

LICENSING AND APPEALS SUB-COMMITTEE
30 January 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

**APPLICATION BY AD HOC WINE BARS LIMITED FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF
SUMMER SOUL, FISH HILL SQUARE, ROYSTON.**

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 No premises licence under the Licensing Act 2003 ("the Act") is currently in place for the premises.
- 1.2 Ad Hoc Wine Limited previously held a premises licence in respect of the event known as Summer Soul which was initially granted on 18 June 2015 and allowed one event per calendar year on a Saturday.
- 1.3 An application to review the licence was received 25 July 2016 and the premises licence was revoked by a licensing sub-committee at the hearing on 19 September 2016.

2. APPLICATION

- 2.1 The application is for the grant of a premises licence under Section 17 of the Act.
- 2.2 The licensable activities and hours applied for are as attached as **Appendix A**.

3. APPLICATION PROCESS

- 3.1 On 2 December 2016, Ad Hoc Wine Limited made an application for the grant of a premises licence.
- 3.2 The application was received electronically so copies were served by the Council to Hertfordshire Constabulary and the other responsible authorities.
- 3.3 A public notice was displayed on the premises for a period of not less than twenty-eight (28) consecutive days in accordance with the requirements of the Act.
- 3.4 A newspaper advertisement was placed in The Royston Crow in accordance with the requirements of the Act.
- 3.5 Subsequent to the revocation of the previous premises licence, the applicant met with the responsible authorities and other agencies at a Safety Advisory Group (SAG) meeting requested by the applicant's representative. The purpose of the meeting was to outline the proposals for this application and

receive initial feedback from the responsible authorities to facilitate a new application.

4. REPRESENTATIONS

- 4.1 A representation was received from Hertfordshire Constabulary and is attached as **Appendix B**.
- 4.2 No representations were received from any other responsible authority.
- 4.3 Four (4) representations were received from 'other persons' against the application and are attached as **Appendix C**.
- 4.4 The Councils Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.5 Where representations include paragraphs that are not relevant to the Act, these paragraphs have been clearly crossed through and marked as '*not relevant*' by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing.**
- 4.6 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.7 The applicant has been served with a copy of all representations during the consultation period.
- 4.8 The applicant, Hertfordshire Constabulary and the other persons making relevant representations have been invited to attend the hearing to present their cases respectively. They have been advised that they may be legally represented and of the hearing procedure.

5. OBSERVATIONS

- 5.1 In determining this application, the sub-committee must have regard to the representations and take such steps, as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the sub-committee must act with a view to promoting the licensing objectives. It must also have regard to the licensing authority's Statement of Licensing Policy and National Guidance.
- 5.3 The sub-committee has the following options when issuing the Decision Notice:
 - i) Grant the application as made
 - ii) Grant the application with conditions and/or amendments to the licensable activities and/or timings (conditions should only be added where they are appropriate to promote the licensing objectives).
 - iii) Refuse the application.

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2016 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate:

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.

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.

D1.8

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.

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.

D2.4

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.

D2.9

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.*

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.

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.

D6.8

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.

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.

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.

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.

E3.3.1

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.*

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.

E3.9.1

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.

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.

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.

G2.11

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.*

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.

G6.3.1

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.

G6.6.1

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.

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.

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.

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.

7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE

7.1 The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (March 2015 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate and the determination should be based upon consideration of the full document:

1.3

The licensing objectives are:

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *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;*
- *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;*
- *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*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*

- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

1.17

The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3

Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.11

"Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.14

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.15

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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 (see chapter 15). 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.

2.17

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.18

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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 the 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 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 local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

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.

8.38

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.39

Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

9.12

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.41

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42

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.

9.43

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. While 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.

10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

8. LICENSING OFFICER COMMENTS

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

Definition of 'appropriate'

- 8.2 The previous Statutory Guidance first issued in July 2004 and subsequently updated up until April 2012, specifically required Licensing Sub-Committees to ensure that their decisions were based on measures that were 'necessary' for the promotion of the licensing objectives. This placed a burden on the licensing authority to demonstrate that no lesser steps would satisfy the

promotion of the licensing objectives and any conditions imposed on a licence would only be those necessary for the promotion of the licensing objectives with no opportunity to go any further.

8.3 The revised Statutory Guidance issued on 25th April 2012 and subsequently amended in October 2012, June 2013, October 2014 and March 2015 has amended the 'necessary' test to one of 'appropriate'. This has changed the threshold which licensing authorities must consider when determining applications by requiring that they make decisions which are 'appropriate' for the promotion of the licensing objectives.

8.4 The Guidance explains 'appropriate' as:

9.42

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.

9.43

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. While 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.

8.5 It is anticipated that, in due course, case law will provide clarity on the meaning of 'appropriate' as referred to in paragraphs 9.41 and 9.43 of the Guidance. The sub-committee is therefore advised to give 'appropriate' its ordinary meaning, as expanded upon by paragraph 9.43 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.

8.6 This approach, of allowing the courts to provide clarity, is reflected in the following paragraphs of the Guidance:

1.9

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10

Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

- 8.7 The sub-Committee should also be aware that their decision must be proportionate to the evidence received in respect of the application and representation. Proportionality is a key factor in assisting with the definition of 'appropriate'.

Case law

- 8.8 As paragraph 2.15 of the Guidance confirms, public nuisance under the Licensing Act 2003 has a wide interpretation and it is for the Sub-Committee to determine, based on the evidence, whether they consider these issues to be a public nuisance.
- 8.9 The Guidance states at paragraph 2.20 that conditions relating to public nuisance beyond the vicinity of the premises are not appropriate and the Council's Statement of Licensing Policy supports that view. Conditions that it would be either impracticable or impossible for the licence holder to control would clearly be inappropriate.
- 8.10 That said, if behaviour beyond the premises can be clearly linked to a premises and it is causing a public nuisance, it is wrong to say that the Licensing Act 2003 cannot address this. Whilst conditions may well be inappropriate, if the evidence deems it necessary, times and/or activities under the licence could be restricted or, indeed, the application could be refused, suspended or revoked.
- 8.11 The magistrates court case of *Kouttis v London Borough of Enfield, 9th September 2011* considered this issue.
- 8.12 In a summary of the case provided by the Institute of Licensing it is reported that District Judge Daber considered an appeal against a decision of the local authority to restrict the hours of musical entertainment of a public house to mitigate the noise from patrons as they left the premises in response to representations from local residents. The appellant relied on the sections of the Guidance that state that "beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right" (para 2.24). It was also suggested that, given that certain residents were not disturbed, this did not amount to public nuisance within the meaning of para 2.19 of the Guidance as approved by Burton J in the Hope and Glory case.
- 8.13 The District Judge held that there was ample evidence of public nuisance relating to the specific premises, and that section 4 of the Act gave the licensing authority a positive duty to deal with it proportionately. In this case, no less interventionist way of dealing with the nuisance had been suggested. He held that not only was the authority not wrong, but that it was in fact right to reduce the hours as it had. The appeal was therefore dismissed.

