

Public Document Pack

2 April 2019

Our Ref Licensing and Appeals
Sub-Committee

Your Ref.
Contact. Amelia McInally
Direct Dial. (01462) 474514
Email. amelia.mcinally@north-herts.gov.uk

To: Members of the Committee: Councillor Elizabeth Dennis-Harburg, Councillor Michael Muir
and Councillor Mike Rice

You are invited to attend a

MEETING OF THE LICENSING AND APPEALS SUB-COMMITTEE

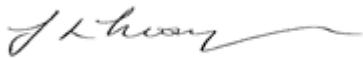
to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 18TH APRIL, 2019 AT 10.00 AM

Yours sincerely,



Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. HEARING PROCEDURE Procedure to be followed at the Hearing.	(Pages 3 - 4)
2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE APPLICATION BY SAUSAGE AND GOBBLER PRODUCTIONS LTD FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF TODD IN THE HOLE, BURY WOOD, TODDS GREEN, STEVENAGE SG1 2JE.	(Pages 5 - 72)



LICENSING ACT 2003 - HEARING PROCEDURE
Todd in the Hole, Bury Wood, Todds Green, Stevenage, SG1 2JE

Chairman's opening remarks

1. Welcome and housekeeping
2. Invite the following to introduce themselves:
 - Sub-committee members
 - Legal advisor
 - Licensing officer
 - Other persons
 - Applicant (and representatives if applicable)
3. Outline the procedure for the hearing

The legal officer's advice

4. The Chair will ask the legal officer to outline the matters for consideration during the course of the hearing

The licensing officer's report

5. The Chair will ask the licensing officer if:
 - They have anything to add to his/her report
 - If there has been any amendments to the application and/or report
 - (If there has been any amendments), have all parties been made aware of the amendments
6. The Chair will ask if there are any questions of fact of the licensing officer from:
 - The applicant
 - The 'other persons'
 - The sub-committee

The applicant's case

7. The Chair will ask the applicant (and any representatives) to present their submissions to the Sub-Committee
8. The Chair will ask if there are any questions of fact of the applicant from:
 - The 'other persons'
 - The sub-committee



The 'other persons' submit their case

9. The Chair will ask the 'other persons', in turn, to present their submissions to the sub-committee
10. The Chair will ask if there are any questions of fact of the 'other persons' from:
 - The applicant
 - The sub-committee

Closing statements

11. The licensing officer may make his/her final submission to the sub-committee
12. The 'other persons', in turn, may make final submissions to the sub-committee
13. The applicant may make final submissions to the sub-committee

Conclusion

14. The legal officer will summarise any legal points that have arisen during the hearing and will answer any legal questions from the sub-committee.
15. The Chair will close the hearing and the sub-committee will retire to make a decision.
16. Where possible, the Chair will announce the sub-committee's decision and will give reasons for the decision.

<p>LICENSING AND APPEALS SUB-COMMITTEE Thursday 18 April 2019</p>

PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
--------------------------	-----------------

LICENSING ACT 2003

APPLICATION BY SAUSAGE AND GOBBLER PRODUCTIONS LTD
FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF
TODD IN THE HOLE, BURY WOOD, TODDS GREEN, STEVENAGE, SG1 2JE.

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 A premises licence is currently in place for the premises and is attached as **Appendix A**.
- 1.2 The premises licence was granted on 28 January 2019 and has been granted in perpetuity.
- 1.3 The existing premises licence was granted with conditions following a hearing as representations were received in relation to licence application.
- 1.4 In 2018 a time specific premises licence was granted for a two day event that took place on 21 and 22 July 2018.
- 1.5 Representations were received in relation to the 2018 event and a hearing was held in which conditions were agreed and the licence was granted.

2. APPLICATION

- 2.1 The application is for the variation of a premises licence under Section 34 of the Act.
- 2.2 The proposed variation to licensable activities and hours applied to vary including operating schedule conditions are as attached as **Appendix B**.

3. APPLICATION PROCESS

- 3.1 On 26 February 2019 Sausage and Gobbler Productions made an application to vary the hours of the supply of alcohol, provision of late night refreshments and to extend the playing of recorded music.
- 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 Comet newspaper in accordance with the requirements of the Act.

4. REPRESENTATIONS

4.1 No representations were received Hertfordshire Constabulary. Conditions were agreed with the Police when the existing licence was granted. These are included in the operating schedule and remain unchanged.

4.2 No representations were received from any other responsible authority. Conditions were agreed when the previous licence was granted. These are included in the operating schedule and remain unchanged.

4.3 Five (5) representations were received from 'other persons' against the variation 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 blanked out 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 by way of this report.

4.8 The applicant 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 variation application as made.

- (ii) Grant the variation 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 variation 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.

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.

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.*

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.

E2.7.1

The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- *safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency*
- *policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues*
- *policies in relation to admission and readmission particularly control of capacity and queuing*

- policies in relation to the safe dispersal of patrons from the premises and locality
- sufficient basic first aid provision and responsibilities for contacting the emergency services.

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.

E3.9.2

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

F4.1

In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

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.

G6.6.6

Additionally, due to the causal link between the venue and the large number of pedestrians attending, the Council may consider imposing conditions relating to the stewarding of pedestrian routes where appropriate for the promotion of the licensing objectives.

G7.6.1

The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- (i) safe capacities in identifiable areas of the event site, including camping and car parking, that can be evacuated quickly in the case of emergency;*
- (ii) policies in relation to ingress, re-admission and egress, particularly control of*
- (iii) policies in relation to securing the safety of patrons whilst at the event, including camping and car parking; and*
- (iv) sufficient on-site medical provision, including procedures for contacting the emergency services.*

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 (April 2018 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).

2.10

Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.15

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.

2.16

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.

2.18

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.

2.19

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.

8.38

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.

8.33

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.

8.41

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.

8.44

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.

9.42

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.

9.43

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.

9.44

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, 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:

9.43

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.

9.44

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 *Kouftis 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.

Evidence not to consider

- 8.14 A number of points made in the representations have been deemed not relevant by the licensing officer. The points have been redacted and cannot be seen. The following is a summary of the redacted points which, for clarity, should not be discussed during the hearing.

