

# Public Document Pack

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**LICENSING AND APPEALS SUB-COMMITTEE**

**MEETING HELD IN THE ROOMS 2/3, COUNCIL OFFICES.  
GERNON ROAD, LETCHWORTH GARDEN CITY**

**ON**

**WEDNESDAY, 18TH JULY, 2018 AT 10.00 AM**

## **MINUTES**

**Present:** *Councillors Michael Muir (Chairman), Lisa Nash and Mike Rice*

**In Attendance:**

*James Ellis (Legal Advisor), Steve Cobb (Licensing Manager), Hannah Sweetman (Senior Licensing Officer), Hilary Dineen (Acting Committee and Member Services Manager) and Amelia McInally (Committee and Member Services Officer)*

**Also Present:**

*Andrew Harper (Trustee, Rhythms of the World), Philip Powel (Event Manager (Rhythms of the World), Phaedra Furphy (Rhythms of the World), John Brierley (Trustee Rhythms of the World), Inspector Richard Lilley (Hertfordshire Constabulary – Safer Neighbourhood Team), Kuljit Sangha (Hertfordshire Constabulary), Alex Pender (Environmental Health Officer – NHDC) and 2 members of the public.*

### **1 HEARING PROCEDURE**

The Hearing Procedure was noted.

### **2 APPLICATION BY RHYTHMS OF THE WORLD LTD FOR A PREMISES LICENCE IN RESPECT OF RHYTHMS OF THE WORLD, HIGH STREET HITCHIN, MARKET SQUARE HITCHIN, ST MARY'S CHURCH AND GARDENS HITCHIN, HERTFORDSHIRE SG5 1DY**

The report of the Licensing Officer was noted.

### **3 DECISION NOTICE**

RESOLVED: That the application for a premises license is approved subject to the conditions and hours as are set out in the decision notice..

The meeting closed at 1.45 pm

Chairman

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

Date of Hearing	Wednesday, 18 July 2018
Members of Panel	Councillors Michael Muir, Lisa Nash and Mike Rice
Applicant(s) Name	Rhythms of the World
Premises Address	Rhythms of the World, St Mary's Church and Gardens Hitchin, Hertfordshire SG5 1DY
Date of Application	23 May 2018
<b>APPLICATION FOR VARIATION</b>	<p>This is an application for a new 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><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>One Saturday in July or August      11.00hrs to 20.00</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activities applied for are:</p> <ul style="list-style-type: none"> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART G – Performances of Dance</li> </ul> <p>The hours during which the licensable activities may take place are:</p> <p><b>PART E - Live Music</b></p> <p>One Saturday in July or August each year      11.00hrs to 20.00hrs</p> <p><b>PART F – Recorded Music</b></p> <p>One Saturday in July or August each year      11.00hrs to 20.00hrs</p> <p><b>PART G- Performances of Dance</b></p>

