investigated promptly. This may include visiting the complainant or the vicinity of the complainant's property. If the noise complaint is substantiated, additional remedial measures must be implemented forthwith to reduce the disturbance to residents.
- The premises licence holder shall ensure that a post event report is provided to the licensing authority and the Council's Noise Control Officer no later than thirty-one (31) days after the event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer. The report shall include the results of all noise monitoring carried out during the event, indicating whether or not compliance to all the noise criteria was achieved, details of all noise complaints received and any remedial action taken to minimise noise disturbance off-site.
- The premises licence holder will ensure that sound tests and rehearsals must be undertaken, where possible, using monitors only.
- The premises licence holder will ensure that sound tests and rehearsals audible outside of the licensable area shall only be permitted during the following hours;
  - mid-day to 20:00hrs, except on 'event days' when it is permitted for a two (2) hours period, but also not before 09:00hrs Monday to Saturday, or 10:00hrs on a Sunday. The term 'event days' for the purpose of this condition only, refers to any day during the event when the main arena is used for the performance of music on outdoor stages. If the premises licence holder wishes to undertake any sound tests or rehearsals outside of these hours, they must consult with the council's Noise Control Officer to ascertain whether such tests can be permitted outside the above hours. Such instances will only be considered in exceptional circumstances and must be agreed in writing by the Council's Noise Control Officer in advance of the testing/rehearsals.
- The premises licence holder shall ensure that the sound engineers are fully aware of the noise criteria for the event and that any requests from them or the noise consultant to reduce on-site noise levels are implemented forthwith.
- The premises licence holder shall ensure that they, the noise consultants and sound engineers are provided with suitable communication networks, i.e. mobile telephones, radios, in order that they may communicate effectively throughout the event.

- The premises licence holder will ensure that a list of contact names and telephone numbers for the noise consultants, premises licence holder and other relevant persons, shall be provided to the licensing authority no later than seven (7) days prior to the commencement of the event.
- The premises licence holder, or their nominated representative is to have control of the electrical provisions to the sound systems at all times during the provisions of licensable activities being provided.
- The premises licence holder shall provide a dedicated telephone complaints line which shall be attended to, and answered, for the duration of the event, including during sound checks.
- The premises licence holder shall ensure that a log of all noise complaints are recorded and kept for inspection by the licensing authority and the Council's Noise Control Officer upon request, both during and after the event. The details of any complaints received must be passed to the noise consultant forthwith.
- The premises licence holder shall ensure that the nature, date and timings of the event (including sound-testing), and the telephone complaint line number is advertised in one or more newspapers circulating in the areas likely to be affected by the event, on at least one (1) occasion prior to the commencement of the event. This advertising should take place no earlier than six (6) weeks prior and no later than seven (7) days prior to the event commencing.
- The premises licence holder will ensure that the advert shall be sent to the Council's Noise Control Officer for approval at least ten (10) days prior to it being submitted to the newspapers.
- The premises licence holder will ensure that a copy of the advertisement shall be provided to the licensing authority and the Council's Noise Control Officer no later than seven (7) days prior to the commencement of the event.
- The premises licence holder shall notify the occupiers of nearby noise sensitive premises, in writing, of the nature, dates and timings of the event (including sound testing activities), and provide them with the details of the dedicated telephone complaints line. This communication shall be carried out no later than fourteen (14) days prior to the commencement of the event. This notification, along with a list of the intended recipients shall be sent to the Council's Noise Control Officer for approval no later than seven (7) days prior to its distribution.
- The premises licence holder shall ensure that no music emanates from any fairground rides or amusements between the hours of 23:00hrs – 09:00hrs Monday to Saturday, and 23:00hrs – 10:00hrs on a Sunday.
- The premises licence holder shall ensure that between the hours of 23:00hrs – 09:00hrs Sunday to Saturday, and 23:00hrs – 10:00hrs Saturday through to a Sunday that all vehicles delivering infrastructure to, or removing this from site, must only enter and exit the site via the location as agreed by the Council's Noise Control Officer.
- If helicopters are to be used in relation to the event (save helicopters used by emergency services), the premises licence holder will submit, and have approved, the details of the flights, including the frequency and timings of the landings and take-offs within the site area, to the Council's Noise Control Officer no later than fourteen (14) days prior to the commencement of the event. If the details are not approved, the premises licence holder has to ensure that no helicopters are used (save for emergency services) for the duration that the licensable event is taking place.
- A waste management plan designed to minimise the impact of litter associated with the event must be submitted, and approved by the Council's Environmental Health/Waste Officer no later than six (6) weeks prior to the event commencing.
- The premises licence holder shall ensure that the measures agreed in the waste management plan are fully implemented.
- The use of fireworks, pyrotechnics or special effects is not permitted without the prior consent of the Council's Noise Control Officer. The Council's Noise Control Officer shall be advised in writing of the details of the proposed use of the above, including the noise levels,

duration and timing of them. This must be submitted to and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of the event. A copy of the details of any approved fireworks, pyrotechnics or special effects shall be submitted to the Licensing Authority no later than six (6) weeks prior to the commencement of the event. If this condition is not complied with, no fireworks, pyrotechnics, or special effects will be permitted during the event. Only in exceptional circumstances will the premises licence holder request a reduction in the timescale for compliance with this condition and it should only be effective if the Council's Noise Control Officer confirms the agreed timescale in writing. In any case, no fireworks, pyrotechnics, or special effects will be permitted at the event unless given written approval by the Council's Noise Control Officer at least four (4) weeks prior to the commencement of the event.

#### **A5.5 The protection of children from harm [large scale outdoor events]**

- All children under the age of fourteen years must be accompanied by an adult.
- A 'Challenge 21' scheme will be operated at all bars, shops or structures where alcohol can be obtained.
- Persons that are able to prove, when challenged, that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol, unless they can prove their age.
- Any unaccompanied children under the age of fourteen (14) years will be kept in a safe environment until their parent/guardian/responsible adult can be contacted and arrangements for the child's collection are made. Where contact cannot be made, the child would be passed to Hertfordshire Constabulary.