- 8.15 There are comments made in some representations regarding the financial gain of the event. Financial gain is not a relevant consideration under the Act.
- 8.16 Representations have been made regarding the variation being applied for to be granted in perpetuity, the representations state that it removes control from the licensing authority and residents for future events. Conditions have been agreed with the organisers that an Event Management Plan will be produced for each year's event in consultation with the responsible authorities. This approach is supported by the Council's Statement of Licensing Policy. Additionally any responsible authority or any resident has the right to apply for the review of the licence.
- 8.17 Objection has been made by residents reference emergency vehicle access being limited to the village and event site should an emergency situation occur. No responsible authority has raised an objection to this therefore it should be assumed that they have no concern in relation to this matter.
- 8.18 Representations have mentioned that it is an insult to the previous licensing panel that the event organisers have applied to vary the existing licence. This has no relevance as the Act allows applications for variation to be made at any time and each application is to be determined in its own merits.
- 8.19 Claims that the applicant has not complied with the requirements of the Act are factually untrue. The applicants choose not to appeal a previous decision made at the time of the granting of a licence but to make an application to vary the existing licence. This approach complies with the Licensing Act 2003.

Determination

- 8.20 This application is for an extension of hours on an existing premises licence, it is not an opportunity to revisit the previous licensing decision to grant the licence. The sub-committee must only consider the requested variation, accepting that the existing licence has been lawfully granted. The determination can only consider the activities and timings requested in the application and, if the sub-committee are so minded, a refusal of the application will not impact on the existing licence. Any conditions attached to the extended period, should the sub-committee be minded to grant in full or in part, should only apply to the extended period and cannot be retrospectively attached to the existing licensable activities and timings.

9. Appendices

- 9.1 Appendix A Current premises licence
9.2 Appendix B Application
9.3 Appendix C Representations from 'Other Persons'

10. Contact Officer

Molly Shiells
Licensing Officer
Molly.shiells@north-herts.gov.uk

Appendix A

Current Premises Licence

Licensing Act 2003
Part A
Format of premises licence

North Hertfordshire District Council
Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Original grant date: 28 January 2019
Current issue date: 14 February 2019

.....
Authorised signatory

Premises licence number: 8493

Part 1 – premises details

Postal address of premises, or if none, ordinance survey map reference or description

Todd In The Hole
Bury Wood, Todds Green, Stevenage, Hertfordshire

Where the licence is time limited the dates

This premises licence is limited to one (1) event per calendar year, consisting of a maximum of three (3) consecutive days between the months of June and August (Friday to Sunday)

Licensable activities authorised by the licence

Section A: Performance of a Play:(Outdoors)
Section B: Exhibition of a Film:(Outdoors)
Section E: Live Music:(Outdoors)
Section F: Recorded Music:(Outdoors)
Section G: Performance of Dance:(Outdoors)
Section I: Provision of Late Night Refreshments:(Outdoor)
Section J: Sale or Supply of Alcohol:(On the premises)

The times the licence authorises the carrying out of licensable activities

Section A: Performance of a Play:(Outdoors)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	19:00
Saturday	11:00	19:00
Sunday	11:00	19:00

Section B: Exhibition of a Film:(Outdoors)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	01:00
Saturday	11:00	01:00
Sunday	11:00	22:30

Section E: Live Music:(Outdoors)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	23:00
Saturday	11:00	23:00
Sunday	11:00	22:30

Section F: Recorded Music:(Outdoors)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	01:00
Saturday	11:00	01:00
Sunday	11:00	22:30

Section G: Performance of Dance:(Outdoors)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	01:00
Saturday	11:00	01:00
Sunday	11:00	22:30

Section I: Provision of Late Night Refreshments:(Outdoor)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	23:00	midnight
Saturday	23:00	midnight
Sunday	n/a	n/a

Section J: Sale or Supply of Alcohol:(For consumption on the premises)

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	midnight
Saturday	11:00	midnight
Sunday	11:00	22:00

The opening hours of the premises

Day	Start Time	End Time
Monday	n/a	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	12:00	02:00
Saturday	11:00	02:00
Sunday	11:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

For consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

Sausage and Gobbler Productions Limited
92b High Street, Stevenage, Hertfordshire, SG1 3DW
hello@toddinthehole.co.uk

Registered number of holder, for example company number, charity number (where applicable)

10652787

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

David Owen Tallerico Nye
Dalkeith Pottersheath Road, Welwyn, AL6 9ST

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: 1220
Issuing authority: North Hertfordshire District Council

Annex 1 – Mandatory conditions

No supply of alcohol may be made under this licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

"Responsible person" means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen (18) years who has been authorised to sell alcohol at the licensed premises.

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

(i) a holographic mark; or

(ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

(i) beer or cider: half pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. In this condition:

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where:

(i) "P" is the permitted price;

(ii) "D" is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and

(iii) "V" is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enable the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

1

This premises licence is limited to one (1) event per calendar year, consisting of a maximum of three (3) consecutive days between the months of June and August (Friday to Sunday).

2

The premises licence holder shall notify the responsible authorities of the exact dates of the event no less than six (6) months prior to the start of the event.

3

The premises licence holder shall ensure that an event management plan (EMP) shall be made available to the responsible authorities no less than three (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 version of the EMP must be supplied to all responsible authorities no later than twenty-eight (28) days before the commencement of the event build-up on site. Following this any changes must be circulated immediately to all responsible authorities.

4

In the event of any responsible authority advising the licencing authority that the final version of the event management plan (EMP) does not fully satisfy their reasonable requirements, the event will not proceed until such time as the reasonable requirements are met and approval of the final EMP is confirmed in writing by the licencing authority.

5

The premises licence holder shall ensure that the event management plan shall contain a summary document covering an overview in the following areas:

- (a) Event overview (including audience profile, event timings, build and breakdown periods)
- (b) Local community and public information
- (c) Summary description of the site
- (d) General site safety policy
- (e) Management structure (including responsibilities and roles, names of specific personnel, key roles and responsibilities, how the structure of these roles is planned, contact numbers and back-up contacts for all key personnel involved in managing the event)
- (f) Plan for controlling and managing vehicle movements on the site on event days and during site build-up and site breakdown
- (g) Site access (including vehicles, campervans, ticket holders and local access) and accreditation
- (h) Site infrastructure (including bars, camping, car parking, communications and IT,

concessions, catering, electrical systems, fencing, barriers, lighting, emergency lighting, medical cover, plant, site signage, showers, water provision, event control, temporary demountable structures)

(i) Details of electrical installations for the event including generators. This should include how cable hazards will be avoided and measures to prevent members of the public from interfering with any parts of the electrical installations

(j) Layout and facilities in any campsite and the management arrangements for camping areas including policies on camp-fires and barbecues.

