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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### LICENSING AND APPEALS SUB-COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY ON TUESDAY, 12TH MARCH, 2019 AT 10.00 AM

#### MINUTES

**Present:** *Councillors Elizabeth Dennis-Harburg (Chairman), Daniel Allen, and Jean Green*

**In Attendance:** *James Ellis (Legal Advisor), Steven Cobb (Licensing Manager), Molly Shiells (Licensing Officer), Alex Pender (Environmental Health Officer) Sergeant Mullan (Hertfordshire Constabulary), Sergeant Matthews (Hertfordshire Constabulary) and Amelia McInally (Committee and Member Services Officer)*

**Also Present:** *At the commencement of the meeting there were 26 members of the public, including registered speakers.*

#### 7 HEARING PROCEDURE

The hearing procedure was noted.

#### 8 REVIEW OF A PREMISES LICENCE IN RESPECT OF SANDON FIELDS

The Report of the Licensing Officer was noted.

#### 9 DECISION NOTICE

**RESOLVED:** That the Review of a Premises Licence was to modify the conditions of the Licence as are set out in the Decision Notice.

The meeting closed at 6.55 pm

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## Decision Notice

Date of Hearing	Tuesday, 12 March 2019
Members of Panel	Councillors D. Allen, E. Dennis-Harburg and J. Green
Premises Licence Holder's Name	Mr Richard Maskell
Premises Address	Sandon Fields, Poplars Farm, Roe Green, Sandon, SG9 0QC
Date of Application	21 January 2019
<b>APPLICATION FOR REVIEW</b>	<p>This is an application for a review of a premises licence under Section 51 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><b>The Sub-Committee has decided to modify the conditions of the premises licence as follows.</b></p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>Saturday 12:00hrs to midnight Sunday 12:00hrs to 18:30hrs</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <ul style="list-style-type: none"> <li>• PART E – Live Music</li> <li>• PART F – Recorded Music</li> <li>• PART J – Supply of Alcohol</li> </ul> <p>The hours during which the licensable activities may take place are:</p> <p><b>PART E – Live Music</b></p> <p>Saturday 12:00hrs to 22:30hrs Sunday 12:00hrs to 18:30hrs</p> <p><b>PART F – Recorded Music</b></p> <p>Saturday 12:00hrs to 23:30hrs Sunday 12:00hrs to 18:30hrs</p> <p><b>PART J – Supply of Alcohol</b></p> <p>Saturday 12:00hrs to 23:00hrs Sunday 12:00hrs to 18:30hrs</p>



<p><b>CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES</b></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 objectives of prevention of public nuisance, prevention of crime and disorder and public safety.</p> <p>The condition(s) are:</p> <p><b>Condition G2 to be amended to read as follows:</b> <i>“The maximum capacity for the total area of the event at any one time for the 2019 event is two thousand (2000) people; this includes all staff and artistes on site”</i></p> <p><b>Condition P9(a) to be amended to read as follows:</b> <i>“The maximum capacity for the total area of the event at any one time is two thousand four hundred (2400) people; this includes all staff and artistes on site”</i></p> <p><b>Condition P27 to be deleted</b></p> <p><b>The following new condition is added</b></p> <p><i>“The music noise level shall not exceed 70dB in either of the 63Hz or 125Hz octave frequency bands at the façade of any residential property throughout the event”</i></p>
<p><b>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</b></p>	<p>The following condition amendments have been recommended by <b>Hertfordshire Constabulary</b> and are considered appropriate for the promotion of the licensing objectives, namely prevention of nuisance and the protection of children from harm:</p> <p><b>Condition P5(d)(iii) to be amended to read as follows:</b> <i>“Entry policy and procedure including:</i></p> <ul style="list-style-type: none"> <li>• <i>Publicised conditions of entry</i></li> <li>• <i>Prohibited items</i></li> <li>• <i>Search policy on entry</i></li> <li>• <i>Entry refusal process</i></li> </ul> <p><i>Prohibited items to include:</i></p> <ul style="list-style-type: none"> <li>• <i>Glass of any kind</i></li> <li>• <i>Weapons</i></li> <li>• <i>Illegal drugs (including psychoactive substances)</i></li> <li>• <i>Fireworks</i></li> <li>• <i>Sky lanterns</i></li> <li>• <i>CO<sub>2</sub> canisters</i></li> <li>• <i>Flares</i></li> </ul>