Relevancy

- 8.14 Reference was made in the representations to 'who was liable?' for issues relating to the intended road closures. The sub-committee's role is to focus purely on matters relating to the licensing objectives, for example 'public safety' in relation to persons accessing the event. Liability is not an issue that relates to the licensing objectives as in not relevant to this hearing.
- 8.15 A representation stated that the Council should ensure that the public conveniences remained available throughout the event. It is the licence holder's responsibility to ensure the promotion of the licensing objectives throughout the event including sufficient sanitary provision; there is no responsibility on the Council to facilitate sanitary provision specifically for the event.
- 8.16 The police made reference to the Human Rights Act 1998 ("the 1998 Act") in their representation, specifically Article 8. This has been deemed not relevant by the licensing officer in terms of the narrow point included in the representation as the sub-committee has a statutory duty as a public body to have regard to the 1998 Act when making its decision (see paragraph O1.1 of the Council's Policy). Rather than focusing specifically on a narrow point and its compatibility with the 1998 Act, the sub-committee should have regard to whether their full determination is compliant.

9. Appendices

- 9.1 Appendix A Original application
9.2 Appendix B Representation from Hertfordshire Constabulary
9.3 Appendix C Relevant representations from other persons

10. CONTACT OFFICERS

- 10.1 Hannah Sweetman
Licensing Officer
01462 474231

APPENDIX

A

L form

Application for a premises Licence to be Granted under the Licensing Act 2003

DO2006507

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) Delete as applicable.
(2) Insert name(s) of applicant.

(1) ~~[[We]]~~(2)

Ad Hoc Wine Bars Limited

Cher NO

008651 - 100.00

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) ~~[[an]]~~ **[we are]** making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Fish Hill Square, Fish Hill and Market Hill as shown outlined in pink on the attached plan			
Post town		Royston	Postcode
			SG8 9XT
Telephone number at premises (if any)		N/A	
Non-domestic rateable value of premises		£ N/A	

N.M.D.C
21 NOV 2016

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- | | |
|--|---|
| | Please tick as appropriate |
| (a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| (b) a person other than an individual* | <input checked="" type="checkbox"/> please complete section (B) |
| (i) as a limited company | <input type="checkbox"/> please complete section (B) |
| (ii) as a partnership | <input type="checkbox"/> please complete section (B) |
| (iii) as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| (iv) other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| (c) a recognised club | <input type="checkbox"/> please complete section (B) |
| (d) a charity | <input type="checkbox"/> please complete section (B) |
| (e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| (f) a health service body | <input type="checkbox"/> please complete section (B) |
| (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> please complete section (B) |
| (ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> please complete section (B) |

(h) the chief officer of police of a police force
in England and Wales

please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev.)	
Surname						First names			
I am 18 years old or over								<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address									
Post town							Postcode		
Daytime contact telephone number									
E-mail address (optional)									

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev.)	
Surname						First names			
I am 18 years old or over								<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address									
Post town							Postcode		
Daytime contact telephone number									
E-mail address (optional)									

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Ad Hoc Wine Bars Limited
Address	The Old Court House Fish Hill Royston Hertfordshire SG8 9XT
Registered number (where applicable)	07934108
Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited company
Telephone number (if any)	N/A
E-mail address (optional)	N/A

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	7	0	8	2	0	1	7

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

Fish Hill Square, The Town Square in Royston, Fish Hill and Market Hill as per the attached plan and outlined in pink. The area being owned by North Hertfordshire District Council.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. n/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

(a) plays (if ticking yes, fill in box A)

(b) films (if ticking yes, fill in box B)

(c) indoor sporting events (if ticking yes, fill in box C)

(d) boxing or wrestling entertainment (if ticking yes, fill in box D)

(e) live music (if ticking yes, fill in box E)

(f) recorded music (if ticking yes, fill in box F)

(g) performances of dance (if ticking yes, fill in box G)

(h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick. (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick. (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details. (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors, or outdoors or both - please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Tue				
Wed				
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			It is proposed that there will be live bands with amplified and acoustic music, full band sets and DJs performing in the town square. Live music will not be played beyond 23:00 hours.		
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed			N/A		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri			N/A		
Sat					
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			Amplified recorded music played by DJ's. DJ and recorded music.		
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed			N/A		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri			N/A		
Sat					
Sun	12:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			Possible dancing		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur			N/A		
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat			N/A		
Sun	12:00	24:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			There shall be a TV screen erected and placed as shown on the attached plan which shall stream live the events going on in Fish Hill Square.		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g). (please read guidance note 4)		
Thur			N/A		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	24:00	N/A		

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			Outside catering of prepared food / food stalls to be supplied and sold by third parties. Including Inter alla fish & chips, BBQ, hogroast.		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur			N/A		
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun	12:00	24:00	N/A		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon			N/A		
Tue					
Wed			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri			N/A		
Sat					
Sun	12:00	24:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Mr Jason Todd	
Address 29 The Close Royston Hertfordshire	
Postcode	SG8 7JT
Personal licence number (if known)	LICPL/13951/12
Issuing licensing authority (if known)	North Hertfordshire District Council Licensing Authority

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
N/A			Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun	12:00	24:00	N/A

M

Describe the steps you intend to take to promote the four licensing objectives:

(a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Applicant has considered the Statement of Licensing Policy. Please refer to the attached document setting out the steps the Applicant intends to take to promote the four licensing objectives.

(b) The prevention of crime and disorder

Please see attached document.

(c) Public safety

Please see attached document.

(d) The prevention of public nuisance

Please see attached document.

(e) The protection of children from harm

Please see attached document.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Gardner Leader Michelle Di Gioia</i>
Date	18 November 2016
Capacity	Solicitor for the Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Michelle Di Gioia, Gardner Leader LLP

[Redacted address]

Post town	Berkshire	Postcode	RG14 5BA
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Telephone number (if any)	[Redacted]
---------------------------	------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	[Redacted]
---	------------

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent.)
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

M. OPERATING SCHEDULE CONDITIONS

(a)– General – all four licensing objectives (b, c, d, e)

In addition to the mandatory conditions, the applicant is content for the following conditions to be attached to the licence.

1. The premises licence will authorise licensable activities in accordance with the above timings on one Bank Holiday Sunday each calendar year in August.
2. The premises licence holder shall notify the Licensing Authority and all responsible authorities as defined by the Licensing Act (2003) of the date of each year's event no later than six calendar months prior to the commencement of any event.
4. The applicant will produce an event management plan which will form the operating schedule. The event management plan otherwise known as the "Safety File" will be discussed and agreed with all responsible authorities no later than 28 days prior to the event.

(b) –The prevention of crime and disorder

1. Please refer to event management plan for details

(c)– Public safety

1. The premises licence holder will ensure that a scaled plan showing the location of all proposed temporary demountable structures within the license is included in the event management plan. The plan shall detail:
 - a. a plan to a suitable scale indicating the location of all such structures;
 - b. a description and type of each structure. For non-standard structures a detailed design statement should accompany the description;
 - c. the person(s) responsible is/are identified and their competency proven for the:
 - i. construction of each structure;
 - ii. the 'sign-off' of each structure, including the format of the certificate (the term fit for purpose proposed and identifies any limitations);
 - iii. for non-standard structures or designs, those responsible for third party accreditation with regard design and sign-off;
 - iv. for monitoring the structures during the licensed period.
 - d. the location and availability of the 'sign-off for use' completion certificates;
 - e. the monitoring of structures in line with the risk assessment;
 - f. the details of the limitations placed upon the structure other than wind speed;
 - g. The details of 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.