(k) Artist liaison

(l) Sanitary provisions (including toilets, washing facilities, washing-up facilities, waste water disposal, and on-site management arrangements)

(m) Details of the provision of drinking water in the licensed area and camping areas during the event

(n) Capacity calculations for demountable structures and open areas

(o) Crime and disorder

(p) Insurance

(q) Licensing

(r) Lost property policy

(s) Sound management

(t) Smoking policy within licenced area

(u) Waste management

(v) Emergency protocols and contingency procedures

6

The premises licence holder shall ensure that the event management plan (EMP) shall contain Appendices detailing fully the following areas:

(a) A scaled site plan which shows:

(i) The location and size of all areas of the event

(ii) Site infrastructure including the location of all temporary demountable structures

(iii) The immediate surrounding area

(iv) Ingress and egress for pedestrians, vehicles and crew

(v) Emergency evacuation routes, zones or relative safety

(vi) Access / egress routes for emergency services.

All areas of the event mentioned in the EMP must be detailed on the map.

(b) Event risk assessments covering all areas of risk and management of risks to ensure the health and safety of all those on site

(c) A crowd management plan including capacities and evacuation times from each area of the site to allow for safe and quick evacuation in the event of an emergency

(d) A stewarding plan including details of staff deployments and confirmation of qualification of role carried out

(e) Emergency protocols and major incident plan covering the following:

(i) Emergency types (fire, bomb threat, suspect packages, public disorder / disturbance, structural failure, hazardous substances, person in water, detained person, injury to a person, crime in progress)

(ii) The role of the Event Liaison Team (ELT)

(iii) Coded messages, alert levels and procedures for each emergency type

(iv) Partial and full evacuation procedures (including rendezvous points, emergency announcements, event stop procedures, crime scene management)

(f) Extreme weather procedure and action plan covering all adverse weather conditions, detailing the impact and actions to be taken in each possibility.

(g) Fire safety plan

(h) Traffic management plan covering:

(i) Management of the traffic on the roads surrounding the event

(ii) Management of those attending and leaving the event as well as local residential traffic

(iii) Internal site signage for traffic

(iv) Car park management and lighting

- (v) Expected traffic levels throughout the event
- (vi) Control measures to be used
- (vii) Taxis and drop off facilities and operation of this facility
- (viii) Pedestrian routes and lighting of routes
- (ix) Management of pedestrian and vehicle crossing points.

(i) Noise management plan

(j) Waste management plan

(k) Medical provisions plan covering details of medical / first aid posts, location and description of facility available, staffing levels of the facility, process to be used when treating patients and medical emergency procedure.

(l) Security operations and deployment plan 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 policies upon entry and on the site, bar security, camping / tent security, car parking security and security incident log

(m) Drugs policy including psychoactive substances incorporating:

- (i) Zero tolerance policy to be adopted in relation to any quantity of drugs
- (ii) Any items found to result in ejection or refusal of entry
- (iii) Surrender bins to be provided at all entrances and must be clearly marked;
- (iv) Possession of a small quantity results in confiscation, incident documentation to be supplied to the police at the conclusion of the festival
- (v) Possession of larger quantities results in confiscation, person being detained and police being immediately informed
- (vi) All confiscated drugs are to be stored securely and safely, sealed where possible and documented accordingly
- (vii) Quantities which constitute a police response to be confirmed with Hertfordshire Constabulary no less than twenty-eight (28) days prior to the event

(n) Weapons policy incorporating a 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 three (3) inches in length, excluding un-lockable pocket knives

(o) Entry policy and procedure 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 allowed allowance of eight (8) cans of beer or two (2) litres of cider or 2.2 litres (one box) of wine per person with a camping ticket. On re-admittance of a person, no alcohol is allowed to be brought onto the site by that person.

(p) Eviction policy and procedure including eviction notice, circumstances under which a person will be evicted, the eviction process and onward travel from the festival of the evicted person.

(q) Bar management and alcohol policy including staff management structure and responsibilities, bar staff briefings for the event, the use of Challenge 25, refusals registers and incident logs.

(r) A safeguarding policy and plan to cover both children and vulnerable adults but especially those under eighteen (18) years of age and those who lack capacity through intoxication. To include a lost child procedure

(s) A communication strategy covering local community engagement, transport options, complaints, arrival and dispersal from site

(t) Details of proposed special effects including fireworks, lasers, dry ice and special lighting effects. To include proposed safety arrangements associated with each effect's usage.

(u) Details of temporary demountable structures including:

- (i) A scaled plan showing the location of all temporary demountable structures
- (ii) A description and type of each structure (for non-standard structures, a detailed design statement should accompany the description)
- (iii) The person(s) responsible and their competency proven for the construction of each structure
- (iv) The person(s) responsible and their competency proven for the sign-off of each structure including the format of the sign-off certificate (the term sign-off refers to written documentation that states that the structure is safe and fit for the proposed purpose and identifies any limitations)
- (v) For non-standard structures, the person(s) responsible and their competency proven for third party accreditation with regard design and sign-off
- (vi) The person(s) responsible and their competency proven for the monitoring of the structures during the event
- (vii) Location and availability of the sign-off completion certificates
- (viii) Details of the monitoring of structures in line with risk assessments;
- (ix) Details of the limitations placed upon each structure other than wind speed
- (x) Details of limiting wind speeds for each structure, the method of assessing the wind speeds during the event and what action is to be taken at relevant speeds

7

The premises licence holder shall ensure that the event will be managed in accordance with the event management plan (EMP). During the operational phase, any deviation from the EMP must be fully documented and the rationale recorded at the time.

8

The premises licence holder shall ensure that 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.

9

The premises licence holder shall ensure that a competent (suitably experienced and qualified) safety officer shall be appointed for assisting in the planning, build, and oversight during the event

10

The premises licence holder shall have procedures in place to manage the occupancy levels within areas to enable a safe and quick evacuation in the event of an emergency and allow swift access for emergency vehicles.