	<ul style="list-style-type: none"> <li>• <i>Laser pens</i></li> <li>• <i>Open or sealed vessels of any description</i></li> <li>• <i>Alcohol</i></li> </ul> <p><b>Condition P12(d) to be amended to read as follows</b> <i>“Persons shall be prevented from entering the site with alcohol”</i></p> <p><b>Condition P3(d) to be amended to read as follows:</b> <i>“In the event of any of the responsible authorities advising the licensing authority that the final version of the Event Management Plan (EMP) does not in their professional view fully satisfy their reasonable requirements to meet the four licensing objectives, the event will not proceed until such time as the reasonable requirements are met and approval of the EMP is confirmed in writing by the licensing authority”</i></p> <p>The following recommendation and conditions have been recommended by <b>Environmental Health</b> and are considered appropriate for the promotion of the licensing objectives, namely public safety</p> <p><b>Condition S2(b) to be amended to read as follows:</b> <i>“A table listing all enclosed areas and the capacity allocated to each,”</i></p>
<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions offered by the applicant during the hearing in order to promote the licensing objectives.</p> <p><b>Condition G1 to be amended to read as follows:</b> <i>“No camping is to be permitted as part of, or associated with, the event. For the avoidance of doubt, this includes the public, artistes, staff and contractors”</i></p>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS</b></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, could result in an unlimited fine or up to six months imprisonment or both.</p>
<p><b>STATUTORY GUIDANCE CONSIDERATIONS</b></p>	<p>The Sub-Committee has taken into account the Guidance issued 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>Sections 1.3, 1.4, 1.5, 1.16, 1.17, 2.1, 2.15, 2.16, 2.18, 2.19, 8.42, 9.12, 9.42, 9.43, 9.44, 10.9, 10.10, 11.17, 11.19, 11.20, 11.23, 11.24</p>
<p><b>LICENSING POLICY CONSIDERATIONS</b></p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council’s Statement of Licensing Policy in reaching its decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B8, D2.1, D2.4, D2.5, D2.6, D2.8, D2.9, D6.2, D6.3, D6.8, D6.9, D8.1, D8.2, D8.3, D11.2, D11.7, D11.8, E3.1.1, E3.3.1,</p>



	E3.8.1, E3.8.2, E3.9.1, E3.9.2, E4.1, F4.1, F4.2, F8.1, F8.2, G2.6, 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, G8.8.1, G8.8.2, G8.8.3, H2.1, O1.1, O2.2
<b>RATIONALE FOR DECISION</b>	<ol style="list-style-type: none"> <li>1. Having considered the submissions of all those present at the hearing, the Sub-Committee felt that the premises licence in its present form was causing concern, in particular to the residents of Roe Green.</li> <li>2. The Sub-Committee considered whether those concerns were capable of being addressed by amendment of current conditions, the inclusion of additional conditions or whether revocation was appropriate.</li> <li>3. The Sub-Committee felt that remedial action specifically targeted at the causes of the concerns raised would be sufficient to address the concerns, and so revocation was not appropriate.</li> <li>4. It was clear to the Sub-Committee that the hours of the event in their present form was a cause of concern to the residents of Roe Green, and it was therefore felt appropriate to reduce these hours to promote the licensing objective of prevention of public nuisance.</li> <li>5. The issue of noise was another cause of concern, and was even acknowledged by the premises licence holder's noise expert as a concern. The Sub-Committee therefore felt that a specific condition designed to mitigate the impact of the noise, particularly bass, was appropriate to promote the licensing objective of prevention of public nuisance.</li> <li>6. The Sub-Committee were in agreement that a staggered egress was preferable and advised, however due to the reduction in hours, the Sub-Committee did not feel that late night refreshment until midnight was appropriate and so this cannot persist beyond 23:00hrs.</li> </ol>
<b>COMMENCEMENT DATE</b>	This decision will come into effect from the end of the period for appealing the decision (21 days) or, if the decision is appealed, the point at which the appeal has been dealt with by the Magistrates' Court.
<b>RIGHTS OF APPEAL</b>	<p>An appeal may be made against this decision by:</p> <ul style="list-style-type: none"> <li>• the applicants for the review</li> <li>• the holder of the premises licence</li> <li>• a responsible authority who made a relevant representation in relation to the application</li> <li>• any other person who made relevant representations in relation to the application</li> </ul> <p>The appeal and appeal fee must be lodged with the Clerk to Stevenage Magistrates Court no later than twenty-one days after the day on which the parties were notified by the Licensing Authority of this decision.</p>
<b>RIGHTS OF</b>	At any stage, following the grant of a premises licence, a responsible



**REVIEW**

authority, such as the Police, or any other person, such as a resident affected by licensable activities at 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.

This application for review considered by this Sub-Committee does not automatically preclude parties from applying for a further review however the Act allows the licensing authority to determine that any request for a further review that is repetitious will not be accepted.

The Council's Statement of Licensing Policy states:

*D11.7*

*The Council is aware that a request for a review is not intended to be a tool for further challenging the grant of an application following unsuccessful representations on an earlier occasion. Each review application will be considered on its own merits, however, the Council would ordinarily expect there to be an interval of at least six months from initial grant to fully assess the operation of a premises in relation to the licensing objectives before a review application is accepted from a person other than a responsible authority.*

*D11.8*

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

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