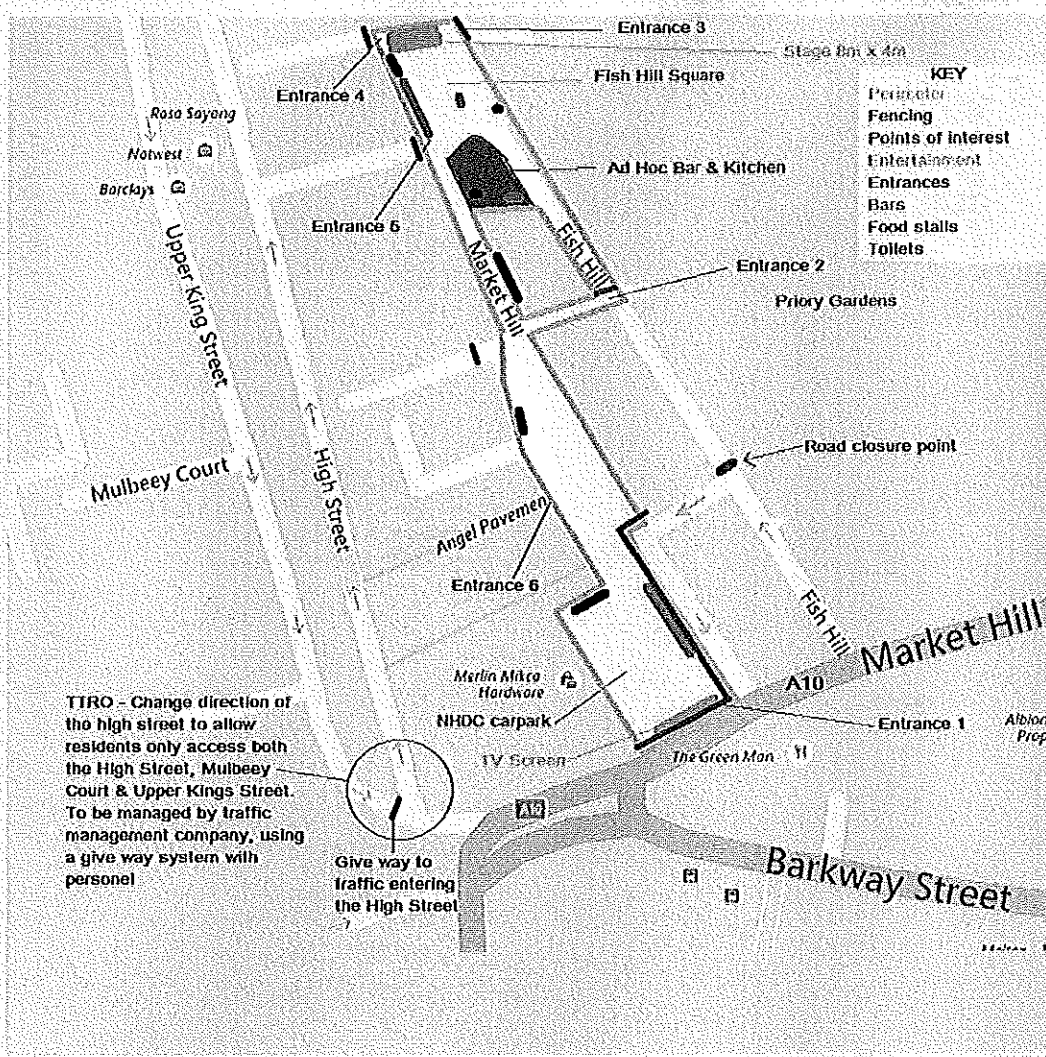
(d) The prevention of public nuisance

1. The premises licence holder will ensure that the location, direction and details of the sound systems to be used throughout the event shall be submitted to and approved by the Council's Noise Control Officer no later than two (2) weeks prior to the commencement of the event. This will be required each year prior to an event unless otherwise agreed in writing by the Council's Noise Control Officer.

2. The premises licence holder will ensure that a waste management plan designated to minimise the impact of litter associated with the event shall be submitted to and approved by the Council's Noise Control Officer no later than two (2) weeks prior to the commencement of the event. The premises licence holder shall ensure that the measures agreed in the plan are fully implemented. This will be required each year prior to an event unless otherwise agreed in writing by the Council's Noise Control Officer.
3. The premises licence holder will ensure that a community liaison plan designed to inform local residents of the event shall be submitted to and approved by the Council's Noise Control Officer no later than two (2) weeks prior to the commencement of the event. The premises licence holder shall ensure that the measures agreed in the plan are fully implemented. This will be required each year prior to an event unless otherwise agreed in writing by the Council's Noise Control Officer.

(e) The protection of children from harm

1. Please refer to the event management plan for details.



- KEY**
- Perimeter
 - Fencing
 - Points of interest
 - Entertainment
 - Entrances
 - Bars
 - Food stalls
 - Toilets

TIRO - Change direction of the high street to allow residents only access both the High Street, Mulbeey Court & Upper Kings Street. To be managed by traffic management company, using a give way system with personnel

Give way to traffic entering the High Street

APPENDIX

B



**HERTFORDSHIRE
CONSTABULARY**

**POLICE REPRESENTATION - OPPOSING NEW LICENSING APPLICATION
FOR AD-HOC WINE BARS LIMITED**

**SUMMER SOUL EVENT FISH HILL SQUARE, ROYSTON –
AUGUST BANK HOLIDAY WEEKEND 2017**

***Representation made by Police Sergeant 1706 Sammy DOAK- North Herts Community
Safety Unit Hitchin Police Station***

This representation is to support the objection of a new application for a premise licence to be granted in respect of its Summer Soul annual event which has been lodged with NHDC Licensing.

The objection will be based on evidence supporting perceived non-compliance with the 4 Licensing objectives namely:

1. The prevention of crime and disorder
2. The protection of children from harm,
3. Public safety
4. The prevention of public nuisance

This evidence will consist of:

- A detailed report by Police Sergeant 1604 Guy Westwood Royston Safer Neighbourhood Team, outlining his observations whilst on duty throughout last year's 2016 event. (Attached)
- List of associated Police Logs detailing incidents of crime and disorder, anti-social Behaviour and traffic issues linked to the Summer Soul 2016 event. (Attached).

Location

Having reviewed the current application it is my opinion that not much has changed to ensure that last year's incidents are not repeated. Having liaised with Sgt Westwood, who has the expert local knowledge of the area, the applicants plan is to take up more of the town, thereby potentially adversely affecting more businesses and local residents.