11

The premises licence holder will ensure that:

- (a) The maximum capacity for each event at any one time is five thousand (5000) persons, including all staff on site.
- (b) Entry numbers will be monitored and recorded at all times through the use of attendance clickers
- (c) Entry numbers to be supplied immediately on request by any police officer
- (d) Entry onto the site will not be allowed between 23:00hrs and 06:00hrs except in the case of an emergency
- (e) The licenced area will be shut down no more than one (1) hour after the licensable activities have ceased.

12

The premises licence holder shall ensure that all public address systems shall be under the control of the premises licence 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.

13

The premise licence holder shall publish a message on the event website at least three (3) months prior to the event containing the following information:

- (a) Terms and conditions of entry, to include searching on entry and list of prohibited items
- (b) Under 18's will need to be accompanied by an adult twenty-one (21) years old or over
- (c) Challenge 25 Policy
- (d) Quantity of alcohol permitted
- (e) No glass vessels and bottles allowed on site
- (f) Disabled access and facilities information
- (g) Medical facilities
- (h) Local weather updates in the period commencing seven (7) days prior to the event
- (i) Travel information
- (j) Maps of the site and surrounding area
- (k) Post code for satellite navigation systems.

14

The premise licence 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 event management plan documentation relevant to their role.

15

The premises licence holder shall ensure that there shall be an established chain of command for all stewards and Security Industry Authority personnel who shall report directly upwards to their supervisor who in turn will report directly to the security manager.

16

The premises licence holder shall ensure that all stewards and Security Industry Authority staff shall wear high visibility jackets so that they are easily identifiable.

17

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.

18

The premises licence holder shall ensure that 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.

19

The premises licence holder shall ensure that an event log shall be maintained which includes any actions or decisions taken by the manager of the medical provisions and the reasons for those actions, and a record of all people seeking treatment. The record shall detail the name, address, gender, age, presenting complaint, diagnosis, treatment given, onward destination and signature of person treating

20

The designated premises supervisor (DPS) must be actively involved in the running of the event or clearly nominate someone to act on their behalf in the case of illness or injury. The DPS must be on site when alcohol is permitted to be sold or supplied or clearly nominate someone to act on their behalf in the case of illness, injury or required rest time.

21

The premises licence holder will ensure that:

- (a) Each bar will be clearly identifiable by number or name.
- (b) Only 100% polycarbonate to be used by the public on site, no glassware to be permitted in areas open to the public.

(c) Each bar will have visible signage (Challenge 25/ free water/ Weights and Measures Act/ drinks and price list including abv's).

(d) Tap water will be made freely available in the main bar.

22

The premises licence holder will notify Hertfordshire Constabulary of all the artists performing at the event no later than twenty-eight (28) days before the event takes place. The premises licence holder will notify Hertfordshire Constabulary immediately of any artists booked in the twenty-eight (28) days leading up to the event.

23

The premises licence holder will notify Hertfordshire Constabulary of all contractors and volunteers employed at the event no later than twenty-eight (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.

24

The premises licence holder will notify Hertfordshire Constabulary of all Security Industry Authority (SIA) registered staff employed at the event no later than fourteen (14) days before the event takes place.

25

The premises licence holder will ensure that accurate and up to date details of ticket sales are supplied immediately on request from any of the responsible authorities to allow for event planning.

26

(a) 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.

(b) 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, no later than fourteen (14) days prior to the start of the event

27

The premises licence holder will ensure that an on-site suitable control hub (ELT) will be accessible to police and responsible authorities if at any time it is deemed necessary by a responsible authority.

28

The premises licence holder will ensure that all under 18's must be accompanied by an adult twenty-one (21) years old or over in order to gain entry.

29

The premises licence holder will ensure that:

(a) Recorded music between the hours of midnight and 02:00hrs are restricted to the area marked on the site plan as "Arena" only

(b) Admittance to the "Arena" after 22:00hrs is restricted to persons camping on site or persons in possession of a 'late night ticket' that permits "Arena" access past midnight

(c) 'Late night tickets' may only be purchased in advance of the commencement of the event

(d) 'Late night tickets' are restricted to a maximum quantity of one thousand (1000) tickets

(e) The sale of alcohol after midnight is restricted to persons camping on site or persons in possession of a 'late night ticket'

30

The premises licence holder will ensure that:

- (a) A schedule of multi-agency meetings are held on site before and during the event
- (b) That a full multi-agency debrief is held no later than three (3) months after, the event taking place each year.

31

The premises licence holder shall appoint a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants to produce and fully implement a noise management plan for the event. The Licensing Authority and Council's Noise Control Officer shall be advised of the name and contact details of this person/company no later than three (3) months prior to the commencement of the event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer.

32

(a) A noise management plan shall be submitted to and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of the event. The plan shall include, but not be limited to, the following unless otherwise agreed in writing by the Council's Noise Control Officer:

- (i) Details of all music sources and other significant noise sources within the licensed area including a site plan of their location and orientation.
- (ii) A background noise survey, if requested by the Council's Noise Control Officer;
- (iii) Comprehensive sound level predictions at noise sensitive locations based on the type of event proposed within the licensed area.
- (iv) A scheme designed to minimise the impact of noise from the event to noise sensitive premises;
- (v) Specification of appropriate noise criteria that shall be achieved during the event which shall be in line with the Code of Practice on Environmental Noise Control at Concerts;
- (vi) Details of the how noise levels will be monitored, communicated and managed at the event and by whom, including on-site and off-site noise monitoring schedules and locations and the procedure for reducing noise levels if the noise criteria are exceeded;
- (vii) Details of proposed sound tests, rehearsals and noise propagation tests, the dates and timings of which are to be agreed in writing by the Council's Noise Control Officer;
- (viii) Details of a dedicated telephone complaint line and the procedure for dealing with noise complaints received about the event;
- (ix) A scheme designed to notify occupiers of nearby noise sensitive premises, including information on the nature, date and timings of the event (including sound testing) and the dedicated telephone complaint line number.

Only in exceptional circumstances will the premises licence holder request a reduction in the timescale for compliance with this condition and it shall only be granted if the Council's Noise Control Officer confirms the revised timescale in writing.

