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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE FOUNDATION HOUSE, ICKNIELD WAY,
LETCWORTH GARDEN CITY ON WEDNESDAY, 3RD JANUARY, 2018 AT 7.00 PM

MINUTES

Present: *Councillors Michael Muir (Chairman), David Barnard, Michael Muir and Mike Rice.*

In Attendance:

Steve Cobb (Licensing Manager), James Ellis (Legal Advisor), Hannah Sweetman (Senior Licensing Officer) and Ian Gourlay (Committee and Member Services Manager).

Also Present:

David Nye (Applicant), Andrew Newman (Applicant's Representative), Nicola Gates (Event Co-ordinator), Eric Stuart (Event Safety Advisor), Ross Sharples (Event Noise Consultant), Mark Watts (Landowner), Cathy Kerby (Objector – Wymondley Parish Council), Gil Seller (Objector), Stephen and Julie Thomas (Objectors), Barry and Vivien Huffer (Objectors) and Jennifer Calcagni and Bryant Sykes (Objectors).

1 HEARING PROCEDURE

The Hearing Procedure was noted.

2 APPLICATION FOR A PREMISES LICENCE IN RESPECT OF TODD IN THE HOLE, BURY WOOD, TODDS GREEN, STEVENAGE, HERTS. SG1 2JE

The report of the Licensing Officer was noted.

3 DECISION NOTICE

RESOLVED: That the application for a Premises Licence be granted, subject to the hours and conditions set out in the attached Decision Notice.

The meeting closed at 11.00 pm

Chairman

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**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Wednesday, 3 January 2018								
Members of Panel	Councillors D. Barnard, M. Muir and M. Rice								
Applicant(s) Name	Sausage and Gobbler Productions Ltd								
Premises Address	Todd in the Hole, Bury Wood, Todds Green, Stevenage, Herts. SG1 2JE								
Date of Application	2 November 2017								
APPLICATION FOR GRANT	<p>This is an application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>1. The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Saturday, 21 July 2018</td> <td>10:00hrs to 00:00hrs the next morning</td> </tr> <tr> <td>Sunday, 22 July 2018</td> <td>10:00hrs to 22:00hrs</td> </tr> </table> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> • PART E – Live Music • PART F – Recorded Music • PART J – Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART E - Live Music</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Saturday, 21 July 2018</td> <td>12:00hrs to 22:30hrs</td> </tr> <tr> <td>Sunday, 22 July 2018</td> <td>12:00hrs to 21:00hrs</td> </tr> </table>	Saturday, 21 July 2018	10:00hrs to 00:00hrs the next morning	Sunday, 22 July 2018	10:00hrs to 22:00hrs	Saturday, 21 July 2018	12:00hrs to 22:30hrs	Sunday, 22 July 2018	12:00hrs to 21:00hrs
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	<p>PART F - Recorded Music</p> <p>Saturday, 21 July 2018 11:00hrs to 22:30hrs Sunday, 22 July 2018 10:30hrs to 21:00hrs</p> <p>PART J - Supply of alcohol</p> <p>Saturday, 21 July 2018 12:00hrs to 22:30hrs Sunday, 22 July 2018 12:00hrs to 21:00hrs</p>
<p>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The following condition is considered appropriate by the Sub-Committee to promote the licensing objective of Prevention of Public Nuisance and Promotion of Public Safety.</p> <p>The condition(s) are:</p> <p>1. The Applicant shall provide a robust traffic and public management plan in the immediate vicinity of the event which shall be adequately marshalled.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>Conditions recommended by Hertfordshire Constabulary and NHDC Environmental Health and considered appropriate for the promotion of the four licensing objectives have been agreed by the applicant and have been included within the revised application.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Part M of their application, including the conditions agreed in advance with NHDC Environmental Protection and NHDC Environmental Health, as set in in Appendices C and E, respectively, of the Licensing Officer's report.</p>
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</p>	<p>The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in an unlimited fine or up to six months imprisonment or both.</p>

<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2017 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Paragraphs 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.3, 2.7, 2.8, 2.10, 2.12, 2.15, 2.16, 2.18, 2.19, 8.38, 8.39, 8.42, 8.43, 8.44, 9.12, 9.38, 9.42, 9.43, 9.44 and 10.10</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B7, B8, D1.5, D1.6, D1.8, D1.9, D2.1, D2.4, D2.5, D2.6, D2.9, D6.2, D6.3, D6.7, D6.8, D6.9, D8.1, D8.2, D8.3, E2.1, E2.4.1, E2.7.1, E3.1.1, E3.3.1, E3.8.1, E3.8.2, E3.9.2, E4.1, F4.1, F8.1, F8.2, F8.3, G1.1, G1.2, G1.3, G2.1, G2.2, G2.3, G2.6, G2.11, G6.1.1, G6.1.2, G6.1.3, G6.3.1, G6.3.2, G6.3.3, G6.3.4, G6.6.1, G6.6.2, G6.6.3, G6.6.4, G6.6.5, G6.6.6, G7.6.1, H2.1, H2.2, H2.3 and O1.1</p>
<p>RATIONALE FOR DECISION</p>	<p>1. The Sub-Committee considered the representations of all of the interested parties and were sympathetic to the concerns raised by those present. However, the Sub-Committee were satisfied that the Applicant had engaged specialist advice covering a range of different areas, and were able to provide the Sub-Committee with answers that satisfied it that the granting of the licence would not jeopardise the promotion of the licensing objectives.</p> <p>2. The Sub-Committee were reminded of the council's statement of licensing policy, and in particular Section G2.11 stating that where the Council determines that the operating schedule is not drafted with sufficient certainty, the application will normally be refused, save for exceptional circumstances.</p> <p>The Sub-Committee did determine that the Event Management Plan was not drafted with sufficient certainty in its current form, however, the assurances given by the Applicant that it would evolve over time into a sufficiently certain document, coupled with the inclusion of condition 7 of the Revised Application stating that, in the event of any responsible authority advising the licensing authority that the final version of the Event Management Plan did not fully satisfy their reasonable requirement, then the event would not proceed until such times as those requirements were met, gave the Sub-Committee sufficient assurance that a final version of an Event Management Plan would be sufficient to promote the licensing objectives and was therefore an exceptional circumstance as envisaged in the licensing policy.</p>

	<p>3. The Sub-Committee were reassured by the assurances given by the Applicant that the event was aimed at a family audience and that there would be a strict no admittance policy once patrons left the site.</p> <p>4. The Sub-Committee felt that the concerns raised by the interested parties around the potential for noise nuisance coming from the event were valid, however the Sub-Committee were again reassured by the engagement by the Applicant of a well known noise specialist and that granting the licence would not put at risk the licensing objective of prevention of public nuisance.</p> <p>5. The Sub-Committee were minded that the responsible authorities, who are the experts in their respective fields, had not proceeded with representations against the application and it can therefore be assumed that they have no concerns with the revised application.</p> <p>6. The Sub-Committee were concerned that the current traffic management plans were not very robust; it was therefore felt that an additional condition to address a particular concern was appropriate to promote the licensing objectives.</p>
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person that is affected by the application may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.