	One Saturday in July or August each year 11.00hrs to 20.00hrs
<b>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b>	<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 Public Safety, Prevention of Public Nuisance, Prevention of Crime and Disorder.</p> <p>The condition is:</p> <ol style="list-style-type: none"> <li>1. That the licensable area be restricted to the grounds of St Mary's Church only.</li> </ol>
<b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b>	<p>The following conditions have been recommended by <b>Hertfordshire Constabulary</b> and are considered appropriate for the promotion of one of the four licensing objectives, namely the Prevention of Public Nuisance:</p> <ol style="list-style-type: none"> <li>1. The Premises License is limited to one event per calendar year, consisting of a maximum of 1 day held over a weekend in July or August.</li> <li>2. The Premises Licence Holder shall notify the responsible authorities of the exact dates of the event no less than 6 months prior to the start of the event.</li> <li>3. An Event Management Plan (EMP) shall be submitted to the responsible authorities no less than 3 months prior to the start of the event. The EMP must demonstrate that resourcing and infrastructure is based on threat and risk to the event. The final EMP must be supplied to all responsible authorities <b>28 days</b> before the event takes place. Following this any changes must be circulated immediately to all responsible authorities.</li> <li>4. The event management plan shall contain a summary document covering an overview in the following areas - <ol style="list-style-type: none"> <li>a. Event overview</li> <li>b. Audience profile</li> <li>c. General site overview plan</li> <li>d. Summary description of all areas including temporary structures</li> <li>e. General site safety policy</li> <li>f. Management structure, responsibilities and roles - names of specific personnel, key roles and responsibilities and how the structure of these roles is planned.</li> <li>g. Event control - overview of functioning</li> <li>h. Event Capacities including for temporary structures</li> <li>i. Event timings</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>j. Insurance</li> <li>k. Local Community Considerations</li> <li>l. Build and breakdown plan</li> <li>m. References to appendices detailed below</li> </ul> <p>5. The EMP shall contain Appendices detailing fully the following areas –</p> <ul style="list-style-type: none"> <li>a. <b>A scaled site plan</b> which shows the location and size of all areas of the event and the site infrastructure as well as showing the immediate surrounding area including ingress and egress for pedestrians, vehicles and crew. As well as emergency evacuation routes and access / egress routes for emergency services. All areas of the event mentioned in the EMP must be detailed on the map.</li> <li>b. <b>Event risk assessment</b> covering all areas of risk and management of risks to ensure the health and safety of all those on site</li> <li>c. <b>Traffic management plan</b> covering the management of the traffic on the roads surrounding the event. Management of those attending and leaving the event both on foot and in vehicles. Internal site signage for traffic. Car park management and lighting. Expected traffic levels throughout the event. Control measures to be used to reduce impact on local traffic not attending the event. Taxis and drop off facilities and operation of this facility. Pedestrian routes and lighting of routes. Management of pedestrian and vehicle crossing points. The final Traffic management plan must be supplied to all responsible authorities <b>28 days</b> before the event takes place. The traffic management plan must be agreed as acceptable by Hertfordshire County Council (Highways) before the event can take place.</li> <li>d. Security and Safety – <ul style="list-style-type: none"> <li>i. <b>Security operations and deployment plan</b> covering security management structure, roles and responsibilities, security staff briefings, security control area operations, communication with the ELT, expectations of SIA staff and non SIA staff, perimeter integrity, searching of people within the site, bar security, camping / tent security, car parking security and security incident log</li> <li>ii. Full details of <b>CCTV provisions</b> and management including map detailing camera locations. All recordings to be stored for a minimum of 21 days. Footage to be supplied to police on request and without delay.</li> <li>iii. <b>Entry policy and procedure</b> including publicised conditions of entry, prohibited items, search policy on entry, entry refusal process. Prohibited items to include glass of any kind, weapons, illegal drugs, including psychoactive substances, fireworks, sky lanterns or kites, CO2 canisters, flares, laser pens, open or unsealed vessels of any description, alcohol over the set limit of either 4 cans per person or 50cl of spirits (decanted into a plastic bottle) per person or 75cl of wine</li> </ul> </li> </ul>
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	<p>(decanted into a plastic bottle) per person.</p> <ul style="list-style-type: none"> <li>iv. <b>Drugs policy including psychoactive substances.</b> Zero tolerance policy to be adopted in relation to any quantity of drugs, any items found to result in ejection or refusal of entry. Surrender bins to be provided at all entrances and must be clearly marked. Possession of a small quantity results in confiscation, incident documentation to be supplied to the police at the conclusion of the festival. Possession of larger quantities results in confiscation, person being detained and police being immediately informed. All confiscated drugs are to be stored securely and safely, sealed and documented accordingly.</li> <li>v. <b>Weapons policy</b> - Zero tolerance policy to be adopted in relation to any weapons found that are made, used or adapted to cause injury, any such items found to result in ejection or refusal of entry. Such items are to include knives where the blade is more than 3 inches in length (excluding un-lockable pocket knives).</li> <li>vi. <b>A crowd management plan</b> including Capacities and Evacuation times from each area of the site and structure on the site to allow for safe and quick evacuation in the event of an emergency</li> <li>vii. <b>Emergency protocols and Major Incident Plan</b> covering the following types of emergencies, fire, bomb threat, suspect packages, public disorder / disturbance, structural failure, hazardous substances, person in water, detained person, injury to a person, crime in progress. To also cover the role of the Event Liaison Team (ELT), coded messages, alert levels and procedures for each, partial evacuation procedure, full evacuation procedure, rendezvous points (RVP's), emergency announcements, event stop procedures, crime scene management.</li> <li>viii. <b>Extreme weather procedure and action plan</b> covering all adverse weather conditions, detailing the impact and actions to be taken in each possibility.</li> <li>ix. <b>Fire safety plan</b> – in line with conditions set by Herts Fire and Rescue</li> <li>e. <b>Medical provisions plan</b> covering details of medical / first aid posts, location and description of facility available. Staffing levels of the facility and process to be used when treating patients. Medical emergency procedure.</li> <li>f. A <b>Safeguarding policy and plan</b> to cover both children and vulnerable adults, but especially those under 18's and those who lack capacity through intoxication. To include a lost child procedure</li> <li>g. A <b>communication strategy</b> covering local community engagement, transport options, complaints, arrival and dispersal from site</li> </ul> <p>6. The event will be managed in accordance with the EMP. During the operational phase any deviation from the EMP must be fully documented and rationale recorded at the time.</p>