(b) Where the requirements of condition 32 (a) have been met, if there are any subsequent proposed changes to the event which may impact on noise following the approval of the noise management plan, the premises licence holder shall ensure their noise consultant liaises with the Council's Noise Control Officer to ascertain if any additional measures, noise predictions or noise criteria are required. If the Council's Noise Control Officer or the premises licence holder's noise consultant determines that additional measures are required they will form part of the revised noise management plan.

(c) In addition, no changes to the noise management plan will be permitted in the period commencing seven (7) days prior to the commencement of the event.

(d) If the noise management plan is not approved in writing by the Council's Noise Control Officer, their requirements will form part of the noise management plan.

33

The premises licence holder shall ensure the Licensing Authority and the Council's Noise Control Officer shall have access to the results of any noise monitoring at all times.

34

The premises licence holder shall ensure that a post event report is provided to the Licensing Authority and the Council's Noise Control Officer no later than thirty-one (31) days after the event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer. The report shall include the results of all noise monitoring carried out during the event indicating whether or not compliance to all the noise criteria was achieved, details of all noise complaints received and any remedial action taken to minimise noise disturbance off site.

35

A waste management plan designed to minimise the impact of litter associated with the event must be submitted to and approved by the Council's Environmental Protection Team no later than six (6) 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 timescale shall remain in place unless otherwise agreed in writing by the Council's Environmental Protection Team.

Annex 3 – Conditions attached after a hearing by the licensing authority

Hearing 1

To strengthen condition 29 of the operating schedule, the total capacity of admittance to the Arena is restricted to two thousand (2,000) tickets on any event day.

Hearing 2

To strengthen condition 29 of the operating schedule, the premises licence holder will ensure that live music on the stage area of the event site will cease no later than 23:00hrs on Friday and Saturday, and no later than 22:30hrs on Sunday.

Hearing 3

As part of the traffic management plan required by condition 6(h) of the operating schedule, the premises licence holder will ensure that all public vehicular traffic on the event days will maintain access and egress to and from the site via Blakemore End Road only, with the exception of disabled person vehicles and vehicles for the campsite.

Annex 4 – Plans

See attached

This page is intentionally left blank

Appendix B

Variation Application

Application to vary a premises licence under the Licensing Act 2003

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.

I/We Sausage and Gobbler Productions Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 8493
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Bury Wood Todds Green			
Post town	Stevenage	Postcode	SG1 2JE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	92B High Street Old Town Stevenage		
Post town	Stevenage	Postcode	SG1 3DW

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This variation is to add additional hours to the existing premises licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all 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) X
- 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) X

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>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 7)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	X
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) To add an addition hour (1) to existing premises licence.		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri	0100	0200	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 (please read guidance note 7)		
Sat	0100	0200			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>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</u> (please read guidance note 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	X
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) To add two (2) additional hours to the late night refreshments		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri	0000	0200	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 7)		
Sat	0000	0200			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) To add two (2) additional hours to the existing premises licence		
Mon					
Tue					
Wed					
Thur					
Fri	0000	0200			
Sat	0000	0200			
Sun			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 7)		

K

<p>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 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence X
- I have enclosed the relevant part of the premises licence X

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Our event management team have identified several high risks that are likely to occur due to the restrictions around the sale of alcohol, playing of recorded music and provision of late-night refreshment, that directly conflict with the four licensing objectives.

We propose that the hours for sale/provision of these areas are increased from 00:00 to 02:00 for the reasons as outlined below.

b) The prevention of crime and disorder

As the event is not due to finish until 02:00, we are conscientious that ceasing alcohol, food and soft drink trade at midnight will cause disruption. Any patrons who wish to continue their night are likely to be upset / angry that they can no longer purchase alcohol on site, and may display aggressive behaviour towards staff, security, and each other. This will be particularly prevalent in those camping onsite, as they will not have the option to leave and return with alcohol – or to travel into the town centre. This may also result in looting of other festival-goers' tents, in an attempt to find alcohol.

Similarly, anyone wishing to purchase food before returning home / to the campsite would need to do so at least 2 hours prior to the event end.

One of our top priorities is to keep festival patrons safe. We aim to keep as many on site for as long as possible to prevent mass egress, thus reducing the likelihood of crime and disorder in neighbouring areas and/or the local towns. We believe by extending the licensable hours for sale of alcohol and late-night refreshments - in conjunction with strong marketing prior to the festival to manage expectations - will help us to further prevent crime and disorder.

c) Public safety

Primarily, the safety of all our guests, staff, contractors, suppliers, performers, and security is our main concern throughout the entire festival period.

As a result of any potential crime and disorder, this will undoubtedly have an effect on the safety of the public. We foresee that increasing the hours for sale of alcohol and late-night refreshment will not only help to protect the public against disorder, but also:

- ~~provide~~ give customers the option to purchase soft drinks with any food, to
- ~~receive~~ help to contain and protect guests onsite, by incentivising them to stay for the late-night arena offering, and also to camp onsite
 - as a result of this, will also reduce the likelihood of drink-driving

d) The prevention of public nuisance

As outlined above, by incentivising and enticing festival goers to camp onsite (02:00 late night recorded music and alcohol license), this will reduce the number of patrons leaving site. This will inevitably decrease the likelihood of disruption by customers leaving site, reducing exposure to noise, disorder or criminal activity to local residents.

e) The protection of children from harm

Under 18s will not be permitted entry to the late-night arena. This area will be operating a strict ID policy.

The only bars still serving alcohol after midnight will be in the arena area, and all stock/bar areas will be locked up securely and manned by a member of SIA security. The exposure of alcohol to minors after the current 00:00 license will not become an issue if extended, as it will not be accessible to anyone under the age of 18.