This plan will also include utilising the market area as well. This would put the allocated area right up to Tesco's Express, which will be open on the Sunday whilst the event is in progress,

again, impacting on members of the local community trying to go about normal daily routine. The larger area will also put the event over one access to Angel Pavement and any shops in there, as well as one entrance to The Old Bull Inn. They won't be able to make them close the entrance, but equally won't be able to control people leaving from it into their licenced area.

Traffic

In terms of traffic control there is a real issue foreseen in trying to manage traffic on the High Street, reversing traffic to allow it to go up from the A10 would not work, as it would involve an extremely tight turn off, a one way road, and the High street and Upper King Street converge just before the A10 meaning there would be a potential free for all on that section. I feel that a more detailed feasibility study needs to be completed around traffic management as this was a major concern to residents around previous events.

Noise

The noise issue would still be relevant despite the change in date and would be just as intrusive potentially leading to just as many complaints from residents. I understand that that B9 of the licensing policy states **"That living within a town centre environment brings with it a degree of disturbance"**. I am also mindful that the subcommittee in revoking the licence felt that moving the event to a bank holiday Sunday may be a reasonable way of addressing that disturbance to local residents and businesses. However due to the level of ASB incidents at the location last year involving street drinking and intoxicated persons, the location of the event and live music being played outdoors between 1200-2300 the question must be asked is this reasonable. In opposing the application, I note the measures to be introduced as part of the management plan around excessive noise:

- Liaise with Audio Technicians for the best possible practices to reduce noise for surrounding neighbours.
- Promote the events on Street signs for 28 days.
- Mail advisory letters to local residents 28 days prior to the event giving them time to make alternative arrangements.

This is all positive examples of trying to reduce noise impact. However, again the question is around the "reasonable" test. Is it reasonable to suggest that residents may have to move out of their home to accommodate the granting of a licence for this event? In my opinion no is the answer.

In any case there may be a contravention of Article 8 of the Human Rights Act 1998 **"The Right to respect for private and family life."** This article states that;

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

NOT RELEVANT

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

NOT RELEVANT

I also note that in this application mention is made of other premises closing late at night or early morning on a weekend. The example cites that a local nightclub has patrons causing excessive noise on the streets until 0400 hrs by way of human behaviour. In my opinion this is the disturbance that B9 of the licensing policy is relating to when it states "That living within a town centre environment brings with it a degree of disturbance". Not the type of event that this application intends to participate in.

Business issues

There is still a real concern from local business such as fast food outlets and restaurants that were affected this year 2016. Their businesses would still be directly affected due to access difficulties.

The organiser's state that they would make allowance for the undertakers businesses affected by the event location, but there does not appear to be any reference to what that would be? I draw your attention to Sgt Westwood's observations on this issue. It was envisaged that there would be an allowance given for them at this year's event 2016 in terms of access to their property, yet when they had a body to bring in, they had to take them through the front door, past loads of intoxicated individuals as they could not get access, and could not get any response from Ad Hoc.

Anti-Social Behaviour

At this year's event 2016, a vast majority of attendees had been drinking hard all day. There was a lot of drunkenness. Changing to a Sunday would not prevent this, particularly a bank holiday weekend. With the majority of revellers having no work, college or university the next day. This could potentially be a negative factor on how much alcohol revellers will consume throughout the day and in my opinion the likelihood for excess consumption of alcohol is high. This could result in attendees drinking for 12 hrs straight in the street, in an area which is usually a ~~designated alcohol free zone~~. Designated public place order.

Several other venues in town closed or closed early as they were fed up of drunks from the event trying to come into their venues. The end of the night PS Westwood felt extremely lucky that nothing major had occurred as it had such potential to go wrong.

Crime

This year's event 2016 saw a crime recorded by a uniformed paramedic who was sexually assaulted by a drunken female, a drunken domestic from 2 people leaving the event led to the female being taken to hospital with a suspected fractured skull. A large scale fight between youths in the High Street leading to the organiser ending the event early of his own accord as he was concerned as to how things were going. A thirteen year old girl was carried out unconscious by her father as she was drunk in the event. Numerous drunken 'handbag' incidents were reported to officers on the ground, but had dispersed by the time they got there. All indicative of a public nuisance and excessive crime and disorder incidents directly attributable to the event and not in line with crime/incident statistics recorded weekends before and after the events taking place.

Police Resourcing

Whilst policing the event, Sgt Westwood called for the public order van from Hitchin, and BTP colleagues called up to help as the atmosphere was such that SGT Westwood feared the situation was just waiting to erupt. The calling for reinforcements to help police the event from other areas is a real concern. On such occasions this would have a direct impact on Hertfordshire Constabularies ability to carry on with daily business throughout the whole county by withdrawing resources from home stations not connected to North Herts.

A further issue in terms of policing is that there will be less staff on duty on a Sunday night. Indeed at midnight this will reduce even further unless overtime working is implemented. If the license is granted then the question would be around who would foot the bill for additional policing costs.

Post Event

The clean - up also produced issues for businesses that were not directly involved in the event. Whilst it is admirable that Ad Hoc state they steam cleaned the street after, and cleaned up all rubbish. Sgt Westwood had several reports of shops and private residences that had glass, plastic cups, vomit and urine all over garden, walls and doorways. Some shops were closed on the Sunday, so the smell and the filth had a whole day to fester before they came to work on the Monday and had to waste the first half of the day cleaning. This would not change with it being a Sunday, as the bank holiday would mean the pain would be left until the Tuesday.

Conclusion

Royston is a very small, quaint market town, with a predominantly middle aged to elderly population – particularly in and around the town centre. This event rather than being for them, alienates them, and makes them afraid to go out, imprisoning them in their own

homes for the day. In my opinion the location is not fit for purpose as evidenced by the events of the last 2 years.

In coming to my conclusion to object to the application, it appears that the benefit of the one in this matter is outweighing the benefits to the whole community at large and it is for this reason that Hertfordshire Constabulary will oppose this application.

28/12/16

PS 1706 Sammy Doak

North Herts Community Safety unit

Hitchin Police Station

[REDACTED]



HERTFORDSHIRE
CONSTABULARY

POLICE REPRESENTATION SUPPORTING THE REVIEW FOR
AD HOC SUMMER SOUL EVENT 9TH JULY 2016

Report from Sergeant 1604 Guy Westwood, Royston Safer Neighbourhood Team.

This representation is to support the review application which has been lodged with NHDC Licensing.

Ad Hoc is a bar and restaurant set in Fish Hill's Market Square. Every year Ad Hoc has a festival style event, taking over the square and closing the road to traffic, allowing live music, and food and alcohol sales outside in the square.

Each year the event changes slightly, with various road closures. This year the whole of Royston Town Centre was closed to vehicular traffic, and palisade fencing was utilised to limit pedestrian entry into the temporarily licenced areas.

Royston Town Centre is normally a quiet, quaint historic market town; based on a one-way system, with Fish Hill being the only route into the town. The road then goes through Fish Hill Square, where it either loops round to go back up Market Hill and out back onto the A10, or straight through to access John Street, which in turn allows access to the High Street and Upper King Street. The only way to access these roads is via Fish Hill. Jepps Lane also comes off Fish Hill Square, this is an access road for various residential and business premises, but is a non-through route.