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	<p>7. All areas of the event and all documents referred to in the Event Management Plan shall be available for inspection during the event by officers of responsible authorities should they request access or ask to view the documents.</p> <p>8. The premises License holder shall have procedures in place to;</p> <ul style="list-style-type: none"> <li>a. Manage the occupancy levels within site areas and temporary structures to enable a safe and quick evacuation in the event of an emergency</li> <li>b. Allow the swift access for emergency vehicles onto the site</li> </ul> <ul style="list-style-type: none"> <li>• The maximum capacity for the total area of the event at any one time is <b>2,000</b> this includes all staff on site.</li> <li>• Entry numbers onto the site will be monitored and recorded at all times through the use of attendance clickers</li> <li>• Entry numbers to be supplied immediately on request by any police officer.</li> </ul> <p>9. All public address systems shall be under the control of the premises license holder or their nominated representatives so that emergency broadcast message can override the musical entertainment and can be delivered clearly audibly to all parts of the site.</p> <p>10. Under 18's must be accompanied by an adult 21 years old or over in order to gain entry. No more than three under 18's per one adult.</p> <p>11. The Premise License Holder shall publish a message on the event website at least 3 months prior to the event containing the following information;</p> <ul style="list-style-type: none"> <li>a. Terms and Conditions of entry, to include searching on entry and list of prohibited items as detailed above under entry policy and procedure.</li> <li>b. Under 18's will need to be accompanied by an adult</li> <li>c. Challenge 25 Policy</li> <li>d. Alcohol limit - set limit of either 4 cans per person or 50cl of spirits (decanted into a plastic bottle) per person or 75cl of wine (decanted into a plastic bottle) per person.</li> <li>e. No glass vessels or bottles allowed on site.</li> <li>f. Disabled access and facilities information.</li> <li>g. Medical facilities.</li> </ul> <p>12. The Premise License Holder shall ensure that all Stewards and Security Industry Authority personnel have received training commensurate to their role, and have been fully briefed prior to the start of the event on the information contained within the EMP documents relevant to their role.</p> <p>13. There shall be an established chain of command for all stewards and Security Industry Authority personnel who shall report directly</p>
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	<p>upwards to their Supervisor who in turn will report directly to the Security Manager.</p> <p>14. All stewards and Security Industry Authority staff shall wear high visibility jackets so that they are easily identifiable, other than those working covertly.</p> <p>15. The Premises Licence Holder shall ensure that all Security Industry Authority staff employed at the premises wear and clearly display their Security Industry Authority registration badge at all times whilst on duty, other than those working covertly.</p> <p>16. No staff member while on duty and / or in uniform will consume alcohol or drugs on site or be under the influence of alcohol or drugs at any time whilst working.</p> <p>17. The premises license holder will notify Hertfordshire Constabulary of all the artists performing at the event 28 days before the event takes place. The license holder will notify Hertfordshire Constabulary immediately of any artists booked in the 28 days leading up to the event.</p> <p>18. The license holder will notify Hertfordshire Constabulary of all contractors and volunteers employed at the event 28 days before the event takes place. This will include registered company name and where possible name, address and date of birth of individual staff.</p> <p>19. The license holder will notify Hertfordshire Constabulary of all SIA registered staff to be employed at the event 14 days before the event takes place.</p> <p>20. The Premises Licence Holder shall take out Public Liability and Third Party insurance to cover at least £5,000,000.00 (five million pounds) for any one occurrence. The Premises Licence Holder shall provide the Licensing Authority with certified copies of the Policy and Certificates of Insurance, or other acceptable proof of cover, not later than 14 days prior to the start of the event</p> <p>21. An on-site suitable control hub (ELT) will be accessible to police and responsible authorities if at any time it is deemed necessary by the responsible authorities.</p> <p>22. There will security (Heras fencing) along the boundary of the water at St Marys Church Site map of fencing to be made available to all interested parties on request.</p> <p>23. Site perimeter fence to be checked and maintained throughout period of event to ensure no access can be gained unlawfully. Records of these checks to be kept and made available to responsible authorities on request.</p> <p>The following conditions have been recommended by <b>The Fire Service</b> and are considered appropriate for the promotion of one of</p>
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	<p>the four licensing objectives, namely Public Safety:</p> <ol style="list-style-type: none"> <li>1. The premises license holder will notify the Fire Authority of the dates of each year's event no later than 3 calendar months prior to the commencement of the event.</li> <li>2. The premises licence holder will provide draft copies of the Event Management Plan and Risk Assessments to the Fire Authority no later than 3 calendar months prior to the commencement of the event,</li> <li>3. The premises licence holder will provide a final copy of the Event Management Plan to the Fire Authority no later than 6 weeks prior to the commencement of the event build-up on site of each year's event. The final Event Management Plan will form part of the premises license operating schedule conditions of each year's event.</li> <li>4. The premises licence holder will ensure that the Event Management Plan covers the following areas to the complete satisfaction of the Fire Authority       <ol style="list-style-type: none"> <li>4.1 A scaled electronic site plan showing how each part of the area will be used, identification of all structures, access routes and ingress/egress points;</li> <li>4.2 Capacity and evacuation plans for all areas of the event;</li> <li>4.3 Roles and responsibilities of all key personnel responsible for managing the event including names. Contact telephone numbers and back-up contact details in the event of non-availability;</li> <li>4.4 Risk assessments for all activities relating to public safety, including fire;</li> <li>4.5 Full details of security and stewarding arrangements;</li> <li>4.6 Details of any proposed special effects and the proposed safety arrangements associated with their use;</li> <li>4.7 Details for managing all traffic and vehicle movements on site, including within parking areas, during the even build-up phase, during the event and during the site breakdown phase;</li> <li>4.8 Management arrangements for site access and egress, including specific arrangements for emergency services;</li> <li>4.9 Details of any camping and provided sleeping accommodation, in respect of event attendees, staff and volunteers;</li> <li>4.10 Details of any power supplies, including generators: Provision of artificial lighting, including emergency escape lighting;</li> <li>4.11 Provision of adequate fire-fighting cover, including facilities, personnel and water supplies;</li> <li>4.12 Technical details for all proposed temporary demountable structures;</li> <li>4.13 Details of all proposed safety barriers and fencing to erected on site, including the positioning'</li> <li>4.14 Relevant independent certification or manufacturer's details to demonstrate that any fabric, or other material,</li> </ol> </li> </ol>
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	<p>used in the construction of, or in conjunction with tents, marquees and similar structures, roof covering, weather protection covers, curtains, drapes, backdrops, scrims and other materials used in, or upon structures, shall be rendered flame resistant to the current applicable British Standard;</p> <p>4.15 Identification of competent persons, including proof of competence, in relation to construction of structures and the continual monitoring of them during the event;</p> <p>4.16 Details of the proposed maximum occupancy of each area, the method of controlling the numbers therein;</p> <p>4.17 An event running order should be made available including times for when artists appear on stage and expected time of completion of set;</p> <p>4.18 Details of a suitable communication network;</p> <p>4.19 Means for giving warning of emergency, including the initiating and effecting of any evacuation, including from structures;</p> <p>4.20 Provision of adequate emergency exit routes and emergency exits, both within structures and externally, and suitable provision of emergency signage;</p> <p>4.21 The profiles of performers and anticipated attendees;</p> <p>4.22 Contingencies for degraded systems;</p> <p>4.23 Contingencies in respect of pints 4.1 to 4.22 inclusive above regarding the effects of adverse weather conditions including but not limited to, wind, rain and heat.</p> <p>5. In the event that the premises licence holder requires the attendance of representatives from the Fire Authority within the Emergency Liaison Team, other than in the event of an emergency response, the cost of the attendee will be paid by the premises licence holder;</p> <p>6. If the premises licence holder, due to exceptional or unforeseen circumstances, wishes to make any amendment to the final Event Management Plan (that being the version that forms part of the premises licence operation schedule conditions) that would impact on any public safety issue covered by conditions 1 to 5 inclusive above, he may only do so with written consent from the Fire Authority.</p>
<b>CONDITIONS PROPOSED BY APPLICANT</b>	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.
<b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b>	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.
<b>STATUTORY</b>	The Sub-Committee has taken into account the Guidance issued