Allowing customers to continue their night until 02:00 onsite will prevent guests causing disruption, and potentially harm, to any minors in the campsite in their pursuit to carry on partying or seek alcohol.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
-----------	--

Date	11/02/2019
Capacity	Managing Partner, Sausage ad Gobbler Productions Limited

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) David Nye 92 B High Street Old Town Stevenage			
Post town	Stevenage	Post code	SG1 3DW
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening

from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

Appendix C

Representations from 'Other Persons'

Thornboro
Todds Green
Herts. SG1 2JE

March 2019

North Hertfordshire District Council,
Licensing and Enforcement,
PO Box 10613
Nottingham
NG6 6DW

To whom it may concern,

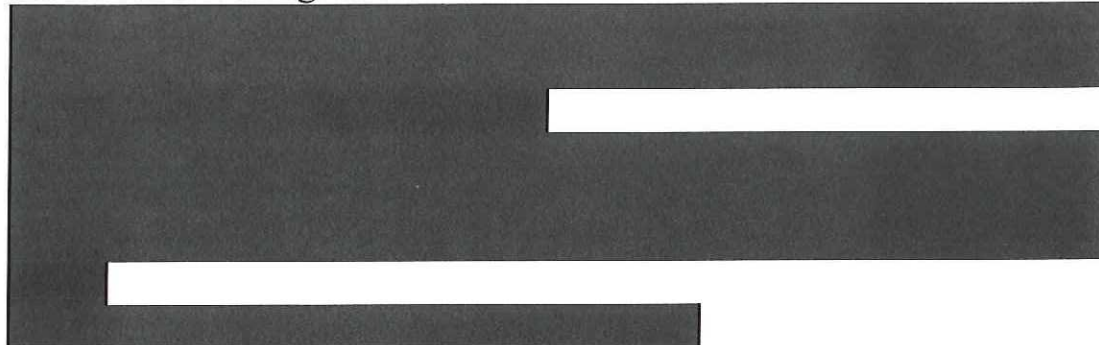
Re: Sausage and Gobbler Productions Ltd. application for the grant of a variation in the existing premises licence under the Licensing Act 2003 in respect of Todd in the Hole, Bury Wood, Todds Green, Stevenage, SG1 2JE

We are residents of Todds Green and we are very disappointed that Sausage and Gobbler Productions Ltd. are asking for a variation to the decision made by North Hertfordshire District Council, Licensing and Enforcement back in January.

We wish to object to this variation in the strongest possible terms.

The prevention of crime and disorder.

We understand that this variation refers to up to 2,000 people using the campsite. The organisers want the marquee where they will be entertained to be selling alcohol and playing recorded music until 2 am on the first two evenings of the festival.



There is no mention in this application of how the surrounding residential areas will be policed and kept safe: What assurances do we have that our property will be kept safe from people many of whom will

have been drinking alcohol for many hours and late into the night who may leave the campsite and wonder into our village.

There may be a No Drugs Policy and an Alcohol Refusal Policy in place for the event, but who will stop drugs and alcohol being taken on the way in?

This year as with last year we are not told what genre of recorded music is to be played. That information will often inform the 'genre' and behaviour of the audience.

Public safety.

What security personnel will be on duty at the site in case of trouble?

The prevention of public nuisance.

Noise and disturbance: Our house is approximately 500 yards from the venue. The applicants told us the campers would use a marquee in which to listen to recorded music. This means we will be in direct line for the full force in the noise. Noise and disturbance that will continue until the early hours of the morning for 2 days and quite late on Sunday.

Also it is not possible to 'turn down' the reaction of the audience to the music, especially an audience that has been drinking alcohol for many hours.

In the house with the TV on and windows closed the noise is not so intrusive. However this weekend last year was one of the hottest of a very hot summer. Who wants to spend the night with the windows closed? From 11pm until 2am it would be very intrusive. These are the summer months when we have the windows open.

Our neighbours have young children. This is a residential area and some people work to a 7-day rota.

The protection of children from harm.

[REDACTED]

The residents of this area are being asked to suffer 3 days of noise pollution and upheaval. Our peace will be shattered well into the night. This is still an inappropriate place to stage such a music festival.

[REDACTED]

[REDACTED]

You obviously have to balance the demands of the music festival organisers with the needs of the residents. [REDACTED]

[REDACTED]

*Of course we object and we are asking you to refuse this variation [REDACTED]
[REDACTED] which will inevitably
destroy our peace.*

Thank you.

Jennifer Calcagni and Bryant Sykes
Thornboro
Todds Green

[REDACTED]

From: Barry Huffer [REDACTED]
Sent: 25 March 2019 13:33
To: Licensing
Subject: Application for Variation of Premises License for Todd in the Hole
Attachments: Huffer Letter to NHDC re Todd in the Hole Application Objections 2018.doc

We would like to register our objection to any variation of the license previously granted for this event.

[REDACTED]

The area is residential in a rural environment and licensing an event for large numbers of people, loud noise and long hours of availability of alcohol is totally insensitive.

Reassurances are given about noise control etc but in reality if they are ignored even for a short period of time the results can be disastrous for the residents.

The hours granted in the license were to allow the event to have an orderly close with those camping to have an extended evening until 01:00am and an hour to 02:00am to clear the site with potential for the disturbance of local residents being reduced although still possible until an unreasonably late hour.

[REDACTED] The organisers also want us to believe that there is something magic about 02:00 that the campers will not want to party after that time but will after 00:00, or that they will want to carry on eating and drinking after 00:00 but not after 02:00. They are displaying a total disrespect for the [REDACTED] the residents making such claims particularly that campers would be more aggressive than non campers, both are equally capable of making provision for later eating and drinking that the organisers would find impossible to stop. If the licence only extended to 12:00 there would be nothing to stop the campers stockpiling food, drinks and using smart phones and Bluetooth speakers to carry on their revelries for several hours so what is special about having a later licence time. The sooner the event is closed the sooner the drinking, eating and noise will stop and the residents of Todds Green will get some peace and some sleep.

The reasoning presented by the organisers to justify the variations insults the intelligence [REDACTED] the residents that will have to suffer them [REDACTED] This event is a disaster waiting to happen and the longer it is allowed to continue the more demands the organisers will make.

We would reinforce our objection by repeating our objections to the original application in the attached document.