This year's event put road closures on Fish Hill, Market Hill, John Street and Jepps Lane, thus preventing vehicular access to any residential or business premises within the town during the hours of the event/closure. The road closures were allowed from 1100hrs Sat 9th July to 0100hrs Sun 10th July. Within the closed area was a stage for live music, portable toilets, an external bar area and various food stalls.

There were two entrances and two exits into the licenced area, all controlled by security staff.

My personal observations of the event:

I was on duty during the event from 1600hrs Sat 9th July to 0200hrs the next day. Immediately on coming on duty, I was informed about a complaint regarding the Summer Soul Event. It had come from a local travel agents within the fenced off area in Fish Hill

Square. The complaint was that the security staff were not allowing people wanting to go to the travel agents to use the nearest route to get to it, but were making them walk all the way round to access from a different direction, as they had designated entry and exit points. Also customers to the travel agents reported to them that they had bag searches, and were made to wear a wrist band, just to walk through the square to get to the shop. This is clearly not acceptable as people not wishing to attend the event should have been free to shop unimpeded.

As I walked through to the travel agents, I noticed that the square was already very busy, with people sitting about on the floor round the edges of the square, leaning against walls and sitting in shop doorways. Indeed we had to move several people out of the doorway to the travel agents in order that we could get in. This was still within business hours. Once in, I could see that the owner was trying to sell a holiday to a customer, but was struggling due to the noise from the event. There was also a large group of people right by the window where the sale was going on, and they were all talking loudly, using multiple swear-words within their conversation, and using the windowsill to the shop as a table to put their pints on. This was far from an ideal atmosphere to conduct business in. The owner came to speak to me and said several customers that they had been expecting had not turned up, and he put it down to a direct result of the event, and the customers either not being able to get through, or feeling too intimidated to try and get through the crowds.

On leaving the travel agents I walked through the market square, and noticed that even at that time of day there were a lot of people who appeared to have had quite a lot to drink. On walking over to one of the exit gates I actually watched several people allowed to leave with alcohol unchecked, yet one who tried to return with an alcoholic drink was initially refused entry, until he showed that the drink had actually been brought from within the Ad Hoc licence area previously, but he had left to use the toilet of a neighbouring pub because it was not as busy. On speaking to the owner of the neighbouring premises he told me he was really fed up as the event was taking his trade, yet lots of people were openly leaving the area with pints of beer and going to his premises to use the toilets.

By 1800hrs the square was rammed with people, and although the road closure had an allowance for allowing passage of emergency vehicles should access be required; there was no way you could safely attempt to drive through the crowds.

Several people, who refused to give their details, stated to me that donations to Great Ormond Street Hospital were being enforced to allow entry to the free event. One person said that when he said he had no change, he was told it was notes only. I did not witness this, but did witness people going round with buckets with GOSH on them. I have since contacted GOSH, and they say they are not aware of Ad Hoc or the Summer Soul event, but certainly do not support such fundraising methods, as this is not the image they wish to convey.

A member of the public also complained that they had their bag searched for alcohol before being allowed into the Fish Hill Square, yet they were just shopping, and had no intention of attending the Summr Soul event.

As it turned dark, later in the evening, I started to become concerned over the amount of drunk people that there were, and an alarming amount of very young looking people. One 14 year old girl was carried out of the event by her father, she was only just conscious. I could not establish where she had got her drinks from, but she was carried out from within the event, and bag searches to stop people taking their own alcohol in were being carried out.

As it got later still numerous small scale fights and arguments were breaking out. All low level that ended before police arrived, but it was enough for me to call for extra resources, as I feared a large scale public order incident when the event ended.

Just before midnight there was a report of a large number of youths fighting in the High Street. The group broke up and they all ran away on police attendance, but I later spoke to a youth who had called in scared as he and his friends had been chased. They were from Letchworth and had come over for the event, but local youths had seen them and chased them off. No actual crimes reported from the group, but it was enough for the event organiser to end the event a few minutes early.

Other incidents from the event were a female with a suspected fractured skull from a domestic she had at the event with her boyfriend, and a sexual assault, where a female private paramedic, on duty at the event was sexually touched within the confines of the event itself.

With the general feeling I had towards the end of the event, I genuinely believe we were lucky to not have had more disorder, or more serious crimes occur. The issues, I feel were largely due to people having been drinking alcohol all day; the unsuitability of the venue – confined market streets, relatively small area for the sheer number of people allowed in.

Further views from residents and businesses within town

In the weeks after the event I wanted to gauge public opinion of the event, and obtain positive as well as negative comment. 24 questionnaires were received back, mainly from businesses within the town centre area. There was also a separate event on the High Street between 12 and 1800hrs. This had stalls, things for sale and things to do. No alcohol on sale, more of a street fair. I asked opinion on this on the questionnaires also, but out of the 24, only 2 made comment on the High Street event, saying the stalls blocked access to the shops.

Out of the 24 questionnaires, 16 would not be happy to have the Ad Hoc event in the same format again next year, only 8 would be happy to see it the same again.

The general opinion was that blocking access to the town cost trade to most other businesses that replied, and it was not fair for one business to benefit while others lost trade because of it. Even pedestrians trying to go to other shops and businesses, or residential premises had great difficulty getting through the area and were subject to searches and forced to wear a wrist band.

██████████ said patients had trouble getting in and out for appointments, and they would close next year if the event happened again.

██████████ said parking was a big issue for them, and customers were unable to drop off donations, which they rely on. More worryingly, the walls of the shop had been used as a urinal which they had to clean themselves due to the smell.

██████████ say their staff and clients were restricted when trying to access the shop, Ad Hoc have no right to restrict access for others. This type of event if run correctly is great for the town, however not on a working day and not for the sole benefit of one business.

██████████ – no trade at all in the afternoon. I think it a shame all the rest were not involved a bit more.

██████████ – I'm not impressed with the way this event was organised, just for the sole benefit of one business in Royston. I had to close early. On Monday my shop was covered in all kind of disgusting things. The whole street smelled absolutely awful. I spent the whole week cleaning Ad Hoc mess.

██████████ – we lost half a days trading as had to close early, our staff were impeded on their way back to the office.

██████████ – very short notice, not enough info, organisers were rusty. It is not advantageous to business as roads blocked. From 1pm no trade.

██████████ – Inebriated persons wandering around town and coming into the shop before 5pm. Customers coming in saying they objected to wearing a wrist band and wanted to shop. Condition of the square – broken glass, urine, still there on Monday.

There are two undertakers that were affected by the event. One was told they would have to drive the wrong way down a road and through a barricade to get to their mortuary, which they were unhappy about, but fortunately not needed on the day. The other funeral service wish to remain anonymous to protect the families of those involved, but they were badly affected by the Ad Hoc event, and could not access their rear doors to get to their mortuary, which was needed at one point with a body. The organisers had said they would assist with access if required, but were not contactable when needed, therefore the front of the funeral service had to be used. Even getting to the front of the premises there were issues: "Church Lane was full of drunks, and I had to come past two men urinating in another shop door. I personally feel this event is too big for the square and excessive drinking causes all

the other residents and businesses in the town a lot of trouble.... I would not want to be put in a similar position again.”

One resident who lives on Fish Hill states – unacceptable noise levels – bands playing until midnight on a Saturday night; Unacceptable ASB directly outside our property, people using our drive to queue for portaloos; unacceptable littering on our driveway – woke on Sunday morning to discover smashed glass, vomit and half-drunk drinks on driveway.

A further resident on Church Lane states – The event was very noisy!

In conclusion

The event is too large now for the town centre, and adversely affects too many other residents and businesses, with the sole intention of making money for Ad Hoc. There were complaints regarding trade being affected, access restricted, excessive noise, drunkenness around the town, ASB, litter and hygiene issues. Added to this the potentially dubious charity collection technique, that as yet the charity itself is unaware of Ad Hoc or Summer Soul, and the use of the wire fencing appearing to be more effective at preventing people taking their own drinks in, as opposed to preventing people taking drinks out.

Anecdotally there would appear to have been inappropriate and irresponsible alcohol sales, with a high level of inebriation, including a large number of very young people also appearing drunk.

With the above in mind, particularly the comments from local businesses and residents, on how they have been affected, I believe it would be irresponsible to allow the event to go ahead again next year unchallenged, and respectfully ask that the Ad Hoc licence is reviewed and amended to prevent the whole of Fish Hill Square being utilised in such a way again.

Dated 14th August 2016

Sergeant 1604 Guy Westwood

Royston Safer Neighbourhood Team

Hertfordshire Constabulary



**HERTFORDSHIRE
CONSTABULARY**

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

[NORTH HERTS DISTRICT COUNCIL] LICENSING AUTHORITY

Responsible Authority: Police

Your Name	Samuel William Doak
Job Title	Police Sergeant North Herts Community Safety Unit
Postal address	Hitchin Police Station College Road Hitchin, Hertfordshire SG5 1JX
Email Address	[REDACTED]
Contact telephone number	[REDACTED]
Facsimile Number	N/A

Name of the premises you are making a representation about	Summer Soul Event	
Address of the premises you are making a representation about	Fish Hill Square Royston Herts	
Details of the individual you are making representations about	<u>Name</u>	<u>Address</u>
	Date & Place of Birth	
Is this the first objection in respect of this individual or these premises	No	<p><u>Brief details / cross reference</u></p> <p>Hertfordshire Police in partnership with NHDC, their Licensing Policy and the Constabulary Licensing Policy endeavour to promote North Herts Night Time Economy as a safe and family friendly environment.</p> <p>Therefore In terms of the “Summer Soul Event” a review was previously lodged by a local business and Police submitted a representation to support that review.</p> <p>The premise Licence was revoked by the sub-committee after a meeting held on 19th September 2016</p>

		<p>In summary we feel that if the new application were to be granted it would be detrimental to policing in North Herts, the Night Time Economy and the wider community in terms of increased Anti-Social Behaviour and Crime and Disorder.</p> <p>The Constabulary have concerns regarding this application and accordingly on behalf of the Chief Constable I represent against it.</p> <p>My reasons for opposition will be based on the grounds evidenced at the last review, which are attached to this objection.</p> <p>The new application is for a bank holiday Sunday in August 2017 between 1200-2400 hrs. Hertfordshire Constabulary do not feel it is an appropriate location for such an event which has an impact on local business owners and local residents, including when road closures are in place.</p> <p>It is recognised that Police resources locally and nationally are stretched to capacity in order to police drunk and disorderly and negative public order related behaviour. The displacement of resources is detrimental to the wider community.</p>
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Licensing Objections

<i>Which of the four licensing Objectives does your representation relate to?</i>	Yes Or No	<i>Evidence supporting representation or reason for representation. Please use continuation sheet as required</i>
To prevent crime and disorder	Yes	See attached report
Public safety	Yes	See attached report
To prevent public nuisance	Yes	See attached report

To protect children from harm	Yes	See attached report

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	
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Signed on behalf of Hertfordshire Constabulary Police Sergeant 1706 Sammy
DOAK.....

Date: 28TH December 2016

Please submit this form along with any additional sheets to: [insert name and address] or email to [Insert email address]

This form must be returned within the Statutory Period.

SUMMER SOUL EVENT, ROYSTON: SATURDAY 9TH JULY 2016 & SUNDAY 10TH JULY 2016

INCIDENT DETAILS	
<p>LOG NUMBER</p> <p>HC-30062016-0266 @ 11:26hrs (Thursday)</p>	<p>Location Given: Upper King Street, Royston: [REDACTED] – complaining about road closure. Inft complaining about road closures taking place for the summer soul festival from 11:00hrs – 01:00hrs on 9-10 July. Closures mean that he will be unable to access his home. Same thing happened last year. Has tried to contact the council contact – [REDACTED] but has been told that he is not in until Monday. Inft states that council must have agreed this with police. Spoke to IRT – road closures are dealt with by traffic management and they would have assess the councils plan and agreed it. Event management Dave Champion would also be aware of the event and planned accordingly.</p> <p>Location Given: Fish Hill, Royston: [REDACTED] – wish to speak to the officer dealing. Pre planned event today. Inft owns a building at location and seems to have a problem with the security. Security are under the impression they can dictate whether they will let people into the square. Inft mentioned there is a PCSO who is also of the opinion as the security, however inft is demanding they are wrong. Inft has pointed out that the local bar are licensed to sell alcohol and security are only allowed to control the alcohol, not the persons entering the square. He has a business and has clients who are being turned away and he has stated this is illegal. Police arrival at 15:54hrs (NG840) – From SC 6364 Allen: inft not happy with speaking to me as there was an altercation between him and security earlier which I was present for. He is not happy with the licensing and security around the event and wishes to discuss this further with someone. I have advised I will pass this to Sgt Westwood to make contact with him shortly. From NG 714 (Sgt Westwood): I am aware and dealing. I have liaised with NG840. [REDACTED]s with clients at present, I will pop in and see him when out. I will collate all complaints regarding the event and bring them up in the next meeting regarding the summer soul event.</p>
<p>HC-09072016-0553 @ 15:24hrs (Saturday)</p>	<p>Location Given: John Street, Royston: [REDACTED] Inft states that there is approx. 30 youths fighting. Inft cannot see any weapons at all. They are at Royston Summer Soul event. There is security but they are going to be over powered and won't be able to do much. Males and females fighting, majority are males. They are all approx. 13-18yrs old. Inft states the youths are all locals, he does not know their names but they are all kicking off but not sure what over. There are approx. 4 security staff members and they cannot stop it on their own. Can hear youths shouting in the background. Police arrival at 23:24hrs – they have gone towards the High Street. Males maybe going towards the train station. NG667 - No fighting. NG299 – on a high towards Royston just in case. NG668 – at scene. For closure please. Reopened due to other fights kicking off.</p>
<p>HC-09072016-0982 @ 23:28hrs (Saturday)</p>	<p>Location Given: Priory Lane, Royston: Caller call sign NG668 – officer has found male and female. Police officer has found male and female arguing in the memorial gardens. NG668 – female is [REDACTED] Verbal altercation.</p> <p>Crime No. G4/16/526 (Domestic Violence – Non Crime): The Priory Memorial Gardens, Priory Lane, Royston: Saturday 09/07/16 between 23:00hrs & 23:15hrs: Both parties have been in a relationship for 2 years ending a few days ago. Between</p>

SUMMER SOUL EVENT, ROYSTON: SATURDAY 9TH JULY 2016 & SUNDAY 10TH JULY 2016

	<p>material times the male party has text the female party. As the female party has not text the male party straight back a verbal altercation has ensued at which time police have arrived. The two parties are ex partners. Verbal altercation as the female did not answer the male party's text message straight away. The female had left the Royston festival followed by the male party when officers heard them arguing in the memorial gardens. Parties involved: [REDACTED]</p>
<p>HC-09072016-0990 @ 23:30hrs (Saturday)</p>	<p>Location Given: High Street, Royston: [REDACTED] – female been assaulted. Caller is paramedic on scene at a festival, he has come across a female in scene who has been assaulted. Offender has left but caller asking for police attendance as lots of people about. Not causing any issues at the moment. Female is 17yrs old. Female is saying that she has been assaulted by a male, she is saying that the male is her boyfriend. Caller will try and flag police down to show where they are. Police arrival at 23:42hrs – are with the female awaiting the dedicated festival unit to arrive. NG714 – female with suspected neck injury, going to Addenbrooks. Female has been seen at Addenbrooks, she has not got any spinal injuries, she is now sitting up and appears well.</p> <p>Crime No. G4/16/525 (ABH): Melbourn Street, Royston: Saturday 09/07/16 @ 23:25hrs: IP and offender have engaged in an argument whilst attending 'soul event' in Royston town centre. This argument was over the offender dancing with another female. IP and offender walked to church yard to talk where argument escalated. IP accused offender of cheating on her 9 times and slapped offender, the offender then slapped IP hard to the face and then punched her to the side of the head. Offender has then made off on foot towards Melbourn Street. The offender and IP are girlfriend and boyfriend. IP unable to give statement as she was being treated by paramedics entire time whilst at scene. IP complaining of headache and sore neck. Transpires that IP may have a fractured neck injury and is being taken to Addenbrookes hospital to be assessed. The witnesses listed cannot identify the offender but heard the argument and a loud slap and thud to the floor. Suspect attending out of custody interview on Sunday 17.07.16 at 1pm. IP updated and now she is unsure if she supports police prosecution as she is worried about the counter allegation. [REDACTED] headache and sore neck. [REDACTED] [REDACTED] Unknown if both parties were intoxicated considering they are both 17.</p>
<p>Sunday 10/07/16 @ 02:19hrs</p>	<p>From: WESTWOOD, Guy 1604 Sent: 10 July 2016 02:19 To: SANGHA, Kuljit 8250 Subject: RE:</p> <p>Hi Kuljit, It was busy, a few little scuffles, but we got away with it. Lots of complaints, from many other shops and venues, most</p>

SUMMER SOUL EVENT, ROYSTON: SATURDAY 9TH JULY 2016 & SUNDAY 10TH JULY 2016

<p>HC-11072016-0194 @ 09:50hrs (Monday)</p>	<p>takeaways were affected adversely as could not get deliveries out. Also reports of them not allowing people in to the free event until they had made a donation to charity, which does not sound right. It is too big for the town now. It felt uncomfortable for us, if it had kicked off we would have struggled.</p>
	<p>Location Given: Church Lane, Royston: [REDACTED] Inft reporting sexual assault on her whilst she was working as a private medic at music festival in Royston High Street. Incident occurred between 18:30hrs – 20:30hrs. Inf says a female described white female, long dark curly hair, aged 29-35yrs, between 5ft2in and 5ft 4in tall, stocky build, wearing long maxi dress strapless dress, colour blue flower pattern. She was with a 23yr old boy, she was seen with two males but came over and spoke to inft on a couple of occasions. She was asking inf if her colleague who was inft's husband was paying attention to what was going on because he had sunglasses on and offender believed he may have been asleep. Inft says that she then began to dance to music and the female came over and asked the inft to dance with her. The inft said she couldn't as she was on duty. Female offender then went behind the inft and put her hands up inside inft's top and massaged her breasts. Inft told the female to "fuck off" and the female left. Inft thinks that she then told the two males she was with what had happened as they looked over at her. One of the male's then asked her if she was "okay" to which she replied "what do you think?". Incident took place on Saturday, the offender is not known to the IP. IP is now safe and at no risk of further assault from the offender. Inft is self-employed medic, [REDACTED]. Wed 13.07.16 @ 12:32hrs – not yet crimed.</p>

APPENDIX

C

NORTH HERTFORDSHIRE DISTRICT COUNCIL
Licensing Authority – Licensing and Enforcement
P.O. Box 480
M33 ODE

23 December 2016

Re: Grant of a Premises License to Ad Hoc Wine Bars Limited

I am writing to express my views with regards to the Ad Hoc event proposed for one Bank Holiday Sunday in August each year.

In my opinion, the event itself is of benefit to the town. It is popular and offers something lively and different for the local population to enjoy. However, it has out-grown its current location and needs to be moved to an open space more suited to the scale of the event (e.g. Priory Memorial Gardens) where it will cause less disruption to the lives of town users and residents not involved in the event.

Looking at the proposals in greater detail:

Location

Restricting access by residents and town users to a significant portion of the town centre is not appropriate. If the current location is to be retained, then public access should be maintained around the entire perimeter (i.e. you fence the event, not the town centre – thereby maintaining pedestrian flow and also preventing attendees from using shop fronts as improvised shelves, seats or urinals).

Extending the event and appropriating even more of the town centre by taking the market square car park will put an additional strain on the working of the town centre – and will only work if there is no traffic on Market Hill (see road closures below). In addition, the hardware store located on Market Hill conduct a significant proportion of their trade on Sundays – when DIY enthusiasts need to easily transfer their sometimes bulky purchase into cars.

Road Closures

The proposed reversal of the High Street will result in northbound traffic on the London Road navigating a right-angle bend at the bottom of a steep hill and then immediately executing a 165° turn back on themselves (you can't access from the other direction ... there's an island between the carriageways). Having completed this improbable turn, vehicles will then meet head-on any traffic coming around a blind bend from Upper King Street. ~~I would be interested to know who will be liable if someone gets shunted whilst executing a complicated manoeuvre turning off the trunk road or who is involved in a head-on collision in a single lane road re-designated as two-way for the day?~~

NOT RELEVANT

Should the fencing approach be adopted in Fish Hill Square, a better solution would be to reverse the flow of Market Hill (the fencing can ensure the event doesn't spill beyond the line of the pavement). ~~(Although again I would be interested to know where the liability will rest should a pedestrian looking the for traffic from the accustomed direction step out in front of a car coming the 'wrong way' down the street.)~~

NOT RELEVANT

Opening Hours

The longer the event, the more of a strain it puts on the locale. By all means conduct both afternoon and evening sessions – but restrict them to 4 hours each (finishing by 9:00 pm). The opportunity to drink for 12 hours with free entertainment proved all too much for some last year (with the result that at least one local pub resorted to a 'lock-in' to prevent disruption from the event's overflow).

Town Manager, Royston Town Hall, Melbourn Street, Royston SG8 7DA

Traffic Management

For the equivalent event either two or three years ago, there were significant traffic problems because "the traffic management company failed to turn up". Last year, the TM company wasn't in attendance for the first hour-and-a-half of the event – leaving the police and NHDC officers to contend with traffic issues.

Any license granted this year needs to detail the exact responsibilities of the TM contractors (including any requirement to escort vehicles individually etc.) and also needs to state that the event cannot commence without any street closures being properly manned.

Security

The most common complaint from members of the general public last year referred to the restriction of access to public spaces and the 'heavy handed' tactics adopted by 'security' personnel. This was not necessarily the fault of the organisers – who were simply complying with the terms of their license. However, if a plan has been accepted that shuts entire streets and identifies 'entry only' and 'exit only' locations that cause ½ mile detours by pedestrians – there will be conflict with members of the public being prevented from going about their lawful business. I know of a number of female residents who refused to have their handbags searched and simply pushed past the male security guards – challenging them to intervene physically or leave them to go about their business. There also appeared to be problems with a shortage of wrist bands and tracking total numbers.

Cleanliness and Hygiene

In general, the view from town centre businesses after last year's event was that the town was acceptably clean the next day – except for businesses and residents with doorways or walled spaces in close proximity to Fish Hill Square. Here there were comments for up to a week after the event regarding the lingering stench of urine and vomit.

Again, this is not the fault of the organisers who had complied with licensing conditions concerning the provision of toilet facilities. However, this does not mean that the problem cannot be anticipated and that attempts should not be made to mitigate the issues arising. The longer the event, the greater the requirement for toilets. Given large numbers, it is known that a proportion of attendees will opt not to use increasingly fetid portable toilets or join a queue for the privilege. This are further reasons for the event being shorter and not located in a built-up area.

If NHDC grants some form of license it would seem incumbent upon them to ensure that the public toilets on Fish Hill remain open for the duration of the event.

NOT RELEVANT

Other traders

Assuming the move to the Sunday of a Bank Holiday weekend, the event will largely only impact on pubs, restaurants and take-aways. An informal survey of a number of the affected premises indicates a general consensus that the event generates at least as much business as it 'scares away'. Accordingly I think we can reasonably describe the attitude of other Sunday traders as 'relaxed' (with the possible exception of the hardware store – although this is not known for certain).

In conclusion

This is a good event that needs to be allowed to continue to benefit the town whilst avoiding as many of the known issues as possible. This would seem best achieved by staging a somewhat shorter event in a public space of a suitable size e.g. Priory Memorial Gardens. Although this would impact on a small number of residents and park users, it would not involve any street closures or measures that would intrude on the general populace (witness the annual May Fayre that happily accommodates several thousand people over a 4-hour period).

Yours faithfully

Geraint J Burnell
Royston Town Manager

Hannah Sweetman

From: [REDACTED]
Sent: 22 December 2016 11:22
To: Licensing
Subject: Ad Hoc Wine Bars Ltd Premises Licence Fish Hill Royston

Sirs

It has been brought to my attention that the application for the Licence above for 27th August 2017 and future Bank Holiday Sundays in August would allow the closure of the Market Hill Car Park and road access to it from 12 midday. Our shop premises overlooks the Market Hill Car Park and our customers and my staff use this car park and the access roads around on Sundays (we are open from 10am until 4pm every Sunday with staff leaving up to 30mins later)

Road and Car Park closures on this day in the close proximity of our shop would dramatically impact our business on a very busy day. Also if customers come and find access severely restricted on one occasion it can affect their future decisions to come to us for their purchases for fear that difficulties of access may occur again. We would have to seek compensation for loss of business. NOT RELEVANT

I strongly object to the wide ranging road closures with the disruption to my business that a successful outcome to this application would permit.

Please confirm receipt of this email and advise should it be necessary for me to send a paper copy by post.

Caryl Mutimer (Mrs)
Merlin Mica Hardware
31A Market Hill
Royston
Herts
SG8 9JS

Sent from my Samsung Galaxy smartphone.

Hannah Sweetman

From: Rob Furber [REDACTED]
Sent: 19 December 2016 11:17
To: Licensing
Cc: Steven Cobb; Colin Broadhurst
Subject: new license application - Ad Hoc Summer Soul Event 2016

Follow Up Flag: Follow up
Flag Status: Completed

Dear Steven/Colin,

I noticed on Saturday signs have gone up again informing of Ad Hoc's license for another Summer Soul Event in 2016 during the August Bank Holiday - ~~clever of him to put this up in December when everyone is thinking about Christmas/New Year and will be ignoring these signs~~ NOT RELEVANT The only concession I can see on that notice is a move from it being held on a Saturday night to a Sunday night next year.

That is not enough of a concession and if that is the only tweak I am going to have to object again. It still says the event will go on until midnight - which is unacceptable and too late - and I want some assurances there are not going to be portaloos put up close to our driveway and we are not going to have to endure a noisy, drunk crowd milling around in front of our property again throughout the evening and into the small hours.

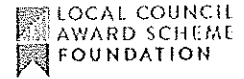
Sorry, but this is not on. If this guy thinks he is offering an event genuinely for the good of Royston - then go and have it in an open space on Royston Heath, not in Royston town centre, with the associated disturbance of the peace, littering, and anti-social behaviour it results in, going on until the early hours of the morning.

How much does this event earn Ad Hoc? That's what I would like to know. This is not some 'civic event', this is a profit earning venture for Ad Hoc. NOT RELEVANT

If this all means I have to object to this license again then I will.
Many thanks,
Rob



ROYSTON TOWN COUNCIL



Town Clerk: Mrs. Susan Thornton-Björk

20/12/2016

North Hertfordshire District Council
Licensing Authority - Licensing and Enforcement
PO Box 480
M33 0de

Representation from Royston Town Council re Application for Premises Licence Ad Hoc Wine Bars Ltd – Summer Soul Event Bank Holiday Sunday in August.

Royston Town Council members discussed this application at a meeting yesterday and although they are in favour of the event and believe it is good for the town, they object to the application as it stands.

They have concerns over the location of the event and the closing off of roads and car-parks which will effect residents and retailers in the town area. In particular, the application refers to the fencing off of the Town Council's Market Hill and Angel Pavement car-parks which have not been agreed. Market Hill car-park is heavy used on Sunday's with residents/visitors using local shops and businesses in the town and the council proposes to keep this car-park open for Sunday parking.

Members believe the event would be better placed being held in the Priory Gardens with the use of rubber matting to protect the grassed areas.

The Town Council will be contacting the Operations Director at Ad Hoc to arrange a meeting to discuss the concerns the Town Council has regarding the location of the event.

Yours sincerely

Town Clerk

Town Hall, Melbourn Street, Royston, Herts., SG8 7DA
Tel/Answerphone: [REDACTED] Fax: [REDACTED]
Email: [REDACTED]