<b>GUIDANCE CONSIDERATIONS</b>	<p>under Section 182 of the Licensing Act 2003 (April 2018 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p><b>Sections 1.2, 1.3, 1.4, 2.3, 2.7, 2.12, 2.15, 2.16, 2.17, 9.42, 9.43, 9.44, 10.8, 10.9 and 10.10.</b></p>
<b>LICENSING POLICY CONSIDERATIONS</b>	<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><b>Sections D2.1, D2.4, D2.6, D2.9, D6.2, D6.3,, E2.7.2, E3.1.1, F8.1, F8.2, G1.1, G1.2, G1.3, G3.1, G5.1, G5.2, G5.3, G5.4, G5.5, G5.6, G8.2.1, G8.2.2 and G8.2.3.</b></p>
<b>RATIONALE FOR DECISION</b>	<ol style="list-style-type: none"> <li>1. The Sub-Committee were mindful of paragraph B8 of the Council's Statement of Licensing Policy, which states; that 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.</li> <li>2. The Sub-Committee were concerned about the manageability of the application as made, particularly around the numbers and safety of attendees in the area applied for, and how the organisers proposed to manage this.</li> <li>3. Given the reduced licensable area, the Sub-Committee felt that a maximum attendance number of 2,000 persons, inclusive of all staff, was safer and more appropriate.</li> </ol>
<b>COMMENCEMENT DATE</b>	<p>This licence will come into effect from the date of this decision.</p>
<b>RIGHTS OF REVIEW</b>	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises 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.</p>

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