Regards

Barry and Vivien Huffer

North Hertfordshire District Council
Licensing Authority - Licensing and Enforcement
PO Box 10613
Nottingham
NG6 6DW

5th December 2018

To whom it may concern

Application by Mr David Nye, Sausage and Gobbler Productions Ltd, for a Premises License to hold a Music Festival (Todd in the Hole) at Bury Woods, Todds Green, Stevenage, Herts SG1 2JE on Fridays, Saturdays and Sundays in perpetuity

[REDACTED]

The application is wholly inappropriate given its proximity to the residential area of Todds Green in general and in particular the houses that are barely a stones throw from the site, the nearest being the opposite side of the road from a proposed entrance to the site. [REDACTED]

[REDACTED]

With regard to the four main licensing objectives we would raise the following concerns:

1) The prevention of crime and disorder

The location of Todds Green is such that we experience almost zero casual footfall and as a result almost zero crime or vandalism caused by such footfall. As attendance at this festival by the use of public transport would require hundreds if not thousands [REDACTED] to pass through Todds Green from the bus stop in Fishers Green to the site and return, the possibility of both crime and disorder is not only greatly increased it is almost inevitable. Regardless of whether it was petty or serious it would cause varying levels of distress and/or trauma to those that suffered it and prevention is better than cure and absolutely necessary.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The event this year produced volumes of noise from the acts appearing that could be clearly heard in our garden from outset and later in the evening in our house with the windows closed, which considering the temperatures at the time was a severe inconvenience, and brings in to doubt whether they exercised any restraint or observed the statutory restrictions on noise.

The proposed extension of hours to 02:00am for the sale of alcohol and the playing of music would inevitably lead to noise and disturbance in the early hours of Saturday, Sunday [REDACTED] for the residents of Todds Green, activity may be limited to those times but clearing the site would take some hours longer. [REDACTED]

[REDACTED]

2) Public safety

The proposed access and egress for the site present grave concerns about road safety. The potential volumes of traffic and pedestrians [REDACTED] attending the site that has no footpath access and visually/size limited vehicle access is totally unsuitable. [REDACTED]

[REDACTED]

For pedestrians there is only a limited width footpath on one side of the road approaching the site through Todds Green which does not continue in to Chantry Lane to the site entrance, there is no footpath from the other directions and no verge for pedestrians to use where the road crosses the railway on a bridge that is barely wide enough for two vehicles to pass safely, a very real threat to pedestrian safety and it is this road that leads to one of the public transport bus routes and stops. [REDACTED]

[REDACTED]

[REDACTED]

There have been indications that the organisers believe the provision of shuttle buses and taxis will exclude attendance at the event by pedestrians but we would suggest that while it may reduce numbers they have no way of preventing the public accessing the event on foot and exposing them to the hazards mentioned

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3) Prevention of public nuisance

[REDACTED]

We note that the application includes a license for the sale of alcohol and the provision of live/recorded music until 02:00 on Sunday morning and 02:00 on Sunday night/Monday morning both of which will inevitably cause a nuisance to the vast majority of the residents of Todds Green.

The plan provided shows that the stage will be pointed away from Todds Green but this year this did not prevent a considerable noise nuisance being experienced by those properties whose rear gardens had no shelter from the noise, in our garden it was consistently above 60db and as mentioned previously we had to close all windows and the noise still penetrated them, they are incidentally triple glazed and normally sufficient to stop all noise from traffic and overhead jets from Luton Airport. It is, however, noted that the festival site, which will generate the vast majority of the nuisance, is located nearest the village while the car park where the nuisance will be limited is furthest away it would be more sensible and considerate to the residents of Todds Green to reverse the arrangement but consideration for those residents is one thing that is totally absent from this application.

The site is, in any case, extremely close to residential property, approx. 200 - 600 mts, making it impossible for the event not to create considerable noise and other nuisance for the vast majority of residential Todds Green.

[REDACTED]

[REDACTED]

Todds Green will be subjected to considerable noise nuisance not only from the event but from traffic going to and leaving the event as well as that generated by the pedestrian traffic which will almost certainly include rowdy behaviour resulting from the consumption of alcohol and again the extension of the proposed hours of operation will only increase this nuisance not decrease it and make it at even more unsociable hours.

[REDACTED]

4) Protection of children from harm

[REDACTED]

[REDACTED]

In summary we repeat that we believe this application is wholly inappropriate given its proximity to the residential area of Todds Green and all of the resulting issues and should be rejected. [REDACTED]

[REDACTED]

[REDACTED]

Yours faithfully

Barry & Vivien Huffer

'Woodside'
Chantry Lane,
Todds Green,
Stevenage
Herts,
SG1 2JE

North Herts District Council
Licensing and Enforcement
PO Box 10613 Nottingham
NG6 6DW

To Whom it may Concern

26th March 2019

Dear Sirs,

RE: Application by Mr David Nye, Sausage and Gobbler Productions Ltd, for the Grant of a Variation in the Existing Premises License to hold a Music Festival (Todd in the Hole) at Bury Woods, Todds Green, Stevenage, Herts SG1 2JE on Friday, Saturday and Sunday between June and August 2019 in perpetuity

We write to oppose the Grant of a Variation in the existing Application for a Premise licence for the above event.

Our dwelling is on the corner of Chantry Lane and the Stevenage Road in Todds Green. The entrance to our property is on Chantry Lane between and opposite the intended main entrance and egress points for all incoming taxis and buses for the proposed event. We are the closest dwelling to the site in Bury Wood. So, we will very likely suffer more than most if the extended hours for music and sales of alcohol etc. are granted.

[REDACTED]

[REDACTED]

[REDACTED]

Keeping hundreds of people up even longer into the early hours of the morning and plying them with more Alcohol can surely only benefit the organisers and be to the considerable detriment of the local people.

Surely the local people are entitled to reasonable breaks from the loud music, inebriated strangers and heavy traffic that will be occupying the local area for the 3 – 4days.

We reiterate the points made regarding alcohol in our last correspondence.

The Prevention of Crime and Disorder

People drinking alcohol for a further 2 hours until 2 am in the morning are far more likely to commit public order offences. It is illegal to sound a horn in a built-up area after 11.30pm. So, there can be no acceptable reason [REDACTED] to permit an event such as this to continue beyond this time at the proposed location.

Public Safety

The main access road Chantry Lane is a narrow 2 way country lane with hills & blind bends. There are no pavements for foot traffic so all pedestrians will have to share the road with cars, buses and taxis. There isn't any street lighting, so, pedestrians heading home after dark will be at risk from the lack of visibility, changing terrain and traffic etc. especially if intoxicated.

Prevention of Public Nuisance

Granting a licence for loud music beyond 11.30pm and until 2am would surely constitute a public nuisance in a residential area [REDACTED]. Couple this with hundreds of people exiting a public event after 2am most of who will have been drinking alcohol for some hours and surely you have the perfect cocktail for a public nuisance.

After 2am on such a summers night it is likely that many will just not bother to go home with the event starting up again the following day. Some will look to camp or stay for the full 3 days. So, there will very likely be activity in the area throughout the night and therefore a Public nuisance is virtually guaranteed.

Conclusion

We trust the NHDC will see this application to Grant a Variation in the existing Application for a Premise licence as completely inappropriate and unnecessary. After all, most attendees will already have been drinking alcohol for most of the day at the live music events.

We also hope that the Council [REDACTED] accepts that the residents of Todds Green, and the surrounding areas, should also have a right to influence events in and around their own homes.

Yours Faithfully,

Stephen & Julie Thomas

Dear Sirs,

I object to the granting of a variation to the premises licence for the above location. This objection is in respect of the application to vary the times for Recorded music and extension of the existing premises license. This objection is based upon the fact that visitors leaving the site at these proposed hours is anti-social and will be detrimental to the local community. Regardless of where the access and egress points are for the site it will not be possible for the organisers to ensure no disruption to the local residents.



Yours faithfully
GWG Seller
Birchwood
Todds Green
SG1 2JE

WYMONDLEY PARISH COUNCIL

4 Tower Close, Little Wymondley, Hitchin, Hertfordshire, SG4 7JG

NHDC
Licensing and Enforcement Department
PO Box 10613
Nottingham
NG6 6DW

25 March 2019

Dear Sir/Madam,

Re: Sausage and Gobbler Productions Ltd. application to vary the existing premises licence in respect of Todd in the Hole, Bury Wood, Todd's Green, Stevenage, SG1 2JE

[REDACTED]

[REDACTED]

The table summarises the position in relation to [REDACTED] the decision of the Licensing Panel on 28 January 2019; and the practical effect if the current application to vary specific terms of the licence is granted:

		NHDC Decision	Effect of Proposed Variation
Live music playing	[REDACTED]	[REDACTED]	[REDACTED]
Recorded music playing	[REDACTED]	Friday 12.00 – 01.00 Saturday 11.00 – 01.00 [REDACTED]	Friday 12.00 – 02.00 Saturday 11.00 – 02.00 [REDACTED]
Supply of alcohol	[REDACTED]	Friday 12.00 – 00.00 Saturday 11.00 – 00.00 [REDACTED]	Friday 12.00 – 02.00 Saturday 11.00 – 02.00 [REDACTED]
Late night refreshment		Friday 23.00 – 00.00 Saturday 23.00 – 00.00	Friday 23.00 – 02.00 Saturday 23.00 – 02.00

[REDACTED]

[REDACTED]

I therefore write again on behalf of Wymondley Parish Council, to strongly object to this further application [REDACTED].

[REDACTED]

The Parish Council strongly opposes the application [REDACTED] because it believes that, due to its location, i.e. close to a residential area; and with a limited and unsafe access route, the venue is totally unsuitable for this type of event; and would have a disproportionate, negative effect on residents' lives if not subjected to tight operational control measures by the responsible authorities – and managed appropriately within those constraints.

Detailed reasons for the Council's objections [REDACTED] are given below. [REDACTED]

Prevention of crime, disorder and anti-social behaviour

The proposed location for this event is on rural, Green Belt land and not directly accessible by public transport. (The nearest bus stop is around half a mile away, and the likelihood of frequent and/or late-running buses to suit this event is slim.)

The practical effect of this is that [REDACTED] participants [REDACTED] would need to either drive or walk through Todd's Green, (and neighbouring villages), to access the site.

This would undoubtedly cause considerable nuisance to our parish residents, (particularly those in the Todd's Green vicinity), due to disturbance, disruption and inconvenience from increased traffic and pedestrians travelling to and from the event on up to four consecutive days/nights; particularly in the late evening and early morning, due to dispersal of visitors leaving the site, [REDACTED]

Street lighting and other sources of light are virtually non-existent, which raises safety issues for pedestrians, and increases the likelihood (and ease) of anti-social and criminal behaviour – particularly as the site is licensed to supply alcohol.

We note that the current application, if granted, will allow the supply of alcohol from 12.00 on Friday until 02.00 on Saturday morning – together with the playing of music from 11.00 until that time. On Saturday, alcohol would be available from 11.00 to 02.00 on Sunday morning, together with music; [REDACTED]

[REDACTED] residents believe these arrangements increase the potential for disorder and anti-social behaviour and would have a detrimental effect on residents' quality of life.

Residents have concerns arising from the fact that, given the significant number of likely visitors, not all will behave appropriately or respect the villages they pass through, and residents and their property – particularly if visitors have been consuming alcohol and/or other substances throughout the event. [REDACTED]

The Council and residents anticipate a similar knock-on effect in terms of cost and inconvenience, resulting from increased litter in the vicinity, and believe that any licensed waste disposal contractor engaged for this event should be required to extend its services to collecting and clearing litter from the villages and surrounding area.

Public safety

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Council therefore believes it imperative that any variation to the existing licence should not be granted [REDACTED]

Prevention of public nuisance

As mentioned above, residents could be subjected to three/four days of increased and unavoidable noise and disturbance, even if the amplified music is facing the Al(M). (In fact, some residents will be directly in the line of fire, as it were, and therefore subject to it throughout the event – and during very anti-social hours, particularly if music and alcohol are available on some days from 11.00 to 02.00.)

This is unacceptable at the best of times - but is likely to have a disproportionate effect on those residents who work anti-social hours, have young children or otherwise need to ensure regular sleep at a reasonable time.

Summary

[REDACTED]

The Council cannot see any justification in extending the permitted hours beyond those which, in January 2019, the Licensing Panel thought reasonable and appropriate in the circumstances, given the nature of the event and objections raised.

It believes that the hours during which alcohol is supplied and music played, (whether recorded or live); and late-night refreshment supplied, should not be varied from those permitted under the terms of the existing licence, as this increases the detrimental effect on residents' lives; the potential for public nuisance, crime, disorder and anti-social behaviour; and the risk to public safety.

[REDACTED]

[REDACTED]

Yours faithfully,

Cathy Kerby (Ms)

Clerk to Wymondley Parish Council

Email: [REDACTED]