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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY,
LETCWORTH GARDEN CITY
ON WEDNESDAY, 18TH APRIL, 2018 AT 7.00 PM

MINUTES

Present: *Councillors Jim McNally (Chairman), Ian Albert, Jim McNally and Michael Muir.*

In Attendance: *Steve Cobb (Licensing Manager), Hannah Sweetman (Senior Licensing Officer), James Ellis (Legal Advisor) and Hilary Dineen (Acting Committee and Member Services Manager).
Mr Richard Maskell (Applicant)
6 experts supporting the Applicant
22 representees supporting the application
27 representees objecting to the application*

Also Present: *1 member of the public.*

1 HEARING PROCEDURE

[At the commencement of the hearing, the Chairman (Councillor Jim McNally) declared that he had previously made use of the Applicant's (Mr Maskell) studio. This was a business relationship, and there is no personal relationship. He believed that it did not preclude him from chairing/participating In the meeting.]

The amended Hearing Procedure tabled at the meeting was noted.

2 APPLICATION FOR PREMISES LICENCE IN RESPECT OF POPLARS FARM, ROE GREEN, SANDON, HERTS. SG9 0QG

The report of the Licensing Officer was noted.

3 DECISION NOTICE

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

The meeting closed at 1.30 am the following morning.

Chairman

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

Date of Hearing	Wednesday, 18 April 2018
Members of Panel	Councillors Ian Albert, Jim McNally and Michael Muir
Applicant(s) Name	Richard Maskell
Premises Address	Poplars Farm, Roe Green, Sandon, Herts. SG9 0QG
Date of Application	21 February 2018
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 Event to be held over one consecutive Saturday and Sunday in either the months of June, July, August or September each year.</p> <p>The permitted opening hours are:</p> <p>Saturday 1200hrs to 0030hrs the following morning Sunday 1200hrs to 1830hrs</p> <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 I – Late Night Refreshment

	<ul style="list-style-type: none"> • PART J - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART E - Live Music</p> <p>Saturday 1200hrs to 0000hrs the following morning Sunday 1200hrs to 1830hrs</p> <p>[Note: No main stage “open air” live music after 2300hrs on the Saturday, only under cover smaller stages will remain open after 2300hrs at greatly reduced volume levels as advised in the applicant’s Noise Management Plan and Event Management Plan.]</p> <p>PART F - Recorded Music</p> <p>Saturday 1200hrs to 0000hrs the following morning Sunday 1200hrs to 1830hrs</p> <p>PART I - Late Night Refreshment</p> <p>Saturday 2300hrs to 0030hrs the following morning</p> <p>PART J - Supply of alcohol</p> <p>Saturday 1200hrs to 2330hrs Sunday 1200hrs to 1800hrs</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 conditions are each considered appropriate by the Sub-Committee to promote the licensing objective of prevention of public nuisance and prevention of crime</p> <p>The conditions are:</p>

	<ol style="list-style-type: none"> 1. No public rights of way shall be restricted, obstructed or otherwise closed off so as to prevent their lawful use by members of the public during the period of the event, inclusive of build and breakdown times. 2. The Sound Management Consultant to be supported by no less three (3) colleagues who are to be available to attend the location of any complaints during the event.
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	<p>The licence will be subject to the conditions agreed between the applicant and the following responsible authorities, as set out in Appendix F to the Licensing Officer's report:</p> <p>Hertfordshire Constabulary – Conditions P1 to P28</p> <p>Hertfordshire Fire & Rescue Service – Conditions F1 to F7</p> <p>NHDC Environmental Protection – Conditions N1 to N5</p> <p>NHDC Environmental Health – Conditions S1 to S5</p>
CONDITIONS PROPOSED BY APPLICANT	<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.</p> <p>Plus:</p> <ol style="list-style-type: none"> 1. No camping is to be permitted as part of the 2018 event. 2. The maximum capacity for the total area of the event at any one time for the 2018 event is two thousand (2000) people; this includes all staff and artists on site.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	<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, could result in an unlimited fine or up to six months imprisonment or both.</p>
STATUTORY GUIDANCE CONSIDERATIONS	<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, 2.22, 2.27, 8.38, 8.39, 8.41, 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>Paragraphs B6, B7, B8, D1.5, D1.6, D1.8, D2.1, D2.4, D2.5, D2.6, D2.8, 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, E3.9.1, E3.9.2, E4.1, F4.1, F4.2, F4.3, F8.1, F8.2, F8.3, G1.1, G1.2, G1.3, G2.2, G2.3, G2.6, G2.11, G4.1, G4.2, G5.1, G5.2, G5.3, G5.4, G5.5, G5.6, G6.1.1, G6.1.2, G6.3.1, G6.3.2, G6.3.3, G6.3.4, G6.5.1, G6.5.2, 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>	<ol style="list-style-type: none"> 1. The Sub-Committee were satisfied that the Applicant had engaged a sufficiently broad, and suitably specialised and/or qualified team of experts to be able to properly promote the licensing objectives. 2. The Sub-Committee were encouraged by the fact that the Applicant had engaged in early discussions with all of the responsible authorities in advance of the hearing, and had agreed to additional conditions which satisfied them that the event was viable and capable to go ahead without putting any of the four licensing objectives at risk. 3. In reaching its decision to approve the application, the Sub-Committee were mindful of the Council's Licensing Policy, in particular paragraphs B8 and D.8.1 which state that the Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community, and that 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 benefit. It was determined by the Sub-Committee, that allowing the application was entirely consistent with this policy statement. 4. The Sub-Committee were encouraged by the level of detail contained within the Applicant's Event Management Plan (EMP) and were reassured that, whilst it is an evolving document, the event could not proceed without the final EMP being signed off by Hertfordshire Constabulary. 5. In addition to the above, the Sub-Committee paid particular regard to paragraph D6.7 of the Council's Licensing Policy stating that the Council strongly believes that a carefully

	<p>considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives is less likely to result in the imposition of conditions by a Licensing Sub-Committee following representations.</p> <p>6. A number of representations were made, by both objectors and supporters, with regard to the potential noise that may be caused by the event. Whilst the Sub-Committee accepted that some noise may be caused, it was felt that the input of Rossco P.A. & Sound Design, and Ross Sharples in particular, was sufficient to promote the licensing objective of prevention of public nuisance. The Sub-Committee felt that Mr Sharples' participation at the hearing was particularly helpful in displaying that the Applicant was taking the issue of noise, and the need to keep it to an acceptable level, seriously.</